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A Sociology of Human Rights

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This paper has two main objectives. One is to consider the central place of human rights in today's global order and the other is to articulate a theoretical framework that will make sociological sense out of current human rights discourse and practice. Human rights emerged from, but need to be distinguished from, societal rights, and they are to be viewed as social claims upon social power arrangements. In advancing our perspective, special attention is given to the place of organizations in human rights theorizing; at the same time, we delineate some of the highly contested aspects of the endeavor to institutionalize a set of human rights principles.

Our objectives are twofold. First, we advance reasons for the centrality of human rights in today's emerging global order and indicate why, empirically and theoretically, they are worthy of sustained sociological analysis. To this end, we provide selected background information that serves to clarify why the rights orientation (in contrast to an ethicist one) occupies a distinctive role in contemporary global discourse. Second, we articulate a theoretical framework for understanding the nature of human rights, which can be regarded as a first step in coming to terms with an exceedingly complex moral and social issue. Such an orientation not only must provide scaffolding for interpreting human rights principles, but must also address the nature of organizations as these bear on why human rights principles are of import in the first instance.

In a larger sense, we are more intent upon isolating basic human rights issues than on taking at face value the cataloguing of human rights as found in the Universal Declaration of Human Rights and the various related covenants and treaties. However, in clarifying our theoretical reasoning on this subject, we ground our analysis, whenever possible, in ongoing empirical activities. It should be apparent that a number of empirical questions are deserving of further attention even by sociologists who may have misgivings about our theoretical analysis regarding the place of human rights in the contemporary global order.

The matter of human rights has been the focus of extended discussion and debate within the emerging world community for well over half a century. Since the close of World War II, the fortunes of the notion of human rights have risen and fallen, only to rise again in recent years. On the one hand, we have witnessed a number of practical efforts to implement human rights principles (some of which are detailed below); on the other, we find a burgeoning body of literature on the subject by legal and political scholars (as well as extensive accounts by

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journalists). However, the theoretical and empirical import of human rights is one that, with rare exceptions, has been skirted by sociologists.¹

Human rights were placed on the social and cultural agenda of peoples and nations in the twentieth century in large part as a result of the Nazi Holocaust. In practice, sociologists have advanced our empirical knowledge and understanding of such matters as genocide more effectively than they have the closely related problem of human rights. Although genocide is by no means a mainstream topic in sociology (seldom being accorded space in the mainline journals), it has warranted well-documented monographs by sociologists such as Helen Fein, Irving Louis Horowitz, and Kurt Jonassohn, among others. What our investigation reveals, however, is that the normative dimension relating to the destruction or degradation of fellow humans has not been accorded the same consideration as more empirical efforts. Certainly we have no intention of discouraging sociologists from addressing the empirical consequences of human degradation, but the latent standards that are employed when interpreting and evaluating the findings on genocide, politicide, and related social phenomena must ultimately receive equal billing if we are to grapple with the mass killings of human beings in any sociologically informed manner.

While committed to examining the role of human rights as an emergent moral standard for evaluating, say, the activities of organizations, we must also consider why the matter of human rights continues to be a viable, albeit intensely contested, moral perspective in the emerging world order. Although a moral orientation founded on human rights may fail to become institutionalized, some version of this perspective, nonetheless, remains one of the few viable moral alternatives available for containing (and redirecting) the employment of social power by the state and other powerful organizations (be these corporations or other transnational entities) bent on undermining human dignity in a systematic manner. During the atrocity-ridden twentieth century, the traditional moral perspectives fell seriously short as a basis for constructing institutional arrangements to constrain or challenge the abuse of state power, as reflected in genocide, politicide, and similar kinds of mass killings. Yet mere state bashing will not suffice. Although state power has declined (but by no means has it disappeared), we also need to consider the moral accountability of not only transnational organizations such as the World Bank and the World Trade Organization (WTO), but also the mega-corporations that are coming to shape vast sectors of the new political/economic order. Within this context, we find that a morality founded on some set of human rights principles may well be the only effective way to confront the divisions by class, race and ethnicity, and gender within the contemporary global setting. In this sense, the women at the Beijing Conference of 1995, who conceived of women's rights as human rights, articulated a perspective that sociologists would do well to take far more seriously than they have.

In analyzing this difficult problem area, we shall proceed in the following manner. First, later in this introductory section, we shall briefly outline why human rights issues are not merely epiphenomena, but are central to the organizational and cultural arrangements of the contemporary global order. Second, we take up the age-old issue of the relationship of morals to social inquiry and outline the dominant moral orientations within the social sciences and the larger social order. These ethical perspectives, which are typically part of the sociologist's taken-for-granted world, provide a standard against which we contrast human rights principles. Third, we consider the emergence of the rights perspective nationally and internation-

1. This paper builds upon, yet goes well beyond, previous writings: Sjöberg, Vaughan, and Sjöberg (1984); Sjöberg and Vaughan (1993); Sjöberg et al. (1995); and Sjöberg (1996). Moreover, we have consulted a wide variety of sources—e.g., McDougal, Lasswell, and Chen (1980); Danieli, Stamatopoulou, and Dias (1999); Ratner and Abrams (1997); Laqueur and Rubin (1990); Cook (1994); Shute and Hurley (1993); and Dunne and Wheeler (1999). In addition, we have found the following special issues of journals to be informative—that edited by Weston and Marks (1998), as well as some special issues without designated editors: “Essays on the laws of war and war crimes tribunals in honor of Telford Taylor” (1999); “The Holocaust: Moral and legal issues unresolved 50 years later” (1998); and “Seeking international justice: The role of institutions” (1999). For a critical review of the human rights orientation, see Evans (1998).

ally, drawing parallels between the American and French revolutionary period and the post-World War II era, in order to clarify the relationships (and differences) between “societal rights” and human rights. Fourth, we sketch, in broad strokes, from a sociology of knowledge perspective, the major social and cultural changes in the global arena in the post-World War II era that serve to foster human rights, rather than societally based ethicist, concerns. Fifth, we outline our general theoretical position regarding human rights. The sixth section has a dual purpose. In it, we seek to answer the question of what contributions sociologists can and should make to human rights discourse and practice. In the process, we elaborate upon the basic framework outlined above as we consider issues such as universalism versus particularism, the nature of human nature, rationality, organizations, as well as democracy. In our view, the study of organizational power lies at the core of modern-day human rights theory and practice.

Background Considerations

While it is apparent that the issue of rights had a relatively long history within certain societies in the West and to some degree in international law, it is also evident that the Nazi regime and, more particularly, the Holocaust, brought rights issues to the fore. After the defeat of Nazi Germany, two major social events relating to human rights stand out. One was the establishment of the International Military Tribunal resulting in the Nuremberg trials wherein a number of Nazi leaders were tried and convicted. The Nuremberg trials, despite their widely debated flaws, set a precedent that continues to be drawn upon and have lent credence to such principles as “crimes against humanity”—a conceptual framework whose implications have been overlooked by most sociologists.² The Nuremberg Tribunal has, in recent years, given rise to other tribunals such as those in the Hague and in Africa. What occurred at Nuremberg seems to have been a stimulus for the creation of the International Criminal Court, the formation of which has posed special difficulties for the political leadership of the United States.

Another major product of the post-World II era was the creation of the United Nations, and with this the formulation of the Universal Declaration of Human Rights (Morsink 1999). This Declaration was the product of a compromise, of sorts, between the individualism of the West and the collectivist orientation of the, then, Soviet bloc, and indirectly at least, reflected the breaking away of colonies from European domination. The Universal Declaration is not only significant in its own right, but has been a launching pad for a host of globally oriented, as well as regionally based, treaties. Thus, Helfer (1999:297) writes that “the two most comprehensive agreements are the UN-based International Covenant on Civil and Political Rights . . . and the International Covenant on Economic, Social, and Cultural Rights . . . , each of which protects a broad catalogue of rights and freedoms.” These, in turn, have mirrored regional treaties with respect to the Americas, Africa, and Europe. Further, Helfer (1999:297) observes, “both within the UN and regionally, there are numerous subject-specific treaties addressing specialized human rights issues.” One example is the International Convention on the Elimination of All Forms of Racial Discrimination. These treaties have generally given rise to a court or tribunal or treaty body that monitors compliance with the rights and freedoms in each treaty. Viewed sociologically, this international normative and legal order may appear to bear little relation to what occurs in everyday life within nation-states, but these treaties often provide the social context for political and social action. In Europe, in particular, international human rights concerns are beginning to affect the conduct of national legal systems, as individuals,

2. In addition to the International Military Tribunal (often referred to as the Nuremberg Tribunal), there was the International Military Tribunal for the Far East (the Tokyo Tribunal), as well as other trials for war crimes after World War II. One has the sense that the flaws of the Tokyo trials have been more transparent than those in the trials held at Nuremberg (e.g., Dower 1999, Chap. 13).

not just states, are appealing to supranational bodies (Helfer 1999). Moreover, as mentioned above, international tribunals have been established to address human rights abuses in the former Yugoslavia and in Rwanda. Although these tribunals have been sharply criticized from a number of standpoints, they, nevertheless, are actually convicting individuals of human rights violations.

Perhaps as significant as these international tribunals has been the reaction of such political leaders as General Augusto Pinochet in Chile, who, upon stepping down from power, recognized the need to take concrete legal steps to avoid being tried as a war criminal (or on other internationally based charges). Specifically, he arranged for the Chilean government to grant amnesty to him and the leaders of his junta. Although he may yet be tried, his efforts to avoid such a fate are revealing. Added to this is the fact that the United States has, thus far, been reluctant to sign the treaty for the establishment of an International Criminal Court—on the grounds that U.S. military leaders and soldiers might, in the future, be tried as war criminals (or for other international crimes). These two cases illustrate how leaders of nation-states have been constructing their actions so as to avoid possible negative repercussions from the international community.

Overall, sociologists will need to pay special heed to the issue of human rights if they are to come to terms with some of the major social and cultural patterns which are evolving in the global setting.

The Nature of Moral Inquiry in Sociology

Our analysis is predicated on the view that moral inquiry has a fundamental place in sociological investigation. Inasmuch as this perspective is ostensibly a minority one within the discipline, we provide a general overview of the ongoing debates seeking, in the process, to justify why the sociology of morals is an essential feature of the discipline and how human rights fits into this general problem area.

The positivists and the Weberians have formed an unusual alliance as both have come to insist that morals lie outside the scope of sociology's mission. Typically, the positivists have insisted that sociology is simply unable to empirically examine the moral domain. The Weberian commitment to value neutrality is of a somewhat different order. Although recognizing that moral issues may enter into the formulation of a sociological problem, the Weberians contend that the scientific worldview calls for value neutrality in the actual investigation of social and cultural orders.

While the demand for the careful separation of the normative and the empirical has dominated sociological debates since World War II, a countervailing tradition has been articulated. The advocates of this counter-perspective contend that sociology must of necessity investigate the moral dimension. Among contemporary scholars, Robert N. Bellah (1983) has been one of the most eloquent spokespersons for a type of moral inquiry that has its roots in the writings of Emile Durkheim. That the moral order is a legitimate domain of sociological inquiry has also been supported by such illustrious sociologists as Pitirim A. Sorokin, Alvin Gouldner, Barrington Moore, Dorothy Smith, Jürgen Habermas, and Pierre Bourdieu.

The moral and the empirical are, in the words of the philosopher Hilary Putnam (1993), entangled with one another, for the interpretation of the empirical typically entails some set of moral standards. John Dewey (1985, 1986) was an articulate spokesperson for the existence of a relational bond between the moral and the empirical. But the question persists: On what basis can we argue that the moral is a subject for sociological inquiry? If the moral order is neither God-given nor bio-psychological in nature, it must, in our view, be sociological at its core. In turn, if the moral is a product of the social and cultural activities of human beings, it deserves to be investigated sociologically. Moral categories provide the general framework for the functioning of a social and cultural order.

If the moral component is accepted as an essential ingredient of sociological investigation, then it follows that we are called upon to inquire, from a sociology of knowledge perspective, into the nature of the moral commitments of social scientists, as well as of the members of the social order they study. Three moral (or more specifically ethical) commitments stand out as of particular import, and we outline, in admittedly sketchy terms, some of the premises of each.

A number of social scientists (yes, sociologists) have been committed to some form of moral relativism. For a considerable period prior to World War II (and shortly thereafter), relativism, in particular, was championed by an important segment of anthropology (Hatch 1983). This orientation served to focus attention on understanding cultural systems other than the anthropologist's, attempting to grasp them in their own terms. The resulting arguments about relativism in anthropology are instructive. In 1947, the Executive Board of the American Anthropological Association formulated a "Statement on Human Rights" that was sent to the Commission on Human Rights, United Nations, which was drafting the Universal Declaration of Human Rights. In this, the anthropologists, while acknowledging certain cultural universals, championed the principle that each culture must be understood (and respected) in its own terms. Yet, how far should one go in calling for respect of the Nazi cultural system and the resulting Holocaust? Nowadays, relativism continues to loom large in anthropology as a result of the postmodern turn; however, one wing of anthropology has been supportive of a universal human rights orientation (Turner and Nagengast 1997).

