The Practice of Human Rights

Richard Ashby Wilson
Catherine F Buerger
THE PRACTICE OF HUMAN RIGHTS

©Catherine Buerger and Richard Ashby Wilson

Introduction

Human rights are the rights every individual has by virtue of being human. Behind this simple formulation one encounters a vortex of complexity. Human rights are promulgated in international conventions and treaties, in the bills of rights of national constitutions, and even in city municipal codes. Historically, human rights were framed as constraints on the exercise of state power and what acts cannot be done to the individual (e.g., torture, detention without trial), but increasingly they establish positive responsibilities of state and international institutions (e.g., education, health care, a clean environment). Some human rights are legally enforceable by national or international justice institutions, but many are aspirational and for the latter group, it is unclear who or what body has the duty to fulfill the right. Additionally, human rights talk circulates outside of strictly legal and legislative contexts. Social movements campaigning for new rights and social justice have altered the very nature of what constitutes a human right. Like any other prominent political and legal ideal, they are also a site of fierce contestation and at times have been coopted by politicians seeking to cloak their own narrow political and economic interests in the language of liberal democracy, individual autonomy, and the rule of law. One persuasive explanation of the global rise of human rights since the 1970s is their definitional slipperiness and their capacity to appeal to radically dissimilar political projects.

Human rights thus articulate a universal set of claims, but they are usually not universal in their application. Instead, the outcomes of struggles over human rights are often local, temporary, and limited. While doctrinally, human rights have
an institutional orientation towards the nation-state, their influence is often more social and normative than legal or legislative, in that they shift cultural attitudes and moral norms rather than lead to definite political or legal victories. The social life of rights is a perfect subject for anthropological inquiry, and anthropologists are well-placed to look beyond political science and legal scholarship to understand how the moral discourse of human rights overlaps with, but is not confined to, political institutions and the law. Anthropologists can also provide insights into how a political ideology created in the west in the crucible of the American, British, and French revolutions has come to have such a significant impact on decolonization and post-colonial politics in Africa, Asia, and Latin America and how the conception of human rights has in turn been shaped by its global extension over the last half-century. Given their global perspective that integrates law and society, anthropologists have provided a deeper understanding of this universal language that announces that all persons possess inalienable rights because of their common humanity.

*From “Rights vs. Culture” to “Rights as Culture”*

The ability to see human rights as a practice that extends beyond human rights law has been one of the most important contributions of anthropology to the study of human rights. But historically, the relationship between anthropologists and the study of human rights has been fraught. After the Second World War, in response to the Nazi Holocaust, there was increased enthusiasm in the idea of an international order that could create and uphold new universal standards and an abstract conception of humanity. This movement coalesced around the establishment of the United Nations in 1945 and in the convening of the Nuremberg Trials of 1946, the first multilateral international tribunal of its kind. Both institutions played a role in establishing a global sense of humanity and a standard of rights to which citizens of the world should be entitled.

In 1946, the UN’s General Assembly officially began drafting an “international bill of rights” that that all individuals around the world should ideally hold. As a part of its consultations, the United Nations Educational, Scientific, and Cultural
Organization (UNESCO) asked the American Anthropological Association for an advisory statement. In 1947, the Executive Board of the AAA, largely influenced by Melville Herskovits (1947) submitted their now (in)famous “Statement on Human Rights” to the Commission on Human Rights, rejecting a system of universal values.

The AAA’s Statement begins with a predicament: The scientific study of human culture (aka, anthropology) has documented that individuals are “inextricably bound” to their societies, and that their lives and values are shaped by the groups of which they are members. Given this understanding of culture, how could a Universal Declaration on Human Rights ever truly account for global human diversity rather than simply being founded on Western conceptions of morals and values? The presumption that “the West” (even though some drafters were non-westerners) could author a truly universal document is especially problematic, the Statement comments, given the economic and military power of Western Europe and America along with their evangelizing religious traditions, which have led to Western values being imposed around the world. Therefore, to choose some values (inevitably, Western values) over others and deem them “universal” in a diverse world with varied beliefs would be to impose a new form of moral imperialism.

