THE SOCIOLOGY OF HUMAN RIGHTS *

T. R. Young
Colorado State University

The concept of human rights is much abused. In the U.S. and the Western Bloc, human rights as a concept refers to the inability of dissidents in the Soviet Union, Bulgaria, Poland and elsewhere to criticize the stupidities and failures of party bureaucrats. In the Soviet Union, Hungary and the Eastern Bloc, human rights is conceived of in terms of access to enough food, shelter, health care and the occupational structure which produce these. Human rights are not seen to include the right to travel freely, to publish freely, to criticize the party outside of party ranks nor is the concept wide enough to buy and sell the labor of others for a profit. Each social formation, in order to be that social formation, must tailor the concept of human rights in such a fashion as to limit challenges and to maintain legitimacy. A fair analysis of human rights starts with that generalization.

The U.S. government does not care to couch the concept of human rights in terms of the ordinary consequences of capitalism which debases the family, makes crime seem sensible, distorts human sexuality and pollutes every niche of physical space. The U.S.S.R. seems unable to include public criticism, public discourse, local initiative or a generous spirit in its conceptualization of human rights. A second generalization one can make with respect to the present usage is that each social formation conceives of human rights in such terms as to make itself look good in contrast to its chief rival.

The concept of human rights belongs to the entire human collective and not to those nation-states which occupy one small part of the planet in one small fragment of time. There are, perhaps, good reasons for the U.S.S.R. to restrict human rights in this historical epoch but there are no good reasons for the U.S.S.R. to so constitute the concept of human rights as to preempt all subsequent progressive revolution in the Soviet Union or in other socialist countries. And the U.S.A. does have good reason to be proud of its record on human rights--but again not at the expense of the historical record. The many freedoms of some, more advantaged persons developed in context of the political needs of an emerging capitalist class to use freedom of speech to delegitimate feudal relation ships. Still less may one overlook the unfreedoms imposed by the capitalist systems on workers, consumers, third-world nations, and upon the surplus population in order to ensure the private freedoms of a privileged minority. A third preliminary generalization we can set as part of the current sociology of human rights encompasses this point: The partisan use of the concept of human rights requires a highly selective, and thus distorted, use of the historical record.

I. The Concept Itself. A bit of critical reflection is necessary to move the question of human rights outside of its present partisan usage and elevate it as a transocietal measure of performance such that the human project is improved. The process by which the concept of human rights is constituted and enters into the political praxis of a people may be justified only upon the grounds of the human project as a historical whole. Anything short of the interests of the human collective is better served by a different, less ambitious concept. In so doing, the first problem one encounters is whether the concept of human rights contains stable and indisputable content. The nature of language itself warns against an attempt to freeze the meaning of a term for all times and places. No two situations involving people are ever identical and, so, the usage of a given term to convey the notion of both situations is impossible. Many theorists circumvent this problem (falsely, I think) by differentiating between essence and actuality, between ideal and real, abstract and concrete. I think the better position is to understand that meaning must be contextual and variable. This is not very satisfying for those of us who prefer absolutes but the structure of language is designed to create shared meaning; not comfort the insecure.

I should like to set forth some views on a concept of human rights which might be a useful place to start:

1) Human rights might refer to those activities which all humans could do by virtue of their status as humans. Among these are usually found: to live in peace, to make choices of a meaningful sort, to hold property, to gain personal satisfaction, to free association, to equal opportunity, to effective dissent, and to movement which does not harm others.

2) Another way to think about human rights is in terms of those things a person must do in order to properly claim the status of an actual human being. Such a list would include an obligation to help and respect others, to live a productive life, to exhibit a capacity to love as well as to affirm the humanity of another. One must retain also enough personal courage to offer firm and constructive critique even in the face of considerable personal risk. The second appears to be, even in its obligatory nature, more important than the first. The quest for brains, a heart, courage and community in the Wizard of Oz resonates with this set of human rights.

3) A third way to conceive of human rights is in more narrow political terms. The right to hold office, nominate, make laws, or form parties; the right to speak out; the right to vote approval of candidates and policies once a year or so; and the right to be critical of those candidates and policies.

4) A fourth way to conceive of rights is in terms of economic rights--the right to a decent lifestyle and some choice among consumer goods. The right to buy and sell labor, goods, and services as well as the right to move capital around the world. For some the concept of human rights is reduced to very few limitations on market behavior. For some, in the Western world, in international terms, human rights center around the right of the multinational corporation to enter and leave an economy as it pleases.

5) Perhaps the least human set of rights which gains considerable emphasis include those rights to sexual novelty, drug use as well as unusual amounts, styles, and character of wardrobe or body adornment. Some place considerable importance upon psychological experience in various combinations.