While a radical or strong form of relativism seems inherently flawed, it appears that at least a weak form of relativism is essential if persons are to look beyond their own social order or community and, above all, to take the role of divergent others.

A second moral perspective among sociologists and the people they study is encapsulated by the notion of commitment to a community or a system. Sociologists from Durkheim to the modern communitarians, such as Robert Bellah, Amitai Etzioni, and Philip Selznick, have given voice to this moral orientation. However, there are basic problems associated with the communitarian agenda, not the least of which is that they have had little to contribute to understanding race and ethnicity, gender differences, and so on. Although their analysis has been highly instructive in underscoring the limits of any moral order based on "liberal individualism" or utilitarianism, they are unable to address the problems of minority claims against authority even in U.S. society. They falter badly in coming to terms with the problems of system or community commitment when this issue is examined within a cross-cultural or cross-national orientation, for they fail to critically explore the limits of community or system commitment.

While some degree of community identification seems essential to the development of the self and the mind, any strong form of system or community commitment leads to exclusion and, at times, even destruction of the other.

A third moral (or ethical) orientation advocated by sociologists, as well as a significant segment of the larger social order, is utilitarianism. While a number of versions of utilitarianism can be delineated, they all involve the principle that human agents, who are perceived as rather discrete individuals, pursue their own self-interests and, in the process, come to create a social order that, overall, provides the greatest good for the greatest number. This perspective undergirds the models of much contemporary economic reasoning, but also finds support in modern-day sociology, be it George Homans's exchange theory or James Coleman's rational choice theory. While Coleman (1990), to his credit, introduces the notion of the corporate actor into his analysis, this break with traditional utilitarianism is by no means as sharp as it may appear, for Coleman remains a methodological individualist, which means that corporate actors are treated as if they were "individuals."

The persuasiveness of utilitarianism within sociology is often underestimated; yet, we have only to consider how cost-benefit analysis (a version of utilitarianism) is widely employed in the evaluation of social policy. An obvious strength of utilitarianism is that it gives expres-

sion to the individualism that inheres in modern social orders. And because of its emphasis on the bio-psychological grounding of morality, proponents of utilitarianism, including its current expression in rational choice theory, claim to transcend all social and cultural differences, and to do so in an objective, value-neutral manner.

Nonetheless, any critical evaluation of utilitarianism reveals, as Smelser (1992) cogently documented, a moral and theological foundation, along with a commitment to science. Indeed, the question of utilitarianism as a moral orientation has been widely debated, for, aside from embracing an individualism that (in any extreme form) is an essential feature of the sociologically unsustainable, it lends support to majoritarianism—an Achilles heel of this moral orientation. Even more generally, utilitarians frame individualism in such a manner that they have typically supported a minimal state (or system) with a deep commitment to the use of police powers to sustain order.

Morals: Ethics and Rights

Up until this point, we have treated the concept of morals as equivalent to ethics, but the focus of our interests is on the question of rights. Therefore, some finer distinctions are in order; in particular, we must clarify the relationship of rights to ethics. While a variety of classification schemes with respect to the nature of morals have been advanced, our own perspective emphasizes the difference between an ethicist orientation and a rights perspective. In abstract terms, ethics emphasizes duties and assumes that, with the performance of duties, one comes to acquire rights; in contrast to this, a rights orientation begins with rights and moves on to duties. While duties are not to be ignored, they are not always related to rights in a clear symmetrical manner.

In an effort to clarify the differences between an ethicist (or duties) orientation and a rights perspective, we shall sketch out two case studies—one focusing on rights within U.S. society, the other on human rights on a worldwide basis. Advancing our reasoning through illustrations (rather than abstract theoretical analysis) is not without its perils, but it has the major advantage of lending empirical credence to concepts that are not part of the sociological lexicon (at least in the U.S.).

1. The Case of Welfare Mothers. An outgrowth of the Great Depression was the emergence of the premise that all citizens possess an entitlement or right to minimal economic necessities. This principle, which has never been fully implemented, in practice found perhaps its closest expression in the welfare program for women and children. The welfare system can be perceived as an effort to institutionalize a set of minimal economic rights for the most vulnerable members of the society. This social arrangement was dramatically changed by passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. What, in effect, occurred is that conservatives (as well as a number of progressives) concluded that persons should perform duties in order to secure rights: poor women and children had no rights (or entitlements) as such. Instead, they had the duty or responsibility to adhere to a core value in U.S. society—namely, to work. One achieved rights only in the performance of duties to the larger social order. Unlike Social Security, where one, theoretically, contributes to the fund in order to gain the right to receive benefits, the welfare entitlement had been as close to a basic economic right as has been institutionalized in the United States. Moreover, in abstract terms, it could be viewed as one expression of a human right to basic economic support (independent of one's performance of a particular set of duties in the economic realm). This is not to say that human agents do not still need to adhere to community duties concerned with care of their families, respect for others, and so on. But what we wish to emphasize is that a basic right to minimal economic well-being has been overturned.

2. Women's Rights at Beijing. Out of the 1995 women's conference in Beijing emerged the principle that women's rights must be conceived of as human rights (e.g., Howard and Allen

1996). But how does one make sociological sense out of this assertion? Our reasoning is as follows: If women are to achieve human rights, they cannot look to the past for guidance. True, in some preliterate or folk orders, women seem to have enjoyed higher status than women in pre-industrial civilizations. However, the data on even matrilineal preliterate societies suggest that men commanded the political and religious power and control within the social order. Examining women's social and cultural conditions, historically and comparatively, we find that, overall, what power and authority women did exercise was through their performance of wifely and motherly duties. The women at Beijing sought to escape the heavy hand of tradition by promoting a cultural notion of personhood or humanhood for women that transcends any specific historical and social situation. Unlike the revolutionaries of the American and French periods, the women at Beijing reasoned not that there was some pre-social state of nature in which women were guaranteed rights, but, rather, that women's rights inhere in their very condition of being human and that this position holds in all social and cultural orders. This appeal to women's rights as human rights is a principle that is more abstract in nature than one anchored in particular historical and social contexts. In the context involving the universal condition of being human, women's claims to human status are equal to those of men.

The aforementioned illustrations serve to clarify our argument that beginning with duties and moving on to rights, and starting with rights and moving on to duties, are two distinct ways of approaching moral issues. Our analysis seeks to clarify the rights orientation as a countersystem (Sjoberg and Cain 1971) to the ethicist one.

The Emergence of the Concept of Rights

In order to understand what the rights tradition is about and to clarify the differences between human rights and the earlier societal rights framework, we provide a highly adumbrated historical sketch of the emergence of the rights tradition.

It is assumed by at least one group of scholars (with whom we agree) that ancient social orders, such as Greece and Rome, did not formulate a concept of rights (as the notion is discussed below). It was during the 16th through the 18th centuries in Western Europe that a group of philosophers began to articulate just what it means to have rights. Among them, John Locke looms large as a figure who challenged the traditional foundations upon which societies had been organized—most notably, the assumption of the divine right of kings. In the process, he also advanced the view that commoners had rights to life, liberty, and property. And, they could claim these rights because “man” had possessed these rights in the pre-social state, or state of nature.

Although these philosophical writings provided theoretical and moral justification for the building of a new order and, thus, are of intrinsic significance, we shall not dwell on them. Instead, what captures our sociological attention is the manner in which these rights came to be expressed within the context of the American and French Revolutions. The American revolutionary era spawned the Declaration of Independence; later, the Bill of Rights was attached, somewhat as an afterthought, to the Constitution. In turn, the French revolutionaries (who appear to have been influenced by their American counterparts) authored the Declaration of the Rights of Man and Citizen.³

The French and American experiences mark a major break in the thinking about the place of persons within the social universe. Thus, the Declaration of Independence and the Bill of Rights were viewed, in keeping with the reasoning of that historical epoch, as expressing the inalienable rights of man—natural rights that individuals had possessed when in the state of nature, independently of the imposition of a social and cultural order. Most assuredly, the

3. Contrast Tilly's (1998) analysis of the development of rights with our own.

Bill of Rights advanced certain claims upon the community or broader society on behalf of the individual. The Bill of Rights reflected a commitment by the founders of the new nation that there should exist fundamental moral constraints or claims upon the manner in which the national state can exercise its power and authority. The Bill of Rights was by no means the only social mechanism by which the power of the state might be constrained, for the framers of the Constitution also worked out a complex system of checks and balances by which they sought to limit the abuse of power. Regrettably, sociologists often ignore the Bill of Rights and some of its broader social and moral ramifications.

The implications of the American and the French revolutionary experience become clearer when we examine how major intellectual figures—the liberal (within the context of the time), Jeremy Bentham, the conservative, Edmund Burke, and the radical, Karl Marx—responded with derision to the claims regarding rights, particularly those principles reflected in the Declaration of the Rights of Man and Citizen (Waldron 1987). For these European scholars, the American Revolution seems to have been far removed from their social concerns (though Burke did defend the American Revolution) and, thus, not subject to the searching attack on the claim to rights that emerged from the French Revolution. France was the center of the universe for these writers, and what happened there more directly challenged them, personally and socially.

Bentham, building upon his own notions of utilitarianism, reacted sharply to the new order being erected by the French revolutionaries. He rather gloried in his attack against the Rights of Man and Citizen by contending that the moral claims embedded therein were “non-sense upon stilts.” What he meant is that only society (or, more specifically, the majority working through the state apparatus) could grant rights, and, thus, it is within this context that we find Bentham objecting strenuously to the assumption that the rights of man were anchored in a pre-social state of nature. As a conservative figure, Edmund Burke, as one might anticipate, objected to the French Revolution and its commitment to doctrine embedded in the Rights of Man and Citizen. He skewered the claim to these rights as unhistorical, meaning, in effect, that a viable social order cannot be sustained without recourse to a well-developed social and cultural tradition. Specifically, the rights doctrine broke with the tradition to which he was so deeply committed. Concomitantly, he took exception to the premises associated with the revolution itself, for Burke was deeply attached to the principle that order must be sustained, and a fundamental way to do so was to maintain a viable class system associated with an economically and politically privileged “elite.” Turning to Marx, we find that he, too, was dismissive of the Declaration of the Rights of Man and Citizen, but for rather different reasons. In his essay, “On the Jewish Question,” Marx advanced the proposition that “none of the so-called rights of man goes beyond egoistic man, man as he is in civil society, namely an individual withdrawn behind his private interests and whims and separated from the community” (Waldron 1987:147). The alienation of man from man was only exacerbated, not resolved, by an appeal to the Declaration of the Rights of Man and Citizen. In a more general sense, the rights doctrine could be said to undergird the individualism of the capitalist system, against which Marx became the foremost critic.⁴

These critiques of the rights of man doctrine moved far toward undermining its intellectual (and ideological) foundations, particularly as they related to social and political rights. In actuality, the notion of rights (not property rights, which, in general, flourished, but primarily, political ones) was largely repressed and, throughout the 19th and the early part of the 20th centuries, held, with some notable exceptions, a tenuous position in the social and political fabric of Western Europe and the United States. Moreover, the hostile reception of the notion

4. In keeping with the Marxist critique of rights, most Marxists shun the human rights perspective. Yet, informative breaks with the neo-Marxist perspective can be found. See, e.g., the recent work by the famed geographer David Harvey (2000).

of rights by liberals, conservatives, and radicals left a deep imprint on the development of sociology. The rejection of the rights perspective by major intellectual luminaries of the time meant, in effect, that not only Marx but also Weber and Durkheim, had little, if anything, to say about how the rights heritage evolved within the context of the nation-state. Nor did the pragmatist tradition in the U.S., as exemplified by John Dewey and George Herbert Mead (among others), serve to correct the prevailing sociological tradition, which ruled the topic of rights off the table. Although we are sympathetic to a number of the criticisms of the rights doctrines expressed in the documents of the French and American revolutionary era, in particular, the objections directed at the idea that human beings possessed rights in the state of nature, it should not, therefore, be assumed that the rights tradition has no place in sociology. Such a premise, in our judgment, is subject to serious challenge.

But, let us backtrack for a moment and, in idealized form, consider the course of development, not only in intellectual but also in practical terms, of the rights perspective during the 19th century. Here, we find the American experience to be more instructive than the European, in part because the matter of rights is such an integral element of the Constitution, but also because of the manner in which the rights doctrine came to be interpreted during the century and a half following the American Revolution. It seems clear from contemporary data that although the Bill of Rights espoused rather grand principles, many of these were not articulated in practice. It has been observed by a variety of scholars that the early founders assumed a lesser, or even a subhuman, status for Blacks, as well as for Indians, and it seems evident that these minority groups were considered to be outside the pale of respectability by even such champions of rights as Thomas Jefferson. In articulating this situation, we shall rely upon writings of Brandwein (1999), Amar (1998), Brest et al. (2000), and others—although our own interpretations of the data may differ from those of the authors, and, further, we are concerned not so much with specific historical events as with the general principles these happenings express.