The “Statement on Human Rights” reflected the historical context of continued (although declining) worldwide colonial domination by “great powers” such as France and Britain as well as the dominant anthropological thinking in the United States. The founding father of modern cultural anthropology in the US, Franz Boas challenged the widely accepted evolutionary theories of the time. Evolutionism broadly asserted that all societies progressed in a linear fashion along a scale from the most “simple” to the most “complex,” with each stage achieving a higher level of moral and societal improvement. In the context of the European colonialism of the time, this social evolutionism involved an explicit ranking of societies that reinforced the colonial project and a sense of western superiority. In contrast, Boas argued that cultures are unique, with each having its own shared symbols, values, and practices.
that are dependent on their own particular histories and social environments.

The moral and political position adopted by anthropologists in response to the Universal Declaration of Human Rights is often referred to as “cultural relativism.” The “Statement on Human Rights,” exemplifies the stance of cultural relativism, suggesting that human rights are not universal. Instead, it argues that what is considered moral or immoral to a person is always relative to that individual’s cultural situation. In other words, what is considered to be “right” and “wrong” will vary depending on the culture. As all cultures have diverse sets of beliefs and values, it is inappropriate to make judgements about which beliefs are morally correct or incorrect.

After the publication of the 1947 “Statement on Human Rights” there was little anthropological interest in the international system of human rights. However, in the 1980s, this began to change. Several influential articles were published focusing on human rights, and the AAA Executive Board created a Commission for Human Rights (later converted into a permanent Committee for Human Rights). Some anthropologists campaigned actively on behalf of indigenous peoples, and organizations such as Cultural Survival and the Independent Working Group on Indigenous Peoples became renowned advocates at the United Nations. In the 1990s, socio-cultural anthropologists such as Sally Engle Merry and Richard Ashby Wilson moved beyond activism on behalf of indigenous people on the one hand, and the formal universalism/relativism impasse on the other, to study human rights discourses and institutions as subjects of empirical and ethnographic inquiry.

In 1999, the AAA notably reversed their official position, stating their support of international human rights. The declaration stated that the field of anthropology should support the promotion and protection of “the right of people and peoples everywhere to the realization of their humanity, which is to say their capacity for culture” This statement grounded its argument in an understanding of culture and humanity as inextricably linked, and therefore understood collective rights
to culture as essential to the fulfillment of human dignity and rights.

Just as the 1947 Statement reflected anthropologists’ understanding of culture at the time, the 1999 Statement demonstrated a sea-change in the discipline’s conceptualization of culture. Whereas Boasian anthropology viewed cultures as unique, bounded, and relatively static groups with distinct cultural symbols and values, the theory of culture that inspired the 1999 statement conceived cultures as constructed and contested, unbounded and connected to global relations of power. These differing views of culture have implications for how anthropologists conceptualize the relationship between rights and culture. If cultures are viewed as bounded, unchanging, and defined by tradition, then the universalizing goals of human rights would likely present a threat to individual cultures. If, however, cultures are open, fluid and contested and shaped by long-distance cultural flows and networks, then the human rights framework becomes part of the global power dynamics that interact with individuals to shape beliefs, meaning, and identity.

The change in the conceptualization of “culture” has also led some anthropologists to develop new ways of thinking about the relationship between rights and culture. The 1947 Statement on Human Rights could be seen as focusing on the potential conflicts between human rights and culture. More recently, however, anthropologists have come to see the human rights system as having a culture of its own. In the following section, we outline this important theoretical advancement.

*Rights Talk, Rights Translation, and the Practice of Human Rights*

In their identification of the human rights system as a cultural system of its own, many anthropologists point to the fact that human rights discourse possesses many of the same qualities that anthropologