The Cultural Sociology of Human Rights

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One of the major legacies of the Enlightenment; first formalized as a result of the American and French revolutions; wrought upon the experience of twentieth-century Holocaust; given worldwide legitimacy and force by the declarations, treaties, and institutions of the United Nations--the concept of human rights would seem to be one of the signature triumphs of the modern age. Yet systematic abuses of human rights persist. Indeed the very concept of human rights remains ambiguous. The sociology of culture--whose force derives more from the series of exegetical questions it asks than a body knowledge it has accumulated--can turn that ambiguity to productive use by posing a series of questions salient to human right:

Are human rights defined globally or locally? Are they universal--a foundation of natural law--or particularistic, dependent on uniquely individual contexts? Are they essential--one of the very defining characteristics of what it means to be human--or constructed, negotiated through emergent processes of social interaction? Is their purpose instrumental--to increase societal effectiveness or efficiency--or expressive, to endow human experience with deeper meaning? How can social actors exercise agency to resist or transform a structure that appears to them all-powerful and impervious to change? And perhaps of greatest practical consequence, is the social order they help constitute beneficial or exploitative for the mass of the population?

Cultural analysis cuts through to the root issues of freedom and necessity, existence and identity. The sociology of culture is of special relevance to human rights because it has the capacity to de-naturalize and re-envision categories of understanding them. If, as Gideon Sjoberg et al. (2001) insist, human rights are best defined as “claims against organized power,” the sociology of culture is especially useful in revealing and demystifying the ordinary workings of power embedded in habit or “common sense.” As both neoliberal theorists of “soft power” and neo-Marxist proponents of “the dominant ideology thesis” argue, power functions most effectively when it does so seamlessly--without recourse to coercion--because subjects unreflectively regard as natural ways of acting that serve its ends. A cultural lens helps foreground the social dynamics that marginalize and victimize groups according to class, race, gender, sexuality or nationality, to penetrate more fully the underlying complexity of social process. Analysis that focuses exclusively on the ways that culture aligns with power or material interests, however, falls into a trap of reductionism by ignoring the autonomy of culture as a quest for meaning.

Questions Posed by Classical Theorists

The twentieth-century marked the creation of mass society, the nature of which remains a subject of underlying debate. For such sociologists as Edward Shils (1975), mass society represents the broader and closer integration of “peripheral” populations into “the center,” that zone of values and institutions with the most concentrated sacral powers. Shils and others endorse the claim of T.H. Marshall (1964) that modern history describes a path of progress in extending to the masses an expanding set of rights--from political to social and then economic ones. For the neo-Marxist “critical theorists” of the Frankfurt School such as Max
Horkheimer and Theodor Adorno (1993) and other proponents of “the hermeneutics of suspicion,” on the other hand, mass society operates as a form of exploitative manipulation of the masses, resting on a popular culture industry that neutralizes possibilities for meaningful resistance by transforming subjects into passive consumers of regressive cultural products.

The most influential founding sociologists of the nineteenth-century laid the groundwork for this debate, by interpreting the dizzying effects of societal transformation--of simultaneous global political, economic, industrial, scientific, religious, intellectual, and urban revolutions--in ways that emphasized both their promise and their dangers. Max Weber (1946, 1968) discerned in these multiple transformations a process of “rationalization”—the achievement of technical mastery of the universe so that in principle all things were calculable, but at the tragic cost of “disenchantment,” the loss of meaning. In a contrarian reading of the Weberian corpus, Donald Levine (1985) argues that in ways partly obscured by the stunted translation of Weber’s texts into English, Weber conceived so many different types of “rationality” and of “freedom” that he could entertain the possibility that rationality could actually expand the realm of freedom.

Emile Durkheim (1933, 1995) explored the promise and danger of industrial capitalism by focusing on the transformation of the “conscience collective” expressive of social organization based on “mechanical” solidarity to that expressive of social organization based on “organic” solidarity. Ideally, the specialized division of labor that characterizes modern industrial society should increase the level of social solidarity, despite the increasing individualism it creates. But instead, Durkheim (1951) observed the alarming acceleration, in his time, of increase in the incidence of egoism and anomie—social-psychological pathologies indicated by rates of suicide under different conditions of modernity. These pathological weakenings of solidarity Durkheim attributed, in a succession of different works (1933, 1951, 1995), to such causes as obsolete institutions of socialization, a forced and unjust division of labor, and a lack of civic rituals.