A major step in limiting the rights doctrine was a ruling by the Supreme Court in 1833 that the Bill of Rights did not apply to individual states. Little wonder that the states rights doctrine came to hold sway, for this meant that no legal limits emanating from the principles enunciated in the Bill of Rights were set upon local elites' use of social power. The Bill of Rights was deemed by the Supreme Court to constrain only the actions of those who sought to carry out the policies of the national government. Interlaced with the problem of states rights was the haunting matter of slavery. The view of slaves as property and the struggles against that doctrine came to be imbued with moral, political, and economic considerations. In turn, these events can be placed more broadly within the processes of urbanization and industrialization, which were reshaping the nature of U.S. society and reconstituting its agrarian past.

Historians have long been locked in a major debate about the causes of the Civil War, but it is clear that the issues of states rights and, to some extent, slavery, were strategic elements in creating that conflict. For our purposes, however, it is important to recognize how narrowly circumscribed the rights doctrine was during the early part of the 19th century.

As we move fast forward to the Civil War and its aftermath, we find that the 13th and 14th Amendments were introduced as a basis for affording Blacks broader participation in the society. And some scholars see the 14th Amendment, in particular, as having provided greater protection for the rights of minorities in general. However, the goals of the radical reformers of the post-Civil War era were not to be realized, for the interpretation of these amendments continued to be shaped by the historic state rights doctrine as articulated in, for instance, the Slaughter-House Cases in 1873. There is, indeed, a substantial historical and legal literature attesting to the fact that a variety of social and political rights cases, including *Plessy v. Ferguson*, with its insistence upon separate but equal treatment of Blacks, were informed by a conception of Blacks as inferior, as well as by the claim that the Bill of Rights and the 13th and 14th Amendments were not deemed applicable to individual states (and, in effect, other local

governmental entities). While it is impossible for us to delve into the historical specifics, the general outline of our argument finds support in the research of one group of historians and legal scholars.

It will be helpful if we articulate the theoretical principles documented, indirectly or directly, in the U.S. experience. The issue of rights emerged within the cauldron of major struggles over power—as in the American Revolution—and the matter of rights surfaced once again after the Civil War (in the form of the 13th and 14th Amendments) during a period in which many citizens were deeply concerned with power relationships within the social order. And it is the rights doctrine to which those who would restructure past social arrangements ultimately appealed.

The pattern before the Civil War, and afterwards as well, especially in the South, was major resistance by state and local power elites (the national government being relatively small) to any checks or controls upon their autonomy and to the extension of social and political rights to Blacks (and others, such as women). The notion that democracy flourishes best within local community settings requires considerable reformulation in light of historical realities.

Our views can perhaps be clarified if we contrast them with those of T. H. Marshall and Talcott Parsons regarding the expansion of citizenship. These sociologists emphasize the evolution and spread of citizenship rights over a considerable time span. Parsons (1967, Chap. 13), in his analysis of citizenship, acknowledges the import of the Bill of Rights, though he does not draw out its theoretical implications. For he, and those who have followed in his footsteps, nowhere consider the constraints that the rights doctrine exerts on organized power. In fact, Parsons's conception of power as societal resources to be organized democratically in behalf of the societal citizenry, lacks any standard by which to morally and socially evaluate its possible abuse and misuse.

As to the twentieth century, the most dramatic revisions with respect to the rights discourse resulted from the devastation wrought by the Nazi regime, where, once again, power relations were cast into bold relief. Yet, it should be emphasized that the human rights framework that came to the fore developed out of the societal rights tradition as shaped, for instance, by the American and French revolutionaries. Earlier, we emphasized the role of the Nuremberg Tribunal and the U.N.'s Universal Declaration of Human Rights, but some further elaboration seems in order. For the Universal Declaration of Human Rights was created not only against the backdrop of the Holocaust, but in light of increasing efforts by former European colonies in many parts of the world to gain their independence. The Universal Declaration reflected a deep and abiding concern with the abuse of power, which was documented in the starkest possible way by the Holocaust, but was also apparent in the major shifts in political power relationships worldwide. The West was called upon to respond to the challenge to its historic domination of a vast colonial domain.

The Universal Declaration of Human Rights does not appear to have incorporated principles that relate directly to the human devastation wrought by the dropping of the first atomic bombs on Nagasaki and Hiroshima. At the same time, we need to acknowledge the fact that the Universal Declaration incorporated economic rights, along with social and political ones, in ways not reflected in the Bill of Rights or the 13th and 14th Amendments to the Constitution. In part, this was a result of the memory of the Great Depression, but more especially, it reflected the Soviet Union's insistence on the primacy of these kinds of rights. The Universal Declaration vastly expands the scope of the rights debate, and it does so within the framework of an international setting.

Thus, the contemporary human rights discourse did not arise in a vacuum, but emerged from the rights discourse, which, until World War II, was anchored within a nation-state (or societal) framework. Even today, one wing of the discourse on rights is oriented toward a societal frame of reference, thereby placing rights within a particular social and cultural context. A leading exponent of this point of view is Ronald Dworkin (1977), who authored a widely dis-

cussed book, *Taking Rights Seriously*. As Waldron (1988:101) puts it, "he favours a view which makes rights relative in each society to the background social values (general utility in our society, but perhaps national glory in another) which are normally accepted as decisive in that society." Dworkin engages the matter of rights within an Anglo-Saxon cultural and legal milieu and does not venture, in any systematic manner, into the realm of human rights, which have come to be defined within a cross-national or cross-cultural framework.

Cast in ideal-type terms, one of the major breaks between the societal rights discourse and the human rights discourse relates to the nature of human nature (a topic considered in greater detail below). As indicated earlier, the original rights framework, as articulated by the American and French revolutionaries, adhered to a conception of a pre-social state of nature. Today the human rights discourse no longer rests upon that premise; rather, it assumes that human beings, viewed from an inclusionary rather than an exclusionary standpoint, possess a minimal set of rights simply because of their human status.

The relationship between the human rights and the societal rights discourse has become rather more complex in recent years. Some scholars are equating, on the surface at least, a human rights orientation with a societal one (cf., Black 1997). Also, if one examines a recent essay by Ruth Bader Ginsberg (Ginsberg and Merritt 1999), an associate justice of the U.S. Supreme Court, we find an interlacing, at least to some degree, of the societal with a more cross-cultural view of rights. On the one hand, Ginsberg details the very limited number of references to human rights in decisions of the Supreme Court in recent decades; on the other, she acknowledges the potential influence of the international context. With respect to her own thinking, she seems open to an international frame of reference. It is not unreasonable to assume that a human rights perspective may well enter indirectly, if not directly, into decisions of U.S. Supreme Court justices in the future. Moreover, it is quite apparent that the matter of human rights, to judge by the writings of Helfer (1999) and Helfer and Slaughter (1997), has greatly impacted "judicial making" within the European arena. The human rights orientation (in contrast to a societal rights orientation) ought to be taken seriously whatever its ultimate fate may be.

Changes in the Global Arena since World War II

Analyzing the major social and cultural transformations on the global landscape during the past half-century or more seems essential for understanding the social and historical context of the current human rights discourse and practice and for grasping why human rights principles provide a vital foundation for understanding the emerging worldwide order. In addressing the social and cultural changes, we can readily point to major transformations that have resulted from technological innovation. The communications revolution associated with improved air travel, the spread of television (enhanced by satellites), and the Internet has reshaped, in some ways profoundly, the nature of our conceptions of space and time. But these technologies are only a part of a broader scientific complex that includes genetic engineering and nuclear energy. While many of the developments can be cast in positive moral terms, the scientific/technological revolution also has its dark side, as the advance of nuclear weaponry, for instance, has raised the specter of the mass destruction of human beings and the possible extermination of humanity.

Without downplaying the social influences of these scientific/technological innovations, we need to consider how they have come to be utilized by social institutions functioning in a global setting. Many modern technological innovations have emerged from scientific laboratories, often on university campuses, and the application of these technologies has come to have social and cultural meaning in terms of how they are employed within organizational and cultural systems. Here, we shall review, albeit in an adumbrated fashion, these far-reaching

global transformations—with an eye to locating the place of human rights in the changing international order.

1. The concept of the state, on which classical sociological theorists so heavily relied, is undergoing considerable transformation. National sovereignty does not loom as large as it did some five decades ago or more. Nowadays, there are extended debates about the nature of the state's relative decline and what this portends for our understanding of the globalization process.

The European Union (and the creation of the euro) throws into sharp relief some of the changes that have occurred in the nature of the power of the state, as various European states are in the process of ceding to the European Central Bank their power to issue money. Yet, while the state has declined relative to the growth of regional or transnational organizations, it has by no means disappeared and continues to command formidable power and influence. In light of these changes, our earlier observations about the shifting nature of moral categories only become more pronounced, for we have reasoned that traditional moral categories, for instance, have been anchored within a societal (or nation-state) framework. With the state in relative decline, it should not be surprising that new moral discourses such as those relating to human rights have been able to come to the fore.

2. It is one of the paradoxes (or ironies) of our time that as states, in general, have undergone relative decline, the U.S. has risen during the post-World War II era, particularly with the demise of the former Soviet Union, to the status of the world superpower. Never before in history has a single state (or imperial power) commanded such a presence in the global arena—economically, politically, and culturally. The might of the Roman Empire was extensive, but it did not encompass the globe. While questions about U.S. power and authority prevail, its power and influence remain fundamentally unchallenged in a practical sense, a fact of considerable relevance for the problem of human rights. Although the U.S. has taken a leadership role in advocating the human rights doctrine, it has been reluctant to accept certain human rights principles as applying to itself (more on this below).

3. The relative decline in national sovereignty, globally speaking, has been accompanied by the spread of capitalism and the rise of multinational corporations. It is now evident that capitalism is the world's dominant economic system. More generally, it is important to understand that modern capitalism is being carried forward within the framework of large-scale organizations (Sjoberg 1999). There are corporations whose tentacles now reach to the four corners of the globe, heralding the triumph of capitalism.

Although, in the past, organizations such as the East India Company extended their activities widely, there is a major qualitative leap in the size and scope of contemporary multinationals whose economic, social, and cultural impact has yet to be effectively understood. In the main, present-day markets are created and organized by these corporations, which are legal entities created by states, even as these corporate bodies seek to shed state controls. What is of particular relevance here is that some groups in the global setting have sought to hold corporations, not just states, accountable to human rights standards.

4. The rise of transnational organizations (apart from corporations). In part, at least, corporations are being buttressed in a variety of ways by international economic organizations: the International Monetary Fund (IMF), the World Bank, and the World Trade Organization (WTO). Evidence suggests that one of the primary objectives of the WTO (an outgrowth of GATT) is stabilization of market conditions so as to permit managers of corporations to pursue their economic interests with greater assurance of economic and political stability. One reason the WTO has assumed a major role in the globalization process is that it provides for dispute resolution machinery that creates a climate of "greater predictability" (less risk) and, therefore, greater political and social stability for corporate bodies.

Such transnational organizations as the WTO have been created by complex treaties (international contracts) among nation-states. Moreover, the constraints that these treaties

impose on states tend to be taken for granted as international treaties provide the social context for decision-making by national legislators.

A special note on the United Nations and its organizational structure. Dependent though it is upon funding from nation-states, especially the more wealthy among them, to keep it afloat, it has, even under these conditions, come to wield considerable influence and has been an agent for enabling the emergence of a number of transnational organizations. The U.N. has sponsored negotiations that have resulted in international treaties relating to economic activities such as that embraced by the Law of the Sea. However, that is not the whole story, for the U.N. has also been a vehicle for facilitating the development of a variety of organizational entities and international accords relating to human rights.

One frequently overlooked arena of transnational organizations is that of the numerous international tribunals that function, at least in theory, to resolve disputes among nations (and to a degree, among individuals). Recently, the *New York University Journal of International Law and Politics* published a special issue on the proliferation of these international tribunals. One of the articles by Kingsbury (1999:680) observes that "in the past decade alone, the World Trade Organization (WTO) system, the International Tribunal for the Law of the Sea (ITLOS), the two ad hoc international criminal tribunals, the U.N. Compensation Commission, the World Bank Inspection Panel and its Asian and Inter-American Development Bank counterparts, the North American Free Trade Agreement (NAFTA), Andean and Mercosur systems, and several other regional economic tribunals were established; the Statutes of the International Criminal Court (ICC) and the African Court of Human and Peoples Rights were adopted; and an optional protocol allowing for complaints by individuals to the Committee on the Elimination of Discrimination Against Women was agreed [upon]." This statement captures our claim that these transnational organizations are primarily related to economic concerns, but we also find organizations arising to address non-economic issues, and some of the latter bear upon human rights.