These five sets of human rights, as far as I am able to determine, complete the everyday approaches found in the substantive discussions of human rights. There are at least two major issues which one finds in these listings and from which I should like to generate a couple of tentative theses.

In the first instance, one wonders why these rights tend to occur in relatively exclusive sets. A second question concerns the preferred set to which people give allegiance. The sociology of knowledge affords us some insight into these concerns. We can readily surmise that one's position in society (as well as the position of one's society in the international scheme of things) determines one's conceptualization of which "human" rights are of paramount importance. If one can take material welfare for granted, then one (individual or group) can assert other sets as important. If one is in a highly privatized society such as that of the U.S., one can assert the primacy of the fifth set. If one is in a highly communal society, the second set above will appear to be fundamental. If one is in a society which is highly stratified and organized in terms of ancient exploitative relations, then political and economic freedoms will appear as singularly salient. Generally, the set chosen will be closely related to the social position a group (or a society) occupies. A competent sociology of human rights will have to sort out the various relationships of a given set to sociocultural conditions as and when such a sociology develops. One guess is that the themes themselves are related to the political requirements of given social formations. Each social formation has different problematics with which to deal. This variation might well pattern the survival or emphasis of one theme over another theme. For example, the emphasis on political rights to the exclusion of economic rights makes sense for persons with economic security but excluded from the structure of power--just the conditions in which an emerging capitalist class found itself. All elements of "human" rights centering upon the creation of new social relations using the lawmaking instrumentalities have special cogency

in such situations. The right to nominate, hold office, vote, initiate legislation, organize political parties, and expunge old legal codes all have special saliency for an emerging capitalist class which naturally prefers the instrument of law to that of violence for the radical transformation of feudal constraints. Violence and coercion have a double liability--they interfere with business and they may not be successful against more powerful social groupings: i.e., feudal lords or organized workers.

The point here is an explication of the selective emphasis on certain human rights in certain social conditions in certain historical periods. To do this, one could equally select the Soviet Union, the Union of South Africa or on northern India during the Moghul period. In capitalist societies, the process of concentration of wealth and the growing desperation of those who are unable to sell their labor power--at rates commensurate with prevailing living standards--lead to emphasis upon another set of human rights: economic rights. The right to work, the right to organize unions, the right to access to various distributive systems: health care, food, shelter, transport all bespeak a new historical formation in which a special set of rights out of a larger universe take on extra importance.

II. On Necessary Repression. A balanced and transocietal sociology of human rights then must reflect upon the kinds of questions raised in this first section. Such a sociology must also generate conceptual schemes in which given forms of repression come to be seen as sensible in society. In considering repression, one may take the Freudian position that some repression of the individual is necessary in order that the "forces of life" be diverted to the production of various forms of social and cultural life. Or one might take the Marxian position that some social repression is necessary in order to make the transition from exploitative societies to communal societies in which the potential of people to become fully human is realized. And we must consider Marcuse's point that exploitative societies must use surplus repression in order to maintain cooperation in unequal social relations. The other face of a sociology of human rights is a sociology of repression. We must examine the arguments for repression as we attempt to constitute an adequate sociology of human rights: In a later section, I will offer a sociological basis for defining human rights which is more satisfactory than the five sets listed earlier but right now, one must understand that repression and human rights dwell in the same theoretical domain. A theory of one requires a corollary theory of the other.

One must be very careful and very empirical in any discussion on the necessity of repression--which entails constraints of human rights. Any slip, any unguarded statement will be picked up and used as a gloss to legitimate surplus repression--that repression necessary to preserve exploitative structures but not

necessary to the human condition. With that caveat ever in mind, one can agree that the process by which human nature is generated is necessarily a process requiring constraints on individual and social behavior. Just as a voiced language requires constraints on pronunciation; tone, pitch, volume, rhythm and speed in order for meaning to be generated, a human society requires constraints on behavior in order for a human to emerge. The rules which constrain the written form have their counterpart in the rules which generate clearly recognizable social forms. If we were to permit the concept "form" to be spelled "farm," "fomr," "from," or "Rofm," as whim dictated, meaning would be less readily established--and other possibilities forclosed. English teachers properly stress correct spelling. Parents properly constrain behavior. Societies properly establish social control mechanisms to create the human project. The question of social repression is not debatable if one accepts the desirability of human society. What is debatable is how much repression is necessary, the forms of repression to be used, and, certainly, the objective results obtained by repression. These questions are well known and frequently researched. The psychology discipline has done a lot of useful work on the question of social control under the general rubric of "motivation" studies--they really mean repression and control. In the sections which follow, I want to explore some less obvious questions and give some ideas which might be useful in orienting research in this area.