Today’s sociology of culture continues to draw on the traditions of Weber and Durkheim. Wendy Griswold (1995: 25) explicates those two traditions. The Weberian approach, on the one hand, emphasizes how culture in the form of ideas and world images “shapes action by defining what people want and how they imagine they can get it. Cultural analysis focuses on the complex systems of ideas that shape individuals’ motives for action.” The Durkheimian approach, on the other hand, explores how representations, rituals and symbols concretize “collective consciousness,” making the animating power of group life palpable for its members. Symbols do not reflect group life; they constitute it.” Relevant to the underlying master research problem of measuring the relative benefits and harms of late modernity, Weber bequeaths to the sociology of culture one major subproblem: how, amidst a general decline in meaning and cultural authority, is it possible to exercise critical-normative judgment about issues of public and civic consequence? Durkheim bequeaths another: how to increase social solidarity amidst the growing recognition of individual and group difference?

**Semantic Tensions in the Sociology of Culture**

Culture may be provisionally defined as the constant making and re-making of meaning, the medium of lived experience expressive of practical dilemmas. The very concept of human rights is a cultural construct (as is the concept of culture itself).

Since the “cultural turn” in the late 1980s, culture has been the subject of the most intense sociological study. The Section on the Sociology of Culture of the American Sociological Association is the largest and fastest-growing section, whose continued vitality is presaged by claiming the largest contingent of graduate students members. The subfield is still generating enough intellectual ferment to defy codification; the elements of culture are variously denoted as symbols, rituals, metaphors, schemas, templates, frames, classification systems, boundaries, practices, discourses, cognitions, narratives, performances, and
semiotic codes, among others, not to mention values and norms. Rather than a linearly accumulating corpus of knowledge, what unifies the subfield is a set of semantic tensions. Since this same set of tensions is common to the sociology of human rights, it is instructive to review how the concept of culture mediates them. Without presuming to engage in systematic codification, these semantic tensions can be illustrated with reference to selected exemplary cultural analyses.

If—taking advantage of modern technology—immigrant families steadily maintain real-time communication with relatives left behind, visit them periodically, and keep alive the dream of returning “home”—where is the geographical locus of the family? Given the prevalence of international monetary and population flows, even the “local community” has gone global. Social organization is no longer local or global, but a dynamic interplay of both. As Peggy Levitt (2005) demonstrates in her study of Pakistani-Americans in New England, urban ethnography must now be multi-sited and transnational. Analogously, Diana Crane (2005) operationalizes “globalization” in a range of action spheres from governance to art markets as a multidirectional set of cultural flows involving a complex array of actors—individual and corporate; public, private, and civic; international, transnational, and regional; grouped and networked.

Is “the law” a body of doctrine, imbued with sacral force—"the example par excellence of the social fact . . . a visible symbol of all that is essentially social," as Durkheim believed—or is it a negotiable set of behaviors and practices? Susan Silbey (2005) notes that the attitudes of ordinary citizens exhibit the same chasm that exists in legal scholarship between these two views. In interviews that she and Patricia Ewick conducted, people told stories about the different ways they oriented themselves to the law as it entered their everyday lives. Some orientations were essentialistic, respecting the law’s transcendent impartiality and authority; others were constructed, regarding the law as a resource to be employed in interactions with others, or something itself manipulable. Silbey insightfully observes that the very plurality of these orientations strengthens the stability of the law as an institution. What she calls “the cultural construction of legality” must embrace this plurality, since no one orientation can reflect all the varied ways that people actually experience the law, and the law would lose credibility if it had to exclusively match a single orientation.

In what ways does Habermas’s original ideal of a universal public sphere—a forum for critical-rational discussion of civic matters of greatest concern, free from the “steering mechanisms” of power and money—violate the very possibilities for communicative action Habermas intended to promote? Nancy Fraser (1992) argues that since in practice members of marginalized groups cannot participate equally in such a forum, the universal public sphere can only exist as a remotely conceivable utopian outcome of dialogue among particularistic public spheres, each consisting of peers whose voice more nearly commands equal respect. Michele Dillon (2005) demonstrates that conversely, universal identifications can strengthen particularistic bonds, as in the case of gay Catholics whose devotion to the more general tenets of Catholicism, despite the church’s intolerance of homosexuality, strengthens their allegiance to each other.

Why would Howard Becker, in his seminal study Art Worlds (1982), insist on viewing art from the perspective of the sociology of work? Don’t artists primarily seek to create beauty, and isn’t their activity different from any other kind of work, somehow transcendent? And isn’t mundane work primarily motivated by the search to achieve maximum productive efficiency? Yet as Becker documents, any form of artistic production involves the coordination of a varied and far-reaching division of labor, so the effectiveness of that coordination is a necessary condition for the production of the artwork. And as John Dewey (1980)—a major influence on Becker—explains, even the most mundane activity attains esthetic quality if it represents a “consummation” of experience through the resolution of tension. Instrumental activity—action governed primarily by a logic of utility—has the potential to be fully meaningful, while expressive ac-
activity--action governed primarily by a logic of meaning--can be nothing but hum-drum. Either form of activity, to be fulfilling, must transform experience into “an experience.” Rather than denoting different types of action, “expressive” and “instrumental” denote necessarily complementary qualities of any single activity.