Although we have yet to sociologically comprehend the interrelationships among these international tribunals, treaty systems, and the legal systems of nation-states on a worldwide basis, it seems likely that these international entities will come to influence, in yet-to-be understood ways, the legal systems of a number of nation-states. We are on the cusp of a new era relating to transnational organizations that sociologists must be prepared to address, and in the process, they will encounter some organizations that support, while others undermine, the human rights agenda.

5. Along with the developments leading to the integration of a new kind of world order in which nation-states are embedded within a larger social and cultural matrix, are powerful internal forces that are tearing asunder the fabric of many nation-states. Divisions on the basis of race and ethnicity loom large in almost every region of the world. The enormity of the acts of genocide in Rwanda and in the former Yugoslavia in the 1990s, attests to the human tragedy resulting from the strife among racial and ethnic groups. Although ethnic and racial conflict has not always taken such extreme forms, it remains an ominous threat to the stability of a variety of nation-states. Deep divisions exist in the Middle East, the former Soviet Union, Sri Lanka, Indonesia, and in supposedly tranquil societies in the South Seas, such as Fiji and the Solomon Islands.

It is not just that the state's authority has been eroded from within by race and ethnicity, the state also has been called upon to devolve functions to the local levels, as regionalism in areas ranging from Great Britain to Indonesia has had to be reckoned with as a political force. In a sense, the local has come to assume a different role than in the past. Its significance may, in some ways, be heightened at the same time that globalization, as reflected in large-scale organizations, has become a reality.

Relating these trends back to our overall theme, we find that human rights principles are a strategic vehicle for resolving or minimizing racial and ethnic cleavages. At the very least, if societies come to adopt human rights principles, they will find it difficult to define particular

racial and ethnic minorities as subhuman, as outside the realm of social respectability and, thus, more easily destroyed. And human rights principles provide a bridge by which contentious racial and ethnic groups may be able to, at least partially, resolve their differences.

6. The spread of "democracy" should also be taken into account. On one level, it is startling to find democracy being embraced (with some notable exceptions) as a political system throughout the world. This begs the question, to be sure, of what is meant by democracy. Does democracy involve merely holding elections, or is it more than that? These debates aside, the spread of democratic ideals has been rather dramatic. One reason for this is that democracy has become a prime vehicle for peacefully resolving differences among the competing "interest groups" that emerged in response to the complexity of modern life.

While democracy and human rights are closely related, they are not the same. A number of views of democracy, as advanced by social scientists, do not incorporate the rights tradition into their overall framework. Yet, such appears to be necessary if there is to be adequate protection for racial and ethnic, political, and other minorities from the abuse of power by the dominant group or groups. (We return to a fuller discussion of the topic of human rights and democracy below.)

7. Associated with the growth of transnational organizations, as well as the rise of democracy, is the emergence of non-governmental organizations (NGOs). These are perceived as neither part of the market economy nor part of the state. One wing of these NGOs is the professional associations, some of which are almost global in their membership and scope; another wing includes the civic associations that advance more explicit social and political agendas. We cannot understand the developments in the field of human rights unless we take account of both the professional and the civic forms of these NGOs. Although such civic NGOs as Amnesty International and the Human Rights Watch have been conspicuous carriers of particular human rights ideals, we should not underestimate the role that professional associations—for instance, those relating to the judiciary—have played in advancing the human rights agenda on a global basis during the past several decades (Korey 1998).

8. The last social and cultural change is of a different order: the continuing trend toward "individualism" or individuation, which is a significant response to the organized complexity discussed above. Clearly, in the economic realm, modern capitalist organizations rely heavily upon free labor, as well as the willingness and ability of human agents to choose among the wide assortment of consumer items being produced. Yet, individuation is by no means solely the product of the capitalist enterprise: it seems to result, also, from the growing complexity in all spheres of human existence, as individuals are confronted by organizational rules and regulations, not only in the economic but also in the political and social spheres. From our perspective, the semi-autonomy of the lifeworld, about which Habermas writes, is, at least to a degree, a by-product of the system's complexity.

Although the individuation process is real enough, we must realize that individualism in whatever form is anchored in some kind of group context. True, individualism has led to an emphasis upon the sanctity of human life, but such can be sustained only within the framework of a social group—an issue of considerable consequence in analyzing human rights.

But let us take stock of our reasons for outlining the major changes since World War II in the first instance. In our view, an understanding of the rise and spread of human rights principles must take account of the broader institutional and organizational changes that have arisen within the world community. But that is just one side of the equation. Another is that when discussing human rights, we should avoid being locked into the traditional moral categories of the nation-state system that informed classical sociology. As we think more globally, we discover that large-scale organizations that cut across nation-states can not only advance human rights principles but also pose potential threats to them. In the future, it will seem shortsighted to view states as the sole source of human rights violations.

The Nature of Human Rights

A number of scholars have made a stab at delineating the essential features of human rights. Among sociologists, Bryan S. Turner (1993) has taken the lead in conceptualizing the nature of human rights. He does so in terms of "human frailty" and the precariousness of the institutions that cope with frailty. He envisages human frailty as a modern surrogate for the older conception of natural rights in that the former provides a justification for why human rights are an essential basis for the contemporary social and cultural order. Although Turner's orientation provides specificity with respect to the grounding of human rights that will appeal to many, we believe human rights can be better understood as means of constraining and channeling organized power.

Our elaboration of a sociological framework aims to provide a fuller and clearer understanding of human rights. Not only has Turner attempted to provide a framework for defining human rights but so also have a number of political and legal scholars. Jack Donnelly (1993:19), a highly respected political scientist, offers a conception of human rights that is shared by a number of scholars in this arena. As he frames the problem, "the very term human rights indicates both their nature and their source: they are the rights that one has simply because one is human." In a somewhat different vein, Louis Henkin (1990), who commands considerable stature in the field of international law, speaks of "human rights as claims upon society" and then proceeds to discuss their universality. Or, we might take into account the definition of Shue (1980), who conceives of basic rights as reasonable demands (or claims) against humanity. These writings are geared to shedding light on the meaning of the Universal Declaration of Rights and other human rights activities in the post-World War II era. Our analytical thrust should serve to extend, clarify, and specify the meaning of human rights.

Human rights, as we conceptualize them, are claims made by persons in diverse social and cultural systems upon "organized power relationships" in order to advance the dignity of (or, more concretely, equal respect and concern for) human beings. Our formulation, at first glance, may raise as many questions as it appears to answer. It, therefore, calls for a somewhat extended explanation. At this point, we shall provide a general overview of the sociological premises that undergird our orientation.⁵ We elaborate upon these more fully below in the section entitled "Sociological Contributions to Human Rights. . . ."

Unlike most other analyses of human rights our discussion places special emphasis upon "organized power relationships." Viewing the matter historically, it is apparent that the rights orientation was central to the American and the French Revolutions, and the challenge to organizational power strikes at the heart of the human rights doctrine as it emerged after World War II. We continually remind ourselves that it was genocide, in particular the Nazi destruction of the European Jews, Gypsies, and other minorities, that generated the Nuremberg trials and served to foster the formulation of the Universal Declaration of Human Rights. Yet, how and why the systematic destruction of the Jews occurred seems oddly unconnected to the individualistic theorizing about human rights common to many legal and political scholars. Without becoming bogged down in the debate over many of the specifics of the Holocaust, it seems rather evident that one of the major steps facilitating the mass killings by the Nazis of Jews, Gypsies, and others was the Nazis' ability to define these ethnic minorities as undeserving of human status. It became rather easy to destroy what was considered subhuman. So it has been in other times and places—in Rwanda, Nanjing, Cambodia, and elsewhere. A second key element of the Nazi devastation was the readiness with which the organizational structure of the Nazi state (and the corporate structure that worked hand-in-glove with the formal state apparatus) became the social vehicle for facilitating the mass kill-

5. A conception of rights that facilitates social exchange and market relationships (Coleman 1990) is not the topic of our discussion. See also Jones (1994).

ings. In our view, Raul Hilberg's (1961) monumental investigation, *The Destruction of the European Jews*, continues to be one of the defining works on the Holocaust. While many writers have challenged, modified, and qualified Hilberg's analysis, none of these works has superseded his scholarly accomplishment. More than anyone else, Hilberg documented, in fine-grained detail, how the organizational (or bureaucratic) apparatus of Nazi Germany went about its task in a systematic manner. Hilberg provides us with a depressing description of the Nazis' careful attention to detail in the killing process—for example, how much gold was extracted from the teeth of the victims, what articles of the victims' clothing were collected, and so on. Despite slippages, the German bureaucracy operated at its "efficient best" from the vantage point of the leadership.

Perhaps we can further clarify the place of organizational power in the Holocaust by comparing it with patterns in the Soviet Union during the decades following Stalin's rise to power. While the Nazi regime can be viewed as a reaction against modernity, the Soviet Gulag, to judge by recent research, was an effort to enhance modernity in that the opposition to forced industrialization—the Kulaks and others—were shipped off to the Gulag, in part to work as cheap labor, but often simply to die (e.g., Applebaum 2000). The killings of the Stalin era can more readily be seen as politicized, as controlling or destroying political dissenters, than as targeting particular ethnic groups for extinction. Yet, as in the Nazi case, organized power was an essential feature in constructing and maintaining the Stalinist death camps.

We have singled out these cases (other mass killings such as those in Cambodia and Rwanda could be elaborated on) for several reasons. They are extreme instances in the sense that it is sociologically instructive to differentiate between extreme and deviant cases, for the former fall out of the normal-deviant gradient. It is through these extreme cases that we most vividly perceive how the moral and social orders come to be entangled with one another and how social rules are undergirded by a system of moral self-justification. These extreme cases are far more sociologically revealing as to how the moral order justifies social activities than is an appeal to what the human situation might have been in a pre-social (or fictional) state of nature. In deviant, in contrast to extreme, cases, social scientists can more readily sustain the assertion of a fact/value dichotomy.

The debate between Habermas and certain historians in Germany serves to clarify our contentions regarding the Holocaust as an extreme case. The historians in question have sought to normalize the Holocaust by, in effect, contending that the Nazis acted out of fear of the Soviets, and that the actions of the Nazis were no worse than those of the Soviets. Habermas, on the other hand, maintains that genocide is an extreme case (though he does not employ our terminology), as falling outside the deviant-normal gradient (cf., Maier 1988). It is difficult, perhaps well nigh impossible, to be morally neutral with respect to mass killings, for they call into question the very foundations of the notion of a social and cultural order in the first instance. Moreover, the Holocaust, in particular, underscores the role of large-scale, powerful social organizations in perpetrating atrocities. Yet, in the voluminous literature on human rights, the role of powerful social organizations, and their place in destroying any semblance of human dignity, appears to be sidestepped by most scholars who address human rights.

In an effort to bring the analysis of human rights into greater conformity with empirical reality, we have intentionally conceived of the efforts to protect or enhance human rights as claims against powerful organizations. This tack leads us to consider the nature of social power. While the concept of social power has been seriously contested within the social sciences (Lukes 1974; Wrong 1995), persons who command power in organizations generally understand its significance, and those who are the victims of organizational power typically recognize, at least in general terms, its impact on their lives. Although organizational structures, both private and public, have been extending their scope and influence, not only within nations, but also on a global level, sociologists often act as though these large-scale organizational forms do not matter. Indeed, a major thrust in organizational studies in recent years has

been directed toward networks (or horizontal relationships), while hierarchical relationships tend to be underplayed.

Our continuing emphasis is on the theme that social power is wielded through organizational structures. While accepting Giddens's (1984) assertion that organizational structures are both enabling and constraining, we find that Giddens chooses not to consider, in any explicit manner, the fact that they are more enabling for the privileged than for the non-privileged, and more constraining for the non-privileged than for the privileged.

Although it is impossible to consider the place of organizational structures in the development of civilized social orders (pre-modern and modern) within the confines of this brief essay, we can hint at some of the patterns that have evolved. It is quite apparent that early cities (and civilizations) could evolve only as more complex social organizational structures were created. As a result, the leaders (e.g., in the political, military, and religious organizational spheres) came to be several steps removed from the production of food and other material necessities; their privileged social position was made possible only by siphoning off the surpluses produced by the rural sector. The organizational leadership coordinated, to some degree, the actions of those producing surplus goods and also mobilized various members of the social order in constructing and maintaining the urban centers. All of this led to striking class differences and major social inequalities in pre-modern civilizations and set these societies off markedly from typical non-literate or folk societies.