Insufficient Repression. Before I leave this topic, I want to emphasize that an adequate sociology of human rights--as theory and praxis united requires a discussion of areas of social organization in which there is a deficiency of repression. The human condition requires enough repression to guarantee that praxis, community and the integrity of the ecological system be guaranteed. With bands of semi-socialized young people roaming the streets of Detroit, Philadelphia, Dallas and Los Angeles, it is easy to argue for such repression as is necessary to socialize these youngsters. The incidence of corporate crime in the U.S. (Clinard, 1979) warrants additional repression. The harm done to the environment as billions of pounds of toxic waste each year are put into the good earth, the clear air or the clean waters of the land warrant still more repression. The continued transfer of wealth from poor capitalist countries to rich (Cereseto, 1980) warrants repression.

One could make such repression more palatable by using terms such as socialist discipline, the realm of necessity, negation of these negations or more simply liberation movements but we should not deceive ourselves. Repairing the harm done to the social process by several generations of privatized greed, distorted growth, neglected lines of production and excluded ranks of surplus persons requires more repression than we like to think about in liberal circles.

The task of rebuilding Los Angeles, socializing the criminal and the privatized elements, suppressing narcotics, eliminating the elements of organized crime, replacing the autos with low energy, low polluting mass transit as well as improving health, education and housing all are tasks which require, for some generations, at least as much repression as is found in the modern corporations. On a national level, the need for repressing right-wing armies, the various police agencies, all forms of industry and commerce accustomed to friendly regulation, unrestrained pollution and state support in exploiting the economy warrants repression. At the international level, the task is still greater. The multinational corporation (Barnet and Muller, 1974), the various military and civil dictatorships, the handful of countries which live off the wealth of the world all need to be the subject of socialist discipline. The next few centuries will see many struggles to change the structure of repression from one which exploits the human process to one which facilitates it. The next several generations will see many theories and theses which are adduced to scholar and politician alike to legitimate that structure of repression oriented to their special vision of necessary repression. The role that a value-full sociology of human rights can play is to critique, evaluate, test, and transform repressive structures to more human and humane purpose. It will not be easy to transcend the ethnic, class, national, and professional interests which cloud and obscure that purpose. Some start is possible with genuinely cross-cultural collaboration in the field.

III. The Structure of Repression in the Capitalist Bloc. In a companion piece to this article, Syzmanski is offering some theses on civil liberties, human rights, and repression which encompasses both socialist and capitalist social formations. I wish to commend that work to the reader and cover ground not fully explored by Syzmanski.

If one gauges the character of human rights in capitalist formations, one must be careful to set the boundaries of the formation properly or one will generate a distorted understanding of this historical formation. Most analysts take the nation-state as the relevant unit of analysis--as indeed one should for certain purposes. But the whole picture requires one to consider all parts of the system in order to determine its full character. The major thesis in this section is that the rich capitalist nations obtain their liberties and guarantees at the expense of the poor capitalist countries which bear the social costs of freedom elsewhere found.

If we think about the freedoms and human rights as are found in the United States, we must consider the possibility these freedoms rest on the unfreedom of third-world nations. It is an empirical fact, readily established, that the U.S. supports--indeed institutes--repressive regimes in the third world in the name of stability and national interest (Chomsky and Herman, 1979; Stockwell,

1978). Stability translates to suppression of nationalistic liberation movements especially those with socialist ambitions (see Syzmanski, Table I). Jamaica, Cuba, Nicaragua currently are the objects of great concern in the U.S. State Department, the C.I.A. as well as the U.S. Military. National interest translates to market freedom for the 200 multinational corporations based in the U.S. as well as guaranteed access to energy supplies and strategic minerals for the U.S. economy. A very curious notion of national security--a better phrase is capitalist security.

The magnitude of U.S. support for repressive regimes and the concrete connections between the welfare of U.S. based corporations, interest and dividend income, the jobs of U.S. workers as well as the tax base of the federal government which to maintain welfare programs are all very clear. That these relations are not incorporated in the discussions of human rights by the U.S. press, the various candidates and officials and by U.S. scholars is a most grievous fault on their part. In the U.S., it is easy to apprehend the possibility that the genteel liberalism of 19th century Great Britain depended upon the most savage repression of native peoples in Uganda, Kenya, South Africa, India, and Ireland. It is less easy to consider that present freedoms in the U.S. were purchased by a savage suppression of other capitalist foes (Germany and Japan) and by the most impersonal savagery against Vietnam, Chile and Indonesia. Most historical recollections of World War I and World War II are oriented to a theory of democracy versus fascism. A better view is that, as capitalism became a global system in the 19th century, the less competitive nations--Germany, Italy, Spain, and Austria-Hungary resorted to fascism to control workers in their desperation and resorted to military expansion to satisfy the national bourgeoisie in their desperation. Had England, France, Poland and the U.S.S.R. not been the target of that aggression, fascism would have come earlier as it is surely coming around a gain in these countries and in the U.S. Fascism is the natural ally of capitalism. Democracy is only a convenient, expedient device and always a luxury for capitalism. The grounding of democracy is in the dynamics of class struggle in the present century as workers slowly consolidated social, economic and political power (Gintis, 1980:225). Just as the emerging capitalist class saw a limited democracy as a political means to delegitimate crown, church and aristocracy, an emerging working class in coalition with other elements saw democracy as a political means to assert its rights against the property rights of the owner. And when it was convenient to labor, labor supported more fascist forms of governance.