How can individuals or groups challenge the powerful structures that appear to them as essentially unchangeable? How, for example, could members of art and poetry circles transform Japan from an authoritarian feudal society to a modern nation-state so suddenly under the Meiji restoration, in the second half of the nineteenth century? Eiko Ikegami (2005) offers a “public-centered” explanation. Drawing on the work of Harrison White, William Sewell and others, she recognizes that structure exists as a multiplicity of networks, each carrying distinctive cultural schemas. “Publics” are sites (such as arts circles) where individuals from different networks physically interact, affording them the emergent opportunity to switch network identifications along with the associated schemas. Japanese artists could evade official prohibitions against political party formation by switching the nature of their associations, instantly creating a culture of national identification and a structure of political participation. Agency and structure are not antithetical, but rather mutually constitutive, each enabling as well as constraining the other. Publics are central sites of cultural production and transformation. They offer a compelling example of how culture links micro-level subjectivities with macro-level structures, and indeed of how culture is the very switch-point of agency and structure (Jacobs and Spillman 2005).

Global and local; universalistic and particularistic; essential and constructed; instrumental and expressive; structure and agency--these semantic tensions describe the deep structure of the sociology of culture. Cultural analysis aims to mediate semantic tensions--including in human rights conflicts.

**Semantic Tensions in Human Rights Discourse**

How do these semantic tensions find expression in the discourse of human rights--in such arenas as the media, United Nations agencies, and national and international courts and tribunals? How do these tensions shape human rights dilemmas, and what paradoxical strategies do they suggest for re-envisioning them? These tensions both reflect and act back upon the everyday lived experience of real human beings, including victims of human rights abuses and those who serve as their advocates. Although human rights struggles are often represented in the dominant media as a simple dialogue between a unified global center--the “international community”--and a nation on the periphery, a cultural lens helps bring out the multiplicity of human voices involved, as well as the power interests at play. The cultural flows of information and opinion are both bottom up and top down, as what Robert Benford and David Snow (2000) call a “framing contest” emerges in the public sphere.

What is to be done, for instance, if practices of a particular local culture are considered cruel, inhuman or degrading according to principles propagated by the so-called “international community,” enforced by international agreements? Or if local governments must comply with transnational ultimatums about rights as conditions of participation in the global economy? The universal principles of human rights paradoxically include the right of indigenous cultures to protect their traditions, so a local government can defend its challenged practices by an appeal to its own traditions.

This paradox of universalism and particularism is inflected by tensions of essentialism and constructivism, as well as globalism and localism. Are standards of human rights essential to the nature of all humans or constructed by a political process dominated by the US and Europe in violation of other cultural traditions? The dominant definition of human rights proffered by international institutions is often criticized as an imposition, which itself violates the rights of non-Western peoples to maintain their own values and practices. Shu-Ju Ada Cheng and
Lester Kurtz (1998) argue that “Western-based rights discourse, rooted in the liberal individualist tradition, focuses mainly on civil and political rights. The principle of natural rights, the root of the human rights discourse, emphasizes individual dignity, well-being, and freedom.”

A partial way to resolve this dilemma is to reframe the universalizing process as also addressing particular interests, by representing a common set of agreed-upon rights and enforcement institutions in such a way that the various particular societies see them as legitimate from their own cultural perspectives (see Snow et al.1986; Benford and Snow 2000). An-Na'īm (1992: 20) too suggests that “people are more likely to observe normative propositions if they believe them to be sanctioned by their own cultural traditions.” If the right to free elections, for example, is advocated in a Muslim culture as a natural right within the tradition of the Qur’an and the teachings of the Prophet Muhammad, rather than in some Western parliamentary sense, it is more likely to resonate within the culture, as we saw happening in the Arab uprisings in Tunisia, Egypt, and elsewhere in 2011 (cf. Esposito and Voll 2001).

Claims about global, universalistic, essentialistic rights are not always expressions of Western cultural hegemony. Particularistic variations create divides not only among nations, but also within them. It is important to note, as An-Na'īm (1992: 20) does, that even within a single society “there are either actual or potential differences in perceptions and interpretations of cultural values and norms.” Dominant groups attempt to foster the impression of consensus about “cultural values and norms that are supportive of their own interests, proclaiming them to be the only valid view of that culture.” Female genital mutilation, soundly criticized by international human rights activists, is more a matter of patriarchal interests maintaining control over women in a particular population than a widely shared value within that population.

**Human Rights in China**

In the Chinese case, although government officials may reject Western allegations of human rights abuse with counter-charges of cultural interference, millions of Chinese themselves have challenged the system through dissident movements demanding their rights that wax and wane over the decades.

Yet the People’s Republic of China, while failing to protect individual liberties, has raised a billion people out of poverty in the past half century. While Chinese citizens may lack freedom of speech, their basic human needs are being met by the political system. This case provides an instructive example of the different cultural definitions of basic human rights, a major issue during the Cold War and now resurfacing in conflicts over human rights between China and the United States. Western rights activists, on the one hand, attack China for its refusal to protect political dissent, freedom of speech, and the ability to organize opposition political parties—basic rights as defined by the Western paradigm. On the other hand, the Chinese development project, often deliberately designed to prioritize economic development over individual freedoms, has profoundly changed the social and economic conditions of its citizens, with dramatic improvements in the standard of living, health, education, and general well-being of the nation’s population.

When we look at cultural mediations of this dilemma, a number of possibilities emerge. First, a new global culture is under construction, with its increasing unity and diversity; we are conscious of both the global village in which we live and our own cultures, which sometimes butt up against the globalizing process; hence the emergence of fundamentalist movements that resist globalization by asserting their own counter-truth, sometimes violently. The human rights movement itself is part of a dynamic process that involves confrontations and consultations between particular cultures and interests on many levels.

China’s ambivalent embrace of the Internet illustrates how the process of globalization creates cultural flows in more than one direction. The Chinese government had to accept Google’s
search engine as a communication tool necessary for economic development. But Google threatened governmental control of the population, by allowing its users to circumvent official censorship and to interact with each other as a virtual public. The government effectively forced Google to revise its global commitment to the free flow of information, as a condition of doing business in China. Despite its technical ability to establish servers in Hong Kong and elsewhere around the entire globe, Google was confronted with a choice of accommodating China’s censorship policy or losing that crucial market. The universal communication technology of globalization bent to the force of Chinese particularism.

Yet the virtual public created by the Internet has also frustrated the efforts of the Chinese government to resist the celebration of human rights as a globally shared value. The government was unable to repress either their local hero of discontent Liu Xiaobo or the news of his award of the 2010 Nobel Peace Prize. Instead, its attempt to do so backfired, causing negative fallout for China worldwide and an avalanche of critical Internet communication within the country. Ying Chan, dean of Cheung Kong School of Journalism and Communication at Shantou University, followed the overwhelming unofficial response in China on her Blackberry and laptop, “I was following the actions of these free-thinking strangers in real time without ever setting foot outside,” she declared, in an act of resistance that made her local site global (Kurtz 2010).

The Occupy Movement

The Occupy Movement that first emerged (as Occupy Wall Street) in New York in the fall of 2011 offers another example of all the semantic tensions that animate human rights. It resulted from, and in turn produced, cultural flows moving in all directions around the world. Inspired by the “occupation” of Tahrir Square, half a world away, few months earlier, encampments of protesters sprung up, first in New York, and then in thousands of other sites around the world. These sites can easily be seen as examples of the “publics” described by Eiko Ikegami, offering opportunities for the dramatic exercise of agency in transforming economic and political structures through the switching of network identifications and cultural schemas. Each encampment modeled the tension of universalism and particularism: there were no identified leaders, and all decisions were made in assemblies of the whole, with the expectation that the diverse participants would meld their particularistic interests into a collective stance. The slogan “we are the 99%”--signifying concern for widespread suffering and economic injustice in the midst of especially hard times--instantly evoked deep resonance, in the encampments and beyond, even in the mainstream press.

It is too early to assess the impact of the movement. But the gatherings were not solely (or even primarily) instrumental in nature. As many observers found puzzling, the “occupiers” did not even issue lists of concrete, specific demands. The expressive objectives of the occupations were manifest: a mood of communion developed in and among the encampments. “Occupy” helped answer a major research problem about the quiescent public reaction to the axial financial crisis that has so exacerbated economic distress and inequality: where was the “piacular” ritual (or ritual of atonement) that Durkheim claimed was necessary to preserve collective solidarity in the face of a calamity of such magnitude (Jacobs 2012)? The protests--and the spirit of communion among the protesters--served the expressive function of providing just such a ritual. In Sjoberg et al.’s definition of human rights as claims against organized power, “Occupy” is both an expressive and instrumental example of the struggle for human rights.
Mahatma Gandhi and the Indian Independence Movement

Making explicit the play of semantic tensions also helps better explain the remarkable achievement of Mahatma Gandhi, often cited as the modern source of inspiration for human rights movements. Indeed, this form of cultural analysis suggests answers to research problems that have frustrated traditional political analysis. How could a frail, nonviolent man exercise such agency against the might of the British Empire? How could he so thoroughly reverse the flow of global/local influence? Was his world-changing activity politically instrumental, or spiritually expressive?