With the development and expansion of industrialization and urbanization, as well as the scientific revolution, large-scale organizations became ever more salient in furthering and nurturing modern social orders. Today, we are witnessing the emergence of even more complex inequality systems. Yet, we continue to discover how organizations are able to mobilize resources (human and otherwise) so as to generate a higher standard of living (especially for the privileged), while simultaneously fostering stark inequalities within and among social orders.

Our discourse on social organizations is intended to suggest that without them modern industrial-urban forms could not have emerged or been sustained. This is not to say that major reformulations of social organizations are not feasible; indeed, these may be taking place before our very eyes. Rather, it is difficult to imagine how modern-day organizations could function without experts—be they electricians, plumbers, engineers, natural scientists, and so on. Yet, the training of modern scientists seems to demand some formal educational system, which itself is called upon to create and sustain complex knowledge systems. These knowledge systems, in turn, can foster social inequities. Given this situation, a human rights framework will point the way, not only to holding organizations socially and morally accountable for their activities, but also to constructing new organizational forms that might reduce these inequalities and to avert the stark disasters that could arise from nuclear or biological warfare.

What these organizational forms (with their hierarchies and complex divisions of labor) have done is release some human beings from the need to produce the material needs of life. But to make this possible, others ceaselessly toil in lower-status occupations—though the latter also reap some of the benefits of modern development. Yet, the dangers for those in the least socially advantaged positions are serious, considerably more so in totalitarian than in democratic orders. In totalitarian societies, almost by definition, no checks exist on how the socially disadvantaged are marginalized or manipulated. Even in democratic orders (those based on majoritarian rule), serious problems can arise, for the decisions of officialdom come to be implemented through organizational structures which, in the absence of an institutionalized rights perspective, lend themselves to exploitation of disadvantaged minority groups. We have only to point to the well-known Tuskegee experiments (wherein the leaders were unconstrained by any effective social or moral checks on their organizational decisions), or to failures in the criminal justice system (as the recent exposé of death penalty cases has served

to document). Insofar as counter-reactions have set in, there is some tacit appeal to a societal (and, in some instances, a human) rights perspective.

Our main contention is that organizations present a Janus face. While they are the rock bed on which civilization has taken shape, they also possess the potential for the mass destruction of humanity—as evidenced by the Nazi and Soviet cases. Even in democratic orders, powerful organizations serve as the vehicle by which the majority seeks to implement its views in both the public and the private realms. In the name of efficiency, it can ignore the views of vulnerable minorities. Although the perspective of the U.S. founding fathers (Madison and Jefferson and others) was seriously flawed by their failure to consider racial and ethnic minorities and women, their political genius lay in comprehending the need to limit the abuse of organized power (their focus being the federal government) through constructing a complex system of checks and balances, and through the Bill of Rights. The sociological analysis of organizations might well profit from their insights.

At the beginning of this new century, it is the organized power of the state that captures most of the attention of social scientists. However, we must also address the potential for the abuse of organized power by large corporate structures. Surely, we have learned enough, for instance, about the role of Swiss banks (and other corporate entities) during and after the Holocaust, to appreciate the possibilities for such organizational structures to socially and economically exploit the less privileged. Nor can we, given our theoretical analysis, assume that the activities of multinational corporations and other transnational organizations will always be benign.

Our position is that people of “good character” working within the context of powerful organizations may find themselves committing all manner of immoral acts. As we elaborate more fully below, it is not enough to hold individuals socially and morally accountable; organizations must be held to certain standards also, if basic human rights are to be adequately protected.

To place our argument regarding modern organizations in perspective, we might profitably consider the responses of prominent intellectual critics of modernity. Alasdair MacIntyre (1981), a conservative communitarian, views modernity with alarm and would have us return to some form of village life, as found in the ancient world, in order to ride out the dark times that lie ahead. Or consider the vision that Immanuel Wallerstein articulates in his *Historical Capitalism* (1983). Wallerstein claims that the overwhelming proportion of members of the world's work force are worse off than their ancestors five hundred years ago, and he assumes that the capitalist world system must be dismantled in order to eliminate sexism and racism. Or consider the arguments of Michel Foucault (1980). Foucault has been highly critical of the modern structures associated with prisons and mental asylums. In his works, he seems, overall, to idealize the pre-modern era, with Rome and Greece as the inspiration for constructing the good life—though without subjecting that kind of social order to the searching critique he visits on modernity.

We have discussed these critics for a reason: each would, to a greater or lesser degree, retreat into some distant past to find solace and the resolution of modern ills. Our critique of the modern condition is of a considerably different order. Ridding ourselves of modern organized industrial forms (and the modern knowledge systems that support them) would likely result in catastrophe to a degree never contemplated by many of these critics who would retreat into the past. Thus, we look to the ideals generated by modernity (human rights being a case in point) as a moral foundation for actions that eventually could come to redress the serious ills created by modernity itself.

The implementation of a human rights agenda could well call for major restructuring of organizations and the creation of new organizational forms as a means of resolving a number of current social problems. These innovations, in turn, are likely to generate their own flaws that will need to be addressed. Yet, many existing social issues today can be alleviated only through constructing new organizational forms.

Finally, to further clarify the issue of human rights, we draw upon Judith Shklar's (1990) innovative theoretical work on injustice. It would appear to be easier to determine what is unjust (or wrong) than what is just (or good), the latter being more open-ended. Shklar (1990:85) begins with a discussion of intellectual history and contends that "the sense of injustice as a fundamental experience plays a relatively small part in classical ethics." Such reasoning is congruent with our view that the rights heritage was not a concern of the ancients, but is, rather, a modern concept.

The implications for the study of human rights of Shklar's reasoning merit sustained attention. We find that it is possible to formulate a rather general conception of the nature of human rights; however, the specification of just what these rights mean emerges more clearly when we examine their gross violations. That is why we have frequently cited genocide and politicide as extreme instances highlighting the social consequences for social orders that have functioned without basic human rights principles. Cases such as these help to shape the general parameters of what human rights might be like, without necessarily specifying their specific content.

Our line of reasoning is congruent with Karl Popper's notion that hypotheses can be falsified, but never proven in any final sense. Although we reject Popper's (1974) appeal to "methodological individualism" (his scientific ideal for the social sciences being marginal utility economics), we are persuaded that his argument, properly modified, lends credence to Shklar's general perspective. Shklar's views are also indirectly supported by the research of some cognitive psychologists who have discovered that human agents are more concerned with their losses than with their potential gains. As a result of these considerations we tend to approach the issue of human rights through reasoning from negative (or extreme) instances of human degradation. When defining human rights principles positively, we do so in rather general terms.

Sociological Contributions to Human Rights: Elaborations on the Framework

Having sketched out our particular theoretical conception of human rights, we can now elaborate upon the nature of these rights by examining highly contested domains, in the process articulating how sociological analysis can contribute to furthering our understanding of human rights discourse and practice. Commanding our attention are such matters as universalism versus cultural particularism, the nature of human nature, the nature of rationality, the nature of formal organizations, and human rights and democracy. At first blush, these appear to form a heterogeneous set of unrelated categories, but if the reader will bear with us, we will suggest ways in which these themes are necessarily related in any meaningful theoretical analysis of human rights.

Universalism vs. Cultural and Historical Particularity

The call for universal human rights requires that sociologists grapple with universal principles, with full recognition of the relationship of these to specific historical and cultural circumstances. Our analysis leads us to conclude that sociologists find it considerably easier to examine, empirically, cultural specificity and variability, than to treat universals, which are more abstract in nature and less amenable to direct empirical investigation (though they are not without empirical relevance).

Not surprisingly, moral universals have not been a popular topic among sociologists. Nonetheless, such distinguished anthropologists as Clyde Kluckhohn (1962, Chap. 16) and Ralph Linton (1952) attempted to isolate universal moral principles, and, more recently, a group of anthropologists directly addressed the nature of universal human rights. Moreover,

we should be keenly attentive to the fact that the supporters of free markets (the neo-liberals of the contemporary era) insist upon the universalism of their own moral perspective, which is one of utilitarianism. In a sense, a set of basic, universal human rights principles becomes a standard for critically evaluating the neo-liberal model—and on its own universalistic terms.

But there are more specific debates that need to be attended to. One focuses on whether the West is seeking to impose its categories upon the rest of the world. This question cannot be readily ignored. For one thing, the United States, which has been a leader in fostering the human rights agenda, has exempted itself from a number of strategic human rights treaties. In the 1990s, the U.S. Senate moved to ratify a number of human rights treaties: the International Covenant on Civil and Political Rights, the Convention against Torture, and the International Convention against Racial Discrimination. "For each of the three treaties, the U.S. instrument of ratification included a declaration stating that the substantive articles of the treaty are 'not self-executing'" (Sloss 1999:131). Consequently, these treaties, which purportedly provide greater protection for individual rights than is currently available under federal constitutional or statutory law, cannot be used to trump societal legal arrangements. To be sure, the meaning of these non-self-executing declarations has been subject to considerable scholarly debate, and it is too early to conclude how this matter will come to be resolved. Sloss (1999:135) contends that these declarations "properly construed, permit courts to apply the treaties directly to provide a judicial remedy in some, but not all, cases that raise meritorious treaty-based human rights claims." Nonetheless, as indicated above, a general underlying principle seems to undergird the actions of the U.S. leadership—notably the effort to exempt the U.S. legal system from being trumped by the contents of the particular treaties that have been signed.

But let us consider more generally the issue of universal moral imperatives. Recent years have seen an extended discussion as to whether the West is imposing human rights principles on cultures in Asia, Africa, and elsewhere. There are conflicting views on the matter. One is that the West has, indeed, been imposing its human rights doctrine upon, say, the cultures of East Asia (Bauer and Bell 1999). Another is that the traditional cultures of Asia did include key ingredients of the human rights perspective prior to their encounter with contemporary human rights concepts, a position apparently favored by the Nobel Prize-winning economist, Amartya Sen (1999). A third view, weakly articulated in the literature, is that an evolutionary process, of sorts, is occurring as a result of ongoing efforts by a variety of human agents, and the current human rights perspective reflects new historically distinct principles—ones not necessarily found in the past, but which have emerged out of the past. In our view, all the aforementioned elements are present in the dissemination of the human rights perspective. True, the West has pushed the human rights agenda, but that is not the whole story. As Sen contends, Eastern cultures already embrace a number of the moral patterns ascribed to the West. In addition, some members of these social and cultural orders are participating in shaping, at least to a degree, the course of the human rights agenda.

We would also expect, in general sociological terms, that considerable tension will prevail between universal human rights principles and the particular social and historical expression of these principles. It is in the realm of applying abstract human rights principles to concrete social situations that sociologists can, perhaps, make a singularly telling contribution to an understanding of human rights arrangements on a global scale. To be sure, scholars in other fields are already cultivating some of this terrain. By way of illustration, Alvarez (1999), a legal scholar, has written a provocative essay, encompassing a rather wide range of issues, in which he has drawn a contrast between the accounts of journalists regarding human rights violations in Rwanda and certain principles articulated by members of the world legal community. The resulting divergencies suggest an insularity on the part of the latter, those who have been drafting the procedures that are to be applied when human rights principles are violated. The accounts of journalists, Alvarez finds, have considerable bearing upon how human rights doctrine can be effectively implemented.

The Nature of Human Nature

Much of the current human rights discourse and practice is predicated upon a conception of human nature that remains poorly articulated in the human rights literature. Our impression is that a considerable body of human rights literature is founded upon the bio-psychological conception of human nature as advanced by the utilitarians. Such a view is congruent with a conception of individuals as isolated agents pursuing their own ends quite independently of one another; then, almost magically, these actions come to produce the greatest good for the greatest number. This perspective continues to be supported by one wing of sociology, and in some respects it is a powerful position in the abstract. For if we posit that individuals are autonomous, patterns of equity and equality are more readily grasped than in situations wherein persons act in accordance with the norms associated with groups such as the family, formal organizations, and the like.

Several schools of thought in sociology have raised serious questions about the autonomy of human agents. Talcott Parsons, for one, objected strongly to this perspective, although proponents of the individual autonomy perspective, such as George Homans, became some of Parsons's most ardent critics. Still another wing of sociology that has criticized the notion of the autonomous actor shorn of any social and cultural context is represented by scholars associated with pragmatism—notably John Dewey and George Herbert Mead. And it is this last perspective, properly modified, that we regard as the most viable for advancing human rights issues.

In our view, Dewey and Mead have propounded a thoroughgoing sociological conception of the nature of human nature. Most scholars who have built on the scholarly writings of Dewey and Mead emphasized the nature of the social self. Although we acknowledge that the concept of the self is a sociologically viable one, we turn the tables on the existing formulations and emphasize the salience of the social mind, rather than the self. Dewey grasped, rather fully, the role of intelligence in human action, and Mead's (1934) best-known work is entitled *Mind, Self, and Society*. Yet, the neglected dimension of his work is the social mind. In its most essential form, the social mind, which emerges in the context of social interaction, is characterized by its ability to engage in reflective thought, to think about thinking. How one thinks and what one thinks about are symbolic processes that are acquired in the process of interaction. It is because of the social mind that human beings come to develop a conception of the self. It is because of the social mind that they are capable of engaging in creative actions, breaking out of old molds and forming new ones—a process dramatically displayed in the invention of sophisticated tools, as well as the creation of alternative courses of social action and new organizational forms. So, too, it is by means of the social mind that social memories come to be constituted, and these, in turn, affect the way human agents act.

It seems reasonable to assume that the social mind is universal, though we know little about how people think in everyday life. The common appeal to the abstract concept of "reason" obscures just how persons come to construct (or deconstruct) social reality. In other words, we lack, for instance, any foundational understanding of how human agents reason via analogy, classification, the dialectic, parts-whole logic, and the like, as they construct and deconstruct social and cultural arrangements. And, despite the current focus on cultural pluralism or cultural diversity, we have only a limited understanding of how persons learn to take the roles of multiple others. However, while we can point to numerous failures in efforts to take the roles of divergent others, we also find certain individuals (ranging from diplomats to social scientists) who have been able to transcend their own cultural context and assume, to a considerable degree, the roles of divergent others. Still, we shall need to know far more about the obstacles human agents encounter in the process. It seems possible to relate to others not only by carrying out shared concrete tasks, but also by relying on rather abstract social categories that create common ground among human agents with diverse cultural experiences (note the reliance on the latter approach by the women in Beijing, as discussed above).

Other complications arise in the modern world. Evidence suggests that a privileged global elite is emerging and that members of this social grouping, composed of managers and highly educated experts, share more in common with their counterparts in different societal settings than with members of their own society. One of the prevailing difficulties in furthering human rights is that dissemination of its principles has been dependent upon a global network of members of a privileged elite, who have, more often than not, failed to encourage a discussion of human rights principles from a bottom-up point of view. These principles will need to be reflected upon, by broader segments of a number of societies, if they are to gain legitimacy in the world community.

The Nature of Rationality

With a modified pragmatist view of the social mind somewhat in hand, we can return to the problem of universalism and cultural particularism, and, perhaps, rethink the nature of rationality as this pertains to basic universal human rights. In this respect, Habermas's (1987) writings are instructive. His analysis offers the possibility of conceiving of rationality beyond the confines of formal rationality or means-end reasoning (the selection of the most efficient means to attain a given end). While Weber drew a distinction between formal and substantive rationality, Habermas has sought to provide us with a deeper understanding of the latter. Specifically, we rely on Habermas's conception of communicative rationality, not in the way he employs it, but, rather, as an orienting framework for looking beyond formal rationality. For if we are to cope effectively with the matter of human rights, we must acknowledge the compelling nature of community (or, in contemporary terms, the national society) and, at the same time, peer beyond the boundaries of community and take into account the role of others in a global context. While being shaped by the "we," human agents will need to learn to take the role of the "them," or even multiple "thems." Not that taking the role of divergent others is readily achieved, but it is within the realm of the possible. Indeed, some human agents have learned to do so.

We can clarify our reasoning by exploring the implications of Dewey's (1985) analysis of the social context for a human rights framework. Unlike many authors who rely heavily upon the notion of social context, Dewey recognized that human agents inhabit multiple contexts, the largest being the world community. Thus, his mode of reasoning leads us back to the query: What are the common elements that exist among these multiple contexts? A minimal recognition of a common humanity across different cultures and political systems would seem to be essential for forging minimal common understandings of universal human rights principles. Some commonalities appear to exist among social orders, but others can also be constructed—an oft-neglected consideration. Indeed, constructive brokers—be they politicians, scholars, or others—who live and work in diverse social and cultural contexts often are able to create social categories that bridge some of the differences. Common elements among social and cultural contexts, we would emphasize, may be uncovered through comparative empirical investigation, but can also be constructed or created through the reflective activities of human agents.

Our overall contention is that an alternative conception of rationality calls for human agents to think in terms of not only their own community but also other very different social contexts; in the process, they learn to take the roles of divergent others and forge basic understandings of others. This kind of reasoning is a significant first step in averting such practices as genocide, wherein the other has come to be defined away as fundamentally subhuman.

Unlike Habermas, who embraces agreement within an ideal speech community, we advance the view, extending the work of Dewey and Mead, that one can learn to deal with major differences—insofar as one can focus upon commonalities regarding the basic rights of human beings within divergent social political and economic realms.

Up to this point, we have examined human rights principles within a framework that emphasizes the social and cultural nature of human nature. Yet, while the community shapes human agents, they have the potential to reach beyond it. Certainly we must begin thinking about a rationality that encompasses divergent others, rather than being simply embedded in some cultural and historical particularity. Only then can we begin to formulate an adequate set of universal human rights, which, in turn, can be used to lay claims against organized power relationships so as to enhance human dignity. But the question remains: What is the nature of organized power relationships? To answer this, we shall consider in greater detail the characteristics of organizations through which social power comes to be articulated.

The Nature of Formal Organizations

Earlier, we defined human rights as consisting of the social claims of individuals (or groups) upon organized power relationships as a means of enhancing human dignity. With our fuller background analysis in hand, we can now return to the question of organized power relations and elaborate upon the place of organizations in human rights theory and practice.

A gaping hole exists in the writings of most moral theorists in that they have typically sidestepped the matter of organizational structures as these relate to ethics. Thus, the utilitarian and the Kantian traditions, in differing ways, both give short shrift to organizations. Even traditions critical of individualism such as those advanced by Hegel and Marx, have been deficient in their treatment of organizations. So, too, even sociologists who adhere to communitarianism and have rightly criticized moral theory predicated on individualism have skirted the problem of formal organizations.

The human rights tradition suffers from this individualistic bias as well. Typically, writings concerned with violations of human rights principles place emphasis upon individual responsibility. Although individual responsibility must be taken into account when judging the violation of human rights, that does not excuse a lack of attention to organizational considerations. Although Eichmann's defense at his trial in Jerusalem—namely, "I was obeying superior orders"—could be judged unacceptable (Vaughan and Sjöberg 1970), such a defense is not without merit for human agents within organizations who command little or no power and authority. The organizational domain implicitly comes to the fore when we judge leaders to be more accountable than underlings. The situation becomes more complex when we recognize that individual responsibility may be difficult to ascertain within modern organizations characterized, as they are, by a complex division of labor, whereby a number of decisions are often the product of interrelated conjoint actions. Under these circumstances, the violation of human rights principles could be deemed a normal feature of modern organizational life. This perspective we would reject, for superiors will need to be held accountable for their decisions.

To better understand how to deal with this matter, we need to examine violations of human rights, not just from the standpoint of individuals, but also from the perspective of organizations. Most scholars concerned with human rights questions fail to address the morality or amorality of organizations. Only a few manage to introduce the idea of organizational accountability into human rights analysis.

There are at least two rather distinct perspectives relating to the application of human rights principles to organizational accountability. The first accepts organizational structures as generally moral in nature, although their ongoing activities do require monitoring and, often, modification, if human rights objectives are to be realized. The second judges particular organizations to be fundamentally flawed with regard to sustaining human rights principles, and consequently need to be reconstituted. Both of these approaches must be taken into account when we explore the interrelationship between organizations and principles founded on human rights.

But the question remains: What do we mean by the concept of organizations? Contrary to a great deal of contemporary reasoning, organizations cannot be reduced to a simple aggregation of the activities of individuals. Organizations, in their contemporary manifestation at least, are characterized by a system of rules that sustain a social hierarchy and a complex division of labor, and these rules guide the activities of human agents with respect to one another, as well as with respect to the larger "organizational whole."

One of our chief contentions is that human agents are necessary for the functioning of organizations; yet, organizational structures come to be defined by more than just the activities of individual agents (Vaughan and Sjoberg 1984). As a consequence, there is a built-in tension between the activities of human agents and the demands of the larger organizational whole. In a number of respects, our analysis is congruent with that of Habermas (1987), who advances the thesis that the life-world (in which human agents interact with one another within the context of the public sphere and the family) is, relatively speaking, autonomous of the overall system dominated by economic and political organizations. The life-world is typified by communicative rationality, rather than by the formal (or instrumental) rationality that sustains the economic and political systems. We have already distanced ourselves from Habermas (see above) with respect to the nature of rationality, and, although accepting of his basic distinction between system and life-world, we have a number of reservations about the manner in which he formulates the issue. For one thing, his abstract theorizing does not permit us to grapple with the complex interrelationships between human agency and organizations, interrelationships that must be taken into account if we are to advance our understanding of human rights.

Although our discussion casts light upon pre-modern forms of organizations, our primary focus is on the contemporary condition. Weber, as Habermas and others attest to, continues to serve as a point of departure for analyzing modern-day organizational structures. It is not that Weber has had the final say in interpreting bureaucratic, or formal, organizations. Although human agency was for him the basis for his sociological analysis, these agents disappeared in his discussion of complex formal organizations. One of our critiques of his account concerns bringing human agents back in, as they engage in sustaining and reconstituting organizational structures. Incorporating Mead's and Dewey's conception of human agency into an analysis of formal organizations permits us to investigate the creativeness of human agents within organizational contexts and the manner in which agents reconstitute organizational rules. Mead and Dewey, from our vantage point, gave primacy to the "social mind," characterized as it is by reflectivity (or thinking about thinking). However, what Dewey and Mead do not consider are the constraints on how agents think and act and, furthermore, how particular human agents come to employ organizations as vehicles for advancing their own objectives, often at the expense of other persons or groups.

Building on Weber's vision, we find modern organizations as typified not only by a hierarchy of authority and a complex division of labor but also by a rationalization process. The last-mentioned leads to the standardization or routinization of activities, as well as to an emphasis on efficiency.

Our emphasis upon organizations and human rights principles can be cast into sharper relief if we contrast our view with alternative theoretical orientations. Liberal social theory, which, in its various manifestations, has become the dominant worldview today, is instructive in this respect. In general, liberal theorists who adhere to some form of free market utilitarianism assume the existence of autonomous individuals. However, such individuals come to occupy unequal statuses or class positions within a social order. Because of this, these theorists asseverate the need for equality of opportunity. However, they downplay the power of the state and come to treat corporations as if they were individuals, in the process skirting any analysis of how organized power relationships sustain existing inequalities.

One of the paradoxes of the late twentieth century has been the responses to this liberal (or neo-liberal) worldview. Marxism, which was, for so long, its primary challenger, has, with

the demise of the Soviet bloc, more or less disappeared as an alternative. And the postmodern response is an ironic one in that Michel Foucault (1980), for instance, can be interpreted as conceiving of power as becoming more diffuse (and, perhaps, more localized) as state or national power has declined, relatively speaking. Yet, at the very time that postmodernism has been received with favor in many academic circles, the power of social organizations, on a global scale, has broadened its domain. Even Habermas's emphasis upon the life-world can, if one is not careful, deflect attention from analyzing organized power on the system or global level.

Characterizing the late twentieth century are organizations whose reach extends beyond the boundaries of nation-states, be these the European Union, multinational corporations, or transnational organizations such as the WTO or the World Bank. Today scholars are likely to play up the role of outsourcing, flexibility, new forms of communication, and so on, which, so it is claimed, undermined old-line hierarchical forms. That large-scale organizational forms have changed in nature, there is little doubt. Still, while leaders of large-scale organizations speak the language of decentralization, they, nonetheless, retain core forms of centralized authority and power, particularly in the financial realm, and these new hierarchically based organizations are in the vanguard of political and economic change.

These worldwide organizations, which, in the corporate sphere, are mainly the product of mega-mergers (consciously constructed by privileged human agents), are the foundations of new kinds of social power relationships. That the notion of social power has been heatedly contested within the social sciences is well documented. However, to set social power aside because of its contested nature, would, it seems to us, make it impossible to address the human degradation that has accompanied modernity, or to cope with the failed aspirations of racial and ethnic minorities, or of many women. Somewhat in keeping with Parsons (1967, Chap. 10), we find that through organizational structures, human agents are able to mobilize diverse resources for the attainment of collective goals. The difficulty with Parsons's theorizing, one that celebrates the virtues of social power, is that it is a one-sided account. Somewhat in keeping with Mills (1956), we find that those who command positions of power in organizations are able not only to constrain but also to manipulate other human agents to serve their own objectives, at times in gross violation of emerging human rights principles.

Worthy of reiteration is the theme that, historically, organizations have displayed a Janus face. From the vantage point of the privileged, modern civilization has been a huge success; yet, its casualties can be readily observed. Confronted with the downside of modernity, a number of scholars beckon us to retreat from it. These include a variety of conservative thinkers, some liberals, some neo-Marxists, and some postmodernists. On the other hand, the dangers of retreating into some simpler past are profound. A rejection of modernity could conceivably lead to the destruction of vast sectors of the world's population—on a scale of unimaginable proportions. How could the current world's population be sustained on a pre-modern economic and political base? Yet, to sustain modernity calls for considerable revisions of modern organizational life if human dignity, for most people, is to be realizable. To adequately address human dignity for the world's citizens, we must perforce address the issue of organizations—both how they function and how they might be held more accountable for their activities.

In order to critically evaluate and hold organizations socially and morally accountable, we will need to consider the ongoing activities of contemporary organizations, both public and private. In so doing, as indicated earlier, it is necessary to probe the interrelationships between human agents and organizations. When we examine the rules and norms that help to define the nature of organizations, we discover that underlings are governed by far more complex rules than persons above. It is not that those lower in the hierarchy are not called upon to act creatively, but they can do so only in markedly constrained ways. It is those human agents in leadership positions who have the discretion to make the major decisions. If human agents below possess highly technical skills, they may be kept in the dark as to how their activities fit

into the larger picture. And although persons in authority can, and do, delegate responsibility to those below, they also delegate blameability under the guise of responsibility. If failures occur in the organization, particularly if there is scrutiny from external sources, persons who exercise power and authority can quite readily blame underlings. This pattern serves to reinforce the process of deniability on the part of the managerial or privileged group, and social deniability (carried out with a straight face) facilitates the manager's escape from social scrutiny and moral accountability. So long as failures within systems are believed to result from errors or misjudgments of human agents in lower-level positions, rather than from those who exercise authority, the latter assume they will be able to more readily defend the system from external challenges.

The existing pattern of hierarchy, buttressed by the delegation of blameability under the guise of responsibility, results in a condition wherein those in the lower reaches of the organization are reluctant to challenge the system, even when the latter possess highly technical expertise. Although the technical experts below attain some degree of freedom from the constraints of the system with regard to their decision-making, the degree of power and authority enjoyed by top-level managers in most formal organizational settings should not be underestimated. Moreover, we find widespread acceptance of the legitimacy of formal organizational structures, public and private, by most participants in contemporary social orders.

Another pattern that bears heavily on the issues relating to social and moral accountability is the secret (or hidden) arrangements that emerge in both the private and the public arenas. Our focus is not on informal versus formal relations as ordinarily discussed by students of organizations. Rather, we are referring to secrecy arrangements, both formal and informal. The functioning of intelligence agencies within nation-states is predicated on formal secrecy agreements, and within the corporate realm, secrecy is often defined as legally necessary in order to protect one's competitive position in the economy. Yet, these formal secrecy systems are serious deterrents to social and moral accountability on the part of powerful organizational structures. In addition, informal secrecy systems take shape in most formal organizations, be these governmental or corporate (or based on some hybrid arrangement). As a result of their capacity for reflectivity, human agents are far from being passive, and one form of creativity results in the construction of secret arrangements. Some of these are rather benign, others less so.

One reason for secrecy within organizations is the fear of threat from outside, as members of organizations strive to protect themselves and the organization from external attack. Another reason is to help managers sustain control over their decision-making power, for they tend to assume that they alone are in a position to grasp the bigger picture. Furthermore, they perceive a threat to their authority from personnel who occupy lower positions in the hierarchy, but who, as a result of technical expertise, are in a position to challenge the judgment of their superiors. In turn, the occupants of lower-status positions seek to protect themselves from the arbitrary power wielded by the managers through their own secrecy arrangements. Some secrecy patterns emerge, as well, from the complex division of labor, as different groups lay claim to specialized knowledge and information within the system.

We do not mean to suggest the existence of a vast conspiracy within organizations. Rather, we are concerned with more routine activities that seem to characterize formal organizational (or bureaucratic) structures.

If we come to understand how organizations actually function, we can better appreciate the ways in which leaders can manipulate human agents in lesser ranks, as well as those external to the system. While acknowledging the merits of Giddens's (1984) conception of organizational structures as both enabling and constraining human action, we, nonetheless, must interject a major caveat. Giddens fails to take due account of the role of manipulation by organizational leaders, and the sometimes egregious negative consequences of organizational power. We need not limit ourselves to extreme cases such as the Holocaust in order to grasp the place of manipulation by organizations of individuals and groups. This process can be direct or indirect

and can take a variety of forms. In the U.S. after World War II, the state sponsored a number of hazardous medical experiments on unsuspecting citizens with the ostensible purpose of better understanding the impact of nuclear warfare. And certain efforts, on the part of the state, at surveillance of particular groups for purposes of political control have been well documented. As for corporations, they have been known to dump highly toxic wastes in the backyards of the less privileged sectors of society, and they also engage in surveillance in order to shape consumer tastes or to determine the kinds of customers or clients they deem desirable or undesirable.

In discussing organizations, we can, perhaps, more directly, address the relationship of human agents to organizations. One facet of this pattern is illustrated by the military, where the leadership has long been known to sacrifice subunits for the sake of the larger organizational whole. Nowadays, modern corporate leadership seems to be engaging in much the same sort of decision making. Particular sectors of organizations are dissolved without consultation with the persons most directly affected, and activities are relocated with no opportunity of input from the affected individuals. The leaders tend to think in terms of the organizational whole as more than the sum of its parts, and they act accordingly.

Another facet of this relationship concerns interaction itself. Human agents, in everyday life, typically grasp the fact that interpersonal interaction with other human agents can be of quite a different order than the interaction of human agents with those who command organizational power and authority. Furthermore, human agents at times perceive themselves as interacting with an "organization" rather than with other human agents.

This brings us to the question of the moral accountability of the agents who staff positions within organizations and of the organizations themselves—accountability in terms of certain human rights principles. Many scholars, when theorizing about personal or individual responsibility, tend to view agents as separate from their organizational context. With that kind of approach, how is one to hold human agents responsible, not just for personal decisions but also for how they employ organizational structures to manipulate other human beings? The process of human degradation, as it occurred in the twentieth century, has, in the main, resulted from the misuse of organizational power, which can arise when human agents act in behalf of organized power relationships. Human agents exercising greater power and authority should, rightly, be held more accountable for the activities of the organization than those of lesser rank—and we need to keep in mind the fact that leaders often seek to escape responsibility through the process of shifting blame to inferiors.

The Nuremberg trials, for all of their flaws, were rather exemplary in their focus on holding leaders, rather than followers, responsible. These trials recognized that human agents in positions of authority and power often have a fuller understanding of the implications of organizational practices than do persons in lower-status positions.

With respect to the accountability of organizations, in contrast to the accountability of individuals, we can distinguish at least two types of situations: one wherein the flaws of the organization are so serious that restructuring the system is required, and the other wherein the organizational structure is assumed to be legitimate, yet in need of modifications if organizational activities are to conform to human rights principles.⁶

Although it is seldom discussed in human rights literature, social practice suggests that organizations can be so flawed that a major restructuring is called for. Some pointed illustrations should clarify this assertion. After World War II, the authoritarian structure of Nazi Germany was fundamentally reconstituted. Specifically, the Gestapo was rather quickly dismantled after the Nazi defeat, for it was apparent that a police system of that sort was incompatible with

6. The ability of the broader citizenry to think in terms of the moral accountability of organizations is forcefully brought to light by a study by the *Dallas Morning News* and the *Southern Methodist Law Review* (Curriden 2000). Jurors have been awarding high damages in civil suits against organizations, not only because they want to single out individuals, but also because they want "government, businesses, or private organizations to change their ways." Jurors seem to understand full well that organizations are more than the aggregation of the activities of individuals.

democratic (or human rights) principles. Another instructive case is South Africa's system of apartheid. In part as a result of sanctions by the world community, in part as a result of internal pressures, the apparatus of apartheid was officially dismantled (though finally ridding the system of certain basic practices is likely to consume decades). Nonetheless, a major effort has been initiated to remake the entire organizational structure (including the legal system) that had supported white dominance in that nation. In this instance, the reconstitution of organized power relations based on racist policies has been grounded, to some degree, on human rights principles. No amount of emphasis on individual responsibility could have overcome the organizational issues associated with apartheid, though, as noted earlier, individual responsibility is not without relevance. The foregoing examples should buttress our argument that evaluations are, and should be, made with respect to the moral acceptability of organizations, and, in the case of South African human rights standards, apparently were invoked when the judgment was rendered that the apartheid structure should not be allowed to continue.

We now turn to a consideration of the moral accountability of organizations that are basically accepted as legitimate, yet are deemed to be flawed in some fundamental ways. Reports in the media in recent years have been replete with criticisms of Swiss banks for their profiteering from Nazi looted gold (and other assets) resulting from the destruction of European Jews during World War II. In this situation, the charges involve more than individual responsibility; organizational responsibility and accountability have been at stake, with human rights principles, to some degree, being invoked as a justification for the demand for reparations to be paid by the Swiss banks. Although the victims may judge this solution to be imperfect, the case of the Swiss banks has placed the moral accountability of corporate organizations on the agenda of justice-seekers in the world community. This case is likely to be singled out as a precedent in years to come when other corporate violations of human rights principles come to light.

Another case is illustrated by the assertions by some NGOs that the criminal justice system in the U.S. (particularly the organizational structure that supports and carries out the death penalty) has failed to conform to basic human rights principles. Although it is too early to judge the results of their protests in either the near or the long term, this critique by some NGOs is worthy of attention. In addition, the accusations a number of NGOs have leveled against certain powerful multinational corporations (e.g., the Shell Oil Company in Nigeria) seem to be more than passing indicators of what the future holds. The formal rationality that characterizes these large corporations can lead to an overriding commitment to the "bottom line." Even when public criticisms foster only negative publicity or shaming, such can lead to some modification in organizational practices.

Let us briefly review our analysis of the nature of organizations. Our fundamental premise has been that any theoretical perspective on human rights must take account of the nature of these organizations. In assessing moral accountability, we need to differentiate between individual responsibility and organizational responsibility. In doing so, we have discovered that individual responsibility can often not be evaluated except where the human agents are examined in the context of the organizations within which they function. As for the moral accountability of organizations, we have suggested that, in some instances, organizations will need to be dismantled if human rights principles are to be achieved. In other instances, organizations, if judged by human rights principles, may be considerably modified, but not totally revamped. Having reviewed moral issues as they relate to organizations, we feel justified in asserting that sociologists can make a substantial contribution to human rights theory and practice by looking closely at the matter of complex organizations.

Human Rights and Democracy

One other major issue deserves our considered attention: the relationship between democracy and human rights. The spread of democracy around the world during the past fifty

years or so, along with the diffusion of the human rights discourse, would suggest that these two phenomena are interconnected, though they are not the same.

It may be useful to revisit some basic notions about democracy. One distinction is drawn between "elite democracy," advocated by Max Weber and Joseph Schumpeter, and participatory democracy, advanced by John Dewey. Supporters of the former regard contestation among elites as a defining characteristic of democracy, with disagreements being resolved through the electoral process, whereas advocates of the latter, while not setting aside elections, emphasize a broader-based participation or civic engagement as essential to the resolution of social issues. The widespread examination of civil society by scholars in recent years, particularly after the fall of the Soviet bloc, has been more concerned with civic engagement than with the resolution of competing policies and worldviews among elites through the formal electoral process. In fact, an emphasis merely on formal elections may be a poor proxy for the democratic process in that the election may be stylized, characterized by little engagement with the problems that the public faces.

What is instructive about the elite versus participatory distinction when viewed in historical/comparative perspective is that supporters of both these conceptions of democracy have given little or no attention to rights. Within the Weber and Schumpeter framework, rights seem superfluous, and Dewey (1927) never grasped the fundamental place of rights in his theoretical pleas for participatory democracy. Nor are these the only proponents of democratic theorizing to have shunted aside rights, for the communitarians, including philosophers and sociologists, have not seen basic rights as a foundation stone of modern democracy. Indeed, most supporters of the foregoing perspectives approach the democratic process from a duties, rather than a rights, frame of reference. Theorizing about democracy has, for the most part, failed to develop a rights perspective, be it a societal or human rights one. Not that duties are unimportant, but, in our view, we must institutionalize a set of basic rights if a robust democracy is to be established.⁷

Without the institutionalization of principles that foster the widespread dissemination of ideas and information, as well as freedom of association, we are unlikely to witness any sustained debate over controversial issues and, with that, the development of a civil society. While rights are not absolute and are, at times, undermined in the course of their implementation, nonetheless, their role in the democratic process stands out most strongly when we examine situations wherein rights have been sharply curtailed.⁸

Yet, our emphasis is not on societal rights (compelling though these may be), but rather on basic human rights as viewed in cross-national perspective. From this vantage point, human rights, if they come to be implemented, will serve to broaden the base of societal rights, in particular, by incorporating social and economic rights into the functioning of democratic societies. If human rights become, at least partially, institutionalized within the legal framework and the broader normative order of democratic societies, they have the potential for providing a rather different kind of social system than has been envisaged by Weber and Schumpeter or even Dewey. After all, human rights, which call for equal concern and respect for members of racial and ethnic minorities as human beings, become the basis for addressing one of the most divisive and contentious issues confronting many social orders. That minori-

7. The democratic theorists mentioned above did not envisage such societal rights as those expressed in *Miranda v. Arizona* and *Roe v. Wade*, wherein efforts have been made to institutionalize claims against organized power—the first with respect to the rights of those arrested, the second with respect to pregnant women.

The human rights orientation has been even more foreign to most democratic thinkers. Within this framework, we have distinguished among social, political, and economic rights. Illustrative of social rights would be privacy and freedom from torture and bodily coercion, of political rights freedom of association and expression, and of economic rights a minimal standard of economic well-being.

8. Although Mayer's (2000) essay, for instance, on human rights in Iran should be interpreted with considerable caution, one, nonetheless, comes away from reading it with the view that "modern societies" are difficult to sustain in terms of traditional categories.

ties be accorded fundamental human rights is a first step in reducing the potential for future genocide (or politicide), or even manipulation of human beings in general.

That democracy has reduced suffering in rather concrete ways has been well documented by Amartya Sen's (1999) wide-ranging research on famines, which led him to conclude that famines have been absent in those societies in which democracy has taken hold. To judge by recent historical evidence, famine results not from shortages of food but from the gross maldistribution of this vital resource. It is this maldistribution that can be overcome through the transparency that is associated with a democratic order. In other words, the minimal human right to the basic necessities of life can, in part, be realized through expanding the democratic process, which subjects such matters to searching inquiry.

The central feature of the human rights orientation, as emphasized throughout this essay, is its potential for providing a set of standards for advancing the moral accountability of organizations. We are unable to effectively judge organizations—be they public or private—if we employ the system's own dominant criteria for evaluating its activities. The human rights regime, if it comes to be partially institutionalized on the world scene, would provide a set of relatively autonomous standards for critically evaluating the performance of organizations on both the societal and the global levels. These moral standards would lay the foundation for challenging organizational excesses, such as have been displayed in genocide, politicide, and other forms of human degradation, as well as in less extreme situations.

Human rights principles also serve as a means for reining in the efforts of majorities to dominate economically, politically, and socially deprived minorities. One of the most serious flaws of a democracy founded on utilitarian reasoning is the tyranny of majority rule. The human rights perspective appears to be the only existing moral orientation that affords us the possibility of overcoming this particular difficulty.

As we look at the democratic process in comparative perspective, we find that one of the major players on the world scene in implementing human rights principles are NGOs. They may not be new, but their impact is considerably greater than in the past, especially as a result of enhanced forms of communication. With respect to developing societies, in particular, these non-governmental organizations have challenged existing authoritarian regimes. NGOs are also likely to influence the policies of democracy in highly industrialized, politically dominant, nation-states such as the United States. We would hypothesize, for instance, that one of the sore points, in future years, will be the prison-industrial complex whose vast expansion in the United States, for instance, seems out of step with the democratic process. To contend that incarcerating ever-increasing sectors of the population enhances democracy is a gross distortion of reality, particularly if democracy is seen in terms other than just a struggle among contending elites. That Blacks and Hispanics are so heavily represented in the prison population, in contrast to whites, will not forever escape the attention of outsiders. It is reasonable to assume that sharp critiques of this prison-industrial complex will come from some of the international NGOs. Nevertheless, international NGOs will probably be less effective in bringing social pressures to bear against privileged and powerful countries such as the United States than they will against weaker nations.

Still, our general thesis seems rather well documented: we have arrived at a point in history when the political views generated by the international community, loosely defined, are coming to have a bearing on many internal policies of nation-states, and matters relating to human rights are no exception to this generalization. The complex web of international organizations that has emerged also lends weight to opinion formation on the international level, which, in turn, will affect the policies of particular nation-states. Although historical events have shaped current circumstances, a number of patterns seem to have no clear historical precedents.

Finally, it should be observed that these human rights principles open up the possibility of challenges to the existing inequalities that prevail both within and across nation-states. The moral system, as exemplified by the human rights agenda, is one of the few

challenges to these political and economic inequalities that holds any likelihood of success. As we observed earlier, the human rights framework today incorporates a broad set of rights, both social and economic, that were lacking in any earlier societal rights-based perspective.

That the implementation of a human rights agenda will, to judge by past events, encounter numerous obstacles, seems apparent enough. For one thing, there is the ever-present danger of defining human rights so broadly that we lose our focus on issues relating to “basic necessities” with respect to human well-being. Moreover, critical self-reflection is essential. There is, for instance, the danger of an elite group of specialists emerging on the global landscape who will be far removed from the problems faced by men and women on city streets and in rural villages. Even taking these obstacles into account, the potential remains for the human rights regime, if successfully institutionalized, to broaden the participation process within nation-states, to provide a standard for containing the power of organizations, and to reduce, to a degree at least, the social and economic inequalities that pervade the world scene.

Conclusions and Broader Implications

It is time to weave together the various (and at times diverse) strands of thought we have introduced in this essay. Our first objective has been to provide some interpretative (or theoretical) framework for comprehending why the universal human rights discourse and practice arose and why they have continued to command a presence on the world stage. Yet, in order to anchor human rights discourse and practice in their proper context, we find it necessary to distinguish, in ideal-typical terms, between a moral framework that begins with duties and moves to rights and one that begins with rights and moves to duties. Sociologists have, by and large, adopted the former (an ethicist perspective), which emphasizes duties and responsibilities to the community or the larger social order; it is in the process of performing these duties that human agents are perceived as acquiring rights. On the other hand, social arrangements founded on rights seem largely foreign to sociologists.

If we examine moral developments historically, we can begin to comprehend why sociologists have defined moral matters as they have. The American and French Revolutions, and the convoluted struggles afterwards to institutionalize their ideals, can be seen as resulting in a societal rights perspective.

Although compelling in its own way, the societal rights orientation also provided the social and cultural context out of which the human rights agenda has emerged. Rank abuse of political power, as exemplified by the Nazi effort to exterminate the European Jews, fostered the movement toward human rights, with the Nuremberg Tribunal, on the one hand, and the Universal Declaration of Human Rights, on the other, emerging in the twentieth century as pillars of not only political but also social and economic rights. Although the efforts to implement a universal human rights agenda have been jagged, inconsistent, and even contradictory in nature, they have been more than ideational in character. We can point to concrete instances wherein human rights concerns have been the basis for social action.

In this essay, we have sketched out in adumbrated fashion how the movement toward human rights has been fostered by the relative decline in the power of the state and the consequent formation of large-scale corporate and transnational organizations, the expansion and proliferation of NGOs, as well as a brand of individualism that cannot be understood merely in terms of rational choice theorizing. Our contention is that the discourse and activities associated with the human rights framework cannot be assessed without placing these phenomena within the context of the aforementioned broader social and cultural developments. As such, the human rights framework is one of the few countersystems

available for critically evaluating, for example, the neo-liberal political and economic model, which has attained almost total global dominance since the demise of the former Soviet Union.

Our second major objective has been to advance a rather generalized theoretical framework for isolating, sociologically, a minimal set of universal human rights principles. In the process of articulating this perspective, we have also introduced some of the major debates associated with human rights, and, while suggesting where we stand on these, we have also sought to open the door to further sociological inquiry into fundamental issues relating to universalism versus cultural and historical particularism, the nature of rationality, and so on. For instance, the tensions and strains between any set of universal rights principles and the particularism that emerges in, say, nation-state and other local contexts are not likely to disappear.

From our perspective, human rights are social claims made by individuals (or groups) upon organized power arrangements for the purpose of enhancing human dignity. Our theoretical stance has led us to examine, in considerable detail, the nature of organized social power. As we read the evidence, organizations have historically enabled many human agents to further their own social and economic advantages, while simultaneously taking a toll on others. It is significant that contemporary human rights ideals rose from the ashes of the Holocaust, and, as indicated above, these ideals or principles are designed to control and channel the activities of organized power groups so as to enhance human dignity. With human dignity, human agents can more readily advance their own self-worth within a democratic social order in which, at least minimal, social, political, and economic rights have come to be institutionalized. Although these ideals are far from being achieved, significant elements of them have been incorporated into the fabric of particular nation-states and the emerging global social order.

Any sustained effort to advance human rights principles will come face to face with the need to understand organized social power. This being so, sociologists who focus on human rights will need to understand more about how modern organizations function. A fundamental tension exists between the actions of human agents and the demands of organized power relationships. Human agents, in the course of carrying out their everyday activities, are often aware of the differences between their interaction with other human agents in an interpersonal sense and their interactions with agents who represent organized power. Moreover, they typically shape their own activities to conform to the expectations of organized power relations (abstract though these may be). Thus, an organization's leaders act in terms of what they define as good for the entire organization, though often this works to the disadvantage of particular subgroups within that organization.

We can begin to grasp the implications of these more abstract theoretical issues by looking specifically at problems of moral accountability. Nowadays, legal scholars and policy-makers are prone to speak of holding individuals responsible for, say, crimes against humanity. However, to do so effectively requires taking account of the accused's place within the organizational structure. For the more serious violations of human rights principles involve more than individuals acting as individuals, but rather individuals acting as agents of organized power relationships. The cases of genocide in the twentieth century provide ample supportive evidence for this. That efforts to enforce human rights through legal proceedings such as that at Nuremberg have singled out leaders, rather than followers, lends further empirical credence to our argument.

To restate the matter somewhat: human rights principles cannot be advanced if we simply hold individuals accountable and leave intact the powerful organizations that shaped them. On the level of everyday experience, we can readily point to sustained efforts (imperfect, to be sure) to dismantle what have been judged to be immoral organizations. This seems to have been the case with respect to the apartheid system in South Africa.

More generally, if human rights are to be implemented in any meaningful fashion, we must examine not only state power but also the power of multinational corporations and large-scale transnational organizations (and even NGOs themselves). Human rights violations of a transnational nature are beginning to receive attention by scholars and policy-makers, but they have not been accorded the primacy they deserve. If human rights principles are to be meaningful, the social claims upon organized power relationships will need to encompass not only the state apparatus (in its various manifestations) but also the corporate and transnational organizations that, as globalization proceeds, are coming to play a strategic role in shaping a variety of human activities.

Sociologists should, by our lights, engage in the debate about human rights that is taking place at a variety of forums in the global arena, and they are in a position to contribute substantially to this discourse. The human rights framework, by incorporating social and economic rights, in addition to the political rights emphasized by the societal rights orientation, has greatly extended the horizons of the rights perspective. Yet, there is a grave danger that if we speak glibly about human rights, we may lose sight of the reality that some rights are more basic than others. Some human rights, in, say, the social and political spheres, seem predicated upon the assumption that human agents must be able to acquire at least minimal economic necessities.

In looking carefully at how human rights come to be specified, we find that we can gain an understanding of the meaning of human rights by observing their grosser violations. Extreme cases of injustice, such as the Holocaust and other egregious human atrocities, cast into bold relief what can occur where basic human rights principles have been lacking. They also provide us with a foundation for understanding not only why the human rights doctrine came into existence, but also why it bears heavily upon how social orders can be sustained in the modern era.

Current evidence suggests that large-scale organizations are, at least in some form, essential for the maintenance of modern complex industrial-urban orders. Yet, for all their positive virtues, they do have a dark side. These organizations must, therefore, be subjected to serious social scrutiny, and some will need to be reconstituted or even abolished. To achieve this, we require some set of moral standards (in this instance, human rights principles) for evaluating the activities of organizations. After all, social orders are constituted in terms of moral categories that are neither God-given nor bio-psychological in nature; rather, they are products of human endeavor. That is, all social orders are predicated, in at least a loose sense, on a set of moral categories that are socially and culturally constituted.

Within the framework sketched out above, a set of basic universal human rights principles seems essential for helping to prevent the extreme human suffering that marked the mass killings of the twentieth century. These principles also serve as a check on the arbitrary actions of majorities in democratic orders that typically control the centers of organizational power. For the tyranny of the majority, vis-à-vis particular racial and ethnic minorities, will need to be sharply curtailed if democratic orders are to encourage the inclusiveness (with regard to social and cultural diversity) that a number of human rights principles demand. So too, human rights principles afford a basis for institutionalizing intellectual dissent, a necessity if science and democracy are to prosper.

Overall, our analysis of human rights, theoretical in nature, yet grounded in empirical circumstances, provides a sociological frame for making sense of human rights discourse and activities. More generally, the myriad of efforts to institutionalize some set of rights principles (a process which by no means is guaranteed success) deserves attention by sociologists, especially students of social issues. Expanding our sociological horizon to encompass them will serve to engage sociologists with major social and moral matters in the global arena (and with how these come to be played out locally). Yet, in our judgment, addressing universal human rights issues calls upon sociologists to reframe some of the basic ways by which they have traditionally examined social reality.

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