The point of all this is that commitment to democratic forms, human rights and non-exploitative relations is most often a variable which correlates to changes in political and economic conditions for both nation-states and class strata within them. Any sociology of human rights must examine the variation in

an interest to democracy as it appears in everyday strategies. Generally, a concern for human rights and democratic forms has so far been a highly variable phenomenon. In capitalist relations between states, it has been used as a gloss for less noble interests.

I reiterate two of the points made earlier before going to the major point in this section. First, democratic forms are advocated by excluded sectors whether bourgeoisie in one period or workers in another. Second, human rights and repressions are both necessary to the social process--the operative question is one of necessary and surplus repression. The major point I wish to develop next is that, in a bourgeois democracy, the division between the state sector and the civil sector provides for an extensive and unrecognized system of repression. Just as the freedoms found in one part of the international system of capitalism are, in large part, a result of the unfreedom in other parts of that system, the same is true within a capitalist country. It is quite possible to find political freedoms in the state sector but rare to find these same rights in the civil sector. And, since the vast majority of decisions are made in the civil sector, the human rights found in the state sector, important as they are, are small indeed in proportion to the unfreedom at work, school, market, and family. I would like to sketch out the structure of repression in contemporary civil domains in the U.S. in order to give the sociology of human rights in this country some perspective hitherto not well integrated into such discussions.

Among the social organizations found in the civil sector are labor unions. Very few if any of them are authentically democratic. One of the most persistent violators in this sector is the Teamsters' Union. Its history of coercion, exclusion, corruption and violence is a matter of public record. Not so well known is the Laborer's International Union. Its history is even worse than the Teamsters. According to Barnes and Windrem in *Mother Jones* (August, 1980:34), the Laborer's Union is controlled by the Mafia, dissent is brutally repressed, pension funds siphoned off, workers are sold out to the bosses, murder is used against challengers and widows are cheated.

The record of human rights suppressed by employers matches that of the more corrupt unions and constitutes a hidden history of capitalism. A recent documentary on television charged employers with spying on employees via informers, wiretaps and private detectives. A news report on Denver KLIR today (20 July 1980) says that two employees at Denver Stapleton airport have been fired for criticizing security procedures there. Montgomery Ward's has a policy forbidding employees to talk to each other except on company business. Ward's in Fort Collins, Colorado, invented reasons to fire the eight employees who tried to organize a union--a right instituted in the state sector but not observed in the civil sector. Ward's also has complaints pending alleging violation of the rights of women employees. A full history of repression in U.S. industry, commerce,

and finance is not widely available. However, some sense of the extent can be found in selected studies (Mattes and Higgins, 1974; Smith, 1969; Hampden-Turner, 1973).

In the American university--even those in the state sector--violations of civil, academic and human rights are endemic (Business Week, 28 April 1980). Fred Block, a Marxist, has been denied tenure at the University of Pennsylvania; Bertell Ollman, another Marxist, was appointed Chair of the Political Science department at the University of Maryland by a search committee only to be vetoed by the President of that university. Freiberg and others at Boston University, Schwendinger at Berkeley, and many others whose work reflect a conflict perspective are routinely denied tenure at U.S. universities. However one need not be a Marxist to find oneself *non grata* in the eyes of the administration of the academic corporation. Persons who object to sexist practices--commonplace everywhere in academia, those who critique the structure of racism in the college town, those who adopt other lifestyles as well as those who object to distortions in the curriculum all have subjected, to the petty vengeance of one's colleagues who take their cues from the lower levels of bureaucratic control. Poor teaching hours, large classes, unpopular courses, salary, tenure, summer teaching or exclusion from the life of the department are all used selectively on those who express dissent in the university. It is only that the Marxists are especially penalized for class and conflict analysis of crime, inflation, unemployment and other forms of social distress.