Gandhi brought together a series of particularisms into a universal approach to the problem of rights, starting with the warrior and pacifist motifs that run through the world’s religious and ethical traditions regarding the use of violence and force to address issues of injustice. The warrior believes it is a sacred duty to fight, and the pacifist believes it just as important not to harm. Gandhi’s nonviolent civil resister fights like the warrior, but like the pacifist without doing harm (see Kurtz 2008). Similarly, he drew on multiple religious traditions—starting with the Hindu and Islamic—bringing these traditional multiple worlds together in a recipe for revolution. Gandhi had not read his own Bhagavad Gita, recited with his mother in the temple growing up in India, until he went to study law in England. He combined Jesus’s Sermon on the Mount with Hindu and Buddhist concepts of ahimsa, nonharmfulness, and the idea of nonattached action: do what is right without focusing on the acts consequences. He brought together East and West, North and South, as well as the spiritual and the political, and redefined power as something that grows not out of the barrel of a gun but from the collaborative noncooperation of a mobilized people.

The dramas of resistance and liberation that he presented on the world stage were also politically strategic: the cloth boycott and spinning struck at the heart of a colonial structure based on the industrial revolution in textiles, the exploitation of raw materials, and global trade. His Salt March in 1930 was at once a religious procession and an act of political resistance that gathered increasing crowds and attention as he marched to the Indian Ocean to make salt, in defiance of a British monopoly over the necessities of daily life. Applying the terms of Ikegami’s analysis to these mass gatherings, these events can be seen as “publics,” and these dramatisms as the newly popular cultural schemas that emerge from them, constituting counter-structures to the structure of British colonialism.

Conclusion

These cases of China, Occupy, and Gandhi suggest the value of the sociology of culture for understanding human rights. Since human rights is a cultural construct, human rights issues are inflected by the same set of semantic tensions as the culture concept itself. The sociology of culture thus recommends a method for studying human rights: to explicate—indeed, to weave into an exegetical deep structure—those various tensions. This helps to see beneath the distortions that power and other forms of domination introduce into the discourse of human rights, and to recognize the full multiplicity of interests and voices.

Therefore, cultural analysis also recommends practical strategies for addressing human rights issues. A semantic tension poses a paradox. The resolution of paradox always involves enlarging the problem frame to uncover the larger unity between the terms. Analytically and practically, it is a mistake to seek a one-dimensional solution, rather than holding the contrasting terms in suspense. Thus, for example, an enlarged problem frame reveals the strategic advantage of stating universalistic claims in particularistic terms, and particularistic claims in universalistic ones.

These reflections on cultural analysis of human rights issues also suggest ways to broaden the sociology of culture. Indeed, they suggest the need for an “esthetic conception of culture” (Jacobs and Hanrahan 2005). Like art itself, in such a con-
ception culture has the capacity to hold difference in suspension and express a higher unity. Like art itself, it suggests grounds of normative evaluation even in the absence of measurable or objective standards. As Jaeger and Selznick explain in “A Normative Theory of Culture” (1964), a translation into sociological terms of Dewey’s *Art as Experience*, culture can and should be evaluated according to its “human-centeredness.” Like art itself, in this conception culture re-envisions the actually existing world. Great “masters” earn that status, as Dewey (1980: 301) observes, “precisely because they do not follow either models or rules but subdue both of these things to serve enlargement of personal experience.”

This conception broadens the sociology of culture by adding a tradition emanating from Georg Simmel to the ones emanating from his contemporary peers Max Weber and Emile Durkheim. Simmel, trained as an esthetician, developed an approach to sociology focused on the interrelated *forms* of social interaction and objective culture. His approach anticipated the understanding of art as “feeling embodied in form” famously proposed by the modern esthete Suzanne Langer. An esthetic conception of culture suggests ways of addressing the major problems bequeathed by Weber and Durkheim—to exercise evaluative judgment amidst cultural disenchantment, and to increase social solidarity amidst the growing recognition of individual and group difference. In the balance of these problems hangs the future of human rights.

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