The church and the sect are also in the civil sector. Each repress their membership far beyond that which is necessary to the social process. The most celebrated case in recent times is the expulsion by the Mormon Church of a woman active in the women's movement. The most bizarre case in recent times of religious repression was, to be sure, the order by the Rev. Jim Jones for mass suicide--and the murder of those who resisted divine command. The history of repression in religion and within religious organization is well known and would be of little new interest except that remembrance of this area of repressive activity helps clarify the thesis that where private parties repress, the state need not.

In the home, one out of seven families find violence as a way of life. About five million children are beaten seriously enough to require medical attention. About one million are beaten cruelly while some three thousand die from their injury each year. About one million women flee from the repression found in the home each year. All in all, the family is a citadel of surplus repression. An adequate sociology of human rights would conceive this experience to be germane to its analysis.

The most extensive repression occurs in the various total institutions. It is arguable whether this repression is surplus or necessary. It is certainly

necessary to a total institution. The prior question is whether military, asylums, convents, prisons, concentration camps, and schools need be so organized. Whether the corrective, process, the therapeutic process, the religious or educational process requires as a social form the total institution contains the answer to the question of whether such repression is surplus or not. If not; then not. It well might be that the repression serves staff purposes rather than therapeutic, justice or educational purpose. In any event, in a total institution, one is restricted to one and only one presenting identity, all routines of life are organized in minute detail, people are processed objectively *en masse*, and the source of behavior is located externally to the self system in the agency of a cadre itself subject to the dictates of a governing elite. A total institution is hostile to the human process and the notion of human rights therein is a nonsense notion. If there is any such thing as animal rights, the concept might apply to inmate life in a total institution.

In church, at work, in the school and university, in the home and in various forms of play and sports, there is an extensive and endemic surplus repression far beyond that required to create and maintain human forms of social organization. Disregard for this set of private repressive practices permits a society to claim itself to be a "free" society. Such freedom is confined to one small niche in society while the arena in which the vast majority of people live out the greatest part of their lives is excluded from an appraisal of that society. An adequate sociology of human rights must consider both private and public spheres of life to be relevant.

It is at this point that the sociology of law and of human rights converge and overlap. There are over five million laws in the U.S. and various law-making bodies produce about 150,000 new laws each year. Each law has significance for human rights. Many of these laws are oriented to the human process. Some protect workers, consumers, and the environment. As such, they improve the social and physical conditions in which each must function. Some laws attack ancient wrongs of racist and sexist oppression. Some laws are designed to regulate the conditions of trade, travel and communication; activities historically positively organized. And some laws attempt to regulate the activities of political parties--also in the private sector. The number and kind of laws proliferated bespeak a thoroughgoing conflict within the private sector which the state attempts to mediate. These laws also comprise the battleground upon which the balance between surplus and necessary repression is determined.

The intrusion of the state into the civil sector is widely understood on the right to the unnecessary repression of business and industry. On the left it is viewed as a necessary repression of repressive activity in the private sector. Whatever the case, each law, each rule, each policy, each program is a form of repression. Someone will lose his/her freedom for every law created. If every

person complied with a given law out of nature, instinct or wisdom, that law would be superfluous. The very notion of law implies repression. With each law, the state further intrudes into the civil sector but the main thesis remains valid at this time: The remission of necessary repression by the state sector is more than made up by unnecessary repression in the private sector. Indeed, the very life of private capitalism requires the state to abrogate repression in the civil sector and cede repression, as a part of social life, to the private sector--thus are the privileged structures of class, race, and sex reproduced in "free" societies. In unfree societies, the state joins forces with private elites in order to produce still more surplus repression--itself absolutely essential to the survival of exploitation in unstable societies.

The level of surplus repression in the civil sector varies across institutions and varies, as with, among different establishments within the same institution. Generally, the surplus repression of workers is the greatest in society although there are some few corporations in the U.S. which try to minimize surplus repression through participatory governance as well as profit-sharing (Hunnius, Garson and Case, 1973). The educational institution, the health and medical care system, the military, the family, religion, and welfare all exceed the minimal repressive requirements of a society in order to maintain class, ethnic and sexist stratification.

The bureaucracy is the archetypical instrument of surplus repression and as Perrow (1980) suggests, the bureau is becoming the central unit of social organization replacing the family, the team, the neighborhood, the community and other primary groups. The bureaucracy is designed as an instrument of surplus repression. The rules of decision-making, of authority, of echelon, of communication and of material resources all generate surplus repression. Communication rules repress consciousness in many ways. To whom one might talk, the appropriate topic of thought and talk, the weight of one's words, the kind of words one may use are all carefully constrained in the interest of those who run the bureau. To the extent Perrow and others are correct, to that extent is the capacity for surplus repression in both civil and state sectors augmented. The bureau thrives simply because it is the best device for surplus repression developed so far. The internal structure of U.S. society finds far more repression than one sees. Since the repression is done quietly by private parties, it is thereby easier to speak of political freedom in the U.S.--freedoms greatly exaggerated in the interest of mystification, alienation, and reproduction of privilege.

IV. The Human Project. The central project which distinguishes humans from animals and which undergirds any sensible notion of human rights is the production of ideological, political and material culture. Exclusion from any one of these realms of production is a violation of the human project and warrants

naming as such. The production of ideological culture is central to the human project. By ideological culture is meant all forms of language, art, science, religion, play and sports. Ideological culture includes both the idea and the embodiment of social relatedness. All social forms are ideological culture. Marriage forms, work forms, forms of games and forms of kinship as well as forms of governance are part of the human project. To be human is to be involved in the construction of social reality--in the process by which the idea of a social form is transposed into the reality of that form…at least to such an extent that one can reasonably call that activity an instance of a marriage, a friendship, or a team. The primary set of human rights concerns the right to constitute ideological culture. But as these social forms all require cooperation, certain forms of behavior are not permissible. One must follow rules of grammar if one is to produce language since others are involved in the constitution of meaning. Language is not a private matter subject to personal freedom. It is a social process which opens up a realm of collective freedom.

Access to the process by which social reality is constituted together with the material base required for such construction is, at once, a human right and a human requisite. In the sense that one is not human unless one produces such forms of culture and in that all forms of culture are collective, human rights are not so much a matter of freedom but a matter of necessity. Freedom bears a very special connection to the human project. Freedom--for human beings--is always a collective right. Once again, the nature of language, of social reality, of social relationship is collective. One cannot speak alone, create gods alone, be a parent or a spouse alone or be a teacher or a president alone. Social life is collective life and freedom is a collective right.

Freedom, for human beings, is further constituted in the process of criticizing and changing social forms. When a given social form or any part of the current inventory of ideological culture of a group becomes inappropriate, a given social collective must have the option to adopt other social forms. Human rights imply freedom to transform to some new ways of relating but it is a nonsense statement to hold that freedom includes the option to become a slave or to impose unfreedom on others. Genuine freedom, in its social--i.e., human mode--has a directional bias as well as a collective bias. It must always proceed in the direction of participation. Efforts to transform the structure of racism, sexism, elitism or any division of ideological production which excludes people is progressive. Any effort to produce social forms which increase the stratification of power, privilege or which withholds the material base for social activity is hostile to the human project.

More particularly, any action which fragments social life, which strips language of its human dimension, which excludes people from productive labor, from access to health and medical services, from housing or food delivery

systems is a violation of distinctly *human* rights. The concept of human rights, set forth in this section bears more affinity to the concept found in socialist countries than in capitalist countries. Having said that, I want to emphasize the need for political praxis distributed extensively across a population. Many of the bourgeois freedoms used for privatized and elitist purposes in a capitalist context have a different character when located in a socialist context constrained as they are by the "moment of sociality" (Markovic, 1974).

V. The Dialectics of Human Rights. In this section, I should like to suggest necessary and variable dialectics which must be considered in any nonpartisan, nonpoleinical treatment of the Human Rights topic. First is the dialectic between, as Marx put it, the realm of necessity and the realm of freedom. That dialectic is a very general one which subsumes a lot of other dialectics but generally it means that one must first feed, shelter, and cloth the human body before one can go on into the realm of freedom. The preoccupation of undeveloped socialist countries with agriculture, heavy industry as well as technology and management bespeaks a preemptive concern with the realm of necessity. The abiding concern of the developed capitalist countries as England, the U.S. and, perhaps, France with the realm of freedom probably stems more from the different positions in which these two sets of societies are found than in any moral superiority of one people as contrasted to another. Historical conditions always constrain the size and shape of the realm of freedom. Historical conditions always constrain the challenge of the realm of necessity. Geography, geology, climate and the shifting forces of nature collide to press upon a society the realm of necessity. Floods, earthquakes, drought, as well as astronomical events the size and momentum of which we only dimly grasp all render the realm of necessity more intractable and serve to reduce, in human terms, the importance of personal preferences as well as c6llective plans and programs.

It was, perhaps, concern for this dialectic which led Marx to focus upon the means of production as a central concept in his analytic schema. It was certainly a concern that one's relationship to the means of production (of food, shelter, of health care, of clothing and transport) which led Marx to spend so many years examining the anatomy of capitalist and so many more years excoriating the class system. The whole point of Marxian methodology--as historically limited as it is--, the whole point of Marxian social philosophy--as primitive as it was--is simply to change the relationship between the realm of necessity and, through class struggle, expand the realm of freedom. This struggle--always a class struggle, is itself in the middle ground between necessity and freedom. Sometimes people are free to struggle and they fail to live up to the human promise. Sometimes people struggle when the odds are against them so that they become martyrs to their own folly. That this folly often invokes a sense

of the heroic and stands as a beacon to hope is true enough but one should, at some level of understanding, realize that even in the appeal of such heroism there are limits to struggle. Today only a fool would suggest that the forces of class struggle openly challenge the forces of repression in the Southern Cone of the Americas. At the same time, only a hopeless coward would bespeak the effort to organize an underground opposition in Bolivia, Chile, Argentina, Paraguay, Brazil and Uruguay.

In those societies, the class relations place the means of production in the hands of fewer and push the realm of human freedom even farther from the masses. A woman who works from five in the morning until nine at night to feed the workers whose labor frees the children of the middle classes to study philosophy, dance the disco, jog or meditate simply has not the time or energy to read, dance and jog. A man whose labor in the mines or fields puts food and energy in front of the doctors, lawyers, and lawmakers simply cannot study medicine, law or politics in his spare time. The children who slowly die on corn or potatoes cannot find the energy to compete with children in the rich capitalist countries who eat the beef, milk, chocolate, coffee, tea, fruit and vegetables exported from the poor nations to those rich countries. Concern with the realm of private capital to invest, divest, or waste is a freedom which lies outside the dialectics of emancipation. Such a freedom must be severely narrowed in progress toward human rights.

A second dialectic important to any discussion of human rights is the necessary and proper dialectic between individual and collective rights. Again, the status of this dialectic is historically conditioned. In any discussion of this dialectic, one must understand that it is empirically the case that neither the human individual nor the human society is possible without that dialectic. There is a large body of evidence, natural and contrived which affirms that the individual Homosapiens does not automatically become a human being. Studies of sensory deprivation, of children in orphanages, nurseries, hospitals, asylums and studies, as well, of feral children attest to the need of loving interaction with others for human development. Harlow's monkeys, the studies of bird calls, of isolated horses, ducks, and geese all asseverate the importance of others for "normal," i.e., competent growth.

At the same time, the fully human being can be dehumanized when the dialectic is dominated by the collective. In its most brutal form, the case reports from concentration camps assert the fact that individual freedom is necessary to the human condition--both prisoners and wardens alike become inhuman when a set of social relationship permit no individual variation. This point is readily visible in concentration camps where brutality brutalize both. However, people become inhuman in the nice comfortable offices of the liberal bureaucracy as well. The lower echelon personnel give up and find expression for their humanity

outside the officially given structures--in the interstices and understructures of the bureau. And, at the top, the "superiors" find their power a corrupting and insidious influence.

The conditions under which it is appropriate to demand and to concede the individual abrogate personal choice, personal belief or conviction, personal reservation or personal benefits do, in principle, exist. It is possible to accept that there are times in all societies when the individual must humble himself or herself before the hard exigencies which threaten the survival of the society hence the possibility of humanity itself for those concerned. This stipulation is often abused. False sacrifice is demanded all too often by incompetent governments and self-indulgent privileged persons. To say no to these false demands is at once an act of rare courage and simple wisdom. Apart from the false appeals to personal sacrifice, there are authentic appeals to sacrifice the individual interest of perhaps every single person in that society. This form of the dialectic must be carefully studied and the conditions clearly set out for collective discourse and private reflection.

I am not able to treat this case here other than to accept in principal such a one-sided dialectic. In times of natural calamity, in times of relentless exploitation--an exploitation not directed to the collective good but rather to the benefit of a class or ethnic elite--in these first two cases, one might accept the sacrifice of one's own private freedoms . . . it is important to note that I have not conceded the right for collective *discourse* or private *reflection* even in the most dire circumstance.

There is, of course, the opposite form of this dialectic. One must wonder whether there is ever a time when the individual may be entirely free from the constraints placed on one by others. Constraints of obligation, of reciprocity, of unsolicited generosity or even of common courtesy. The question is whether such a form of the dialectic can ever be justified in terms of the human warrant. It is trivial to point out that this form of the dialectic is commonplace in the privatized world of commodity capitalism, in slavery, and in ethnic and gender stratification. The question I raise here is whether ever one is justified to extricate oneself from the bonds of collective endeavor and go one's own way. Mind, self, language and society are always collective products. Is there ever a time when a private mind, a. private self, a private language or a private self is possible? A fully developed sociology of human rights would treat such a situation and, perhaps, produce some insights or would admit such a possibility. The movie, A Majority of One, suggests the affirmative but, again, such an easy uncritical answer feeds into the fascist impulse and it is well to remember the fascist solution subverts the human project just as surely as neglect and abandonment of children distorts it.

A third dialectic is that between the present and the future. The urge toward freedom in this generation must always be constrained by the need for freedom in the next generation. Modes of production which use natural resources in profligate manner, despoil the earth, pollute the air or trigger natural calamity provides an unnecessary limitation on choice for those alive 200 or 2000 years hence. It does not suffice to assert that necessity is the mother of invention--that is clearly not the case; there is too much need to support that absurdity. At one extreme one can contemplate the case in which there is no consideration for the present generation. Socialist societies have made much of the need for workers and peasants to defer their personal needs and wants in the interest of a socialist future. After four or five generations of such justifications, it loses its warrant. Still in countries ravaged by colonial or economic imperialism, there is a warrant for real sacrifice as the imperialist forces are expelled. A return of some of the surplus value with a wide deployment of that capital is all too often not in the realm of the possible so the present must sacrifice. At the other extreme of this dialectic is the case in which the present gives no thought to the future generation. Apart from the privatized world of the consumer society, one could support such a case in a rich and renewable environment. There may be a place where such conditions still hold but one wonders. More clearly is the case where conditions are so bleak that every ounce of food and every stick of fuel must be used at once else life itself subsides. In Eskimo life, such times occur. In the barrios of Mexico City, it is an idle luxury to think of the morrow. In times of famine or in the aftermath of war, such a foreshortening of history makes sense. It is too often the case that those who have tomorrow fail to provide for it and the welfare of the future is sacrificed to the petty wants of the day. History will judge harshly the role of advertising and advertisers in creating such a soliptic society.

A particularly virulent form of such an abortive approach is that embodied in the work of Paul Ehrlich and other population polemicists. They would sacrifice the generations to come of the poor and those in the third-world to maintain the undisciplined consumption of the privileged today. In the name of birth control are the politics of consumption secreted. As many have noted, if it is truly the future one wishes to protect, birth control for one American affords more benefits than the abortion of 20, 60, or 200 persons in the third?world depending upon the energy system in use. One American child wastes more than 60 children in Afghanistan yet the Rockefeller Institute pushed dangerous contraceptives there as in Africa and South America. There is something to be said for population planning but, as with human rights, such decisions should transcend elitist interests.

There are many other such dialectical oppositions which require situated analysis and variable affirmation. No one formula suffices for all time and place. Such is the challenge to and field for human genius. I have mentioned

three dialectics in which valued objectives clash and produce struggle--and in which struggle a fair amount of humanity may emerge. There are other dialectics equally of moment to the human project. The dialectics of social organization must be considered--which institutions get which support under what conditions. It seems that in all social formations, the institutions of war and state conflict with other essential structures. The dialectics of social control; self-control against and in conjunction with external controls have a separate, related history. The dialectic between technology and culture--sometimes conceived as the dialectic between instrumental and substantive rationality requires exposition as a consideration in the sociology of human rights. Quinney and others assert a renewal of the dialectic between things of the spirit (understood as part of nature) and things of the flesh. I support such renewed interest as fully compatible to the human project. I expect the reader can provide a further list of dialectical oppositions which are essential to a considered human rights prospectus. And certainly the discussions above reflect the limitations of knowledge and wisdom of the present writer but, for all that, there is a framework of a sociology of human rights found here which I have no doubt surpasses that used in the rhetoric of a Jimmy Carter, a Ronald Reagan or a Chamber of Commerce.

Conclusion. Human rights, when embodied, create human beings. A society must be organized in such a way as to distribute human rights throughout its population if it is to justify a claim to be a good and decent society. The name we assign to this distribution of human rights in these days is social justice. A just society is known by the health and good spirits of its population. A zest for life and enthusiasm for work is widespread in the population. A society which is poorly organized for social justice is measured by crime rates, desertion rates, child abuse rates, morbidity and mortality rates and by the concentration of wealth. There are objective measures by which a society may be adjudged adequate the human project.

These same measures are appropriate to compare the socialist bloc as an entity with the capitalist bloc as an entity. Measures of inequality, of infant mortality rates, of income concentration and of health and medical indices all suggest that socialist countries, as a group, do better than capitalist countries as a group (Cereseto, 1980). In the capitalist bloc, the indicators of social justice continue to deteriorate. Crime, poverty, starvation, infant mortality, as well as military fascism are concentrated in the capitalist bloc and daily grow worse. While this doesn't redeem the surplus repression in socialist countries, it does bespeak a time for discarding capitalism as an economic, political, and social formation. From a major force for human rights in the 17th century, capitalism has become its chief obstacle in the 21st century.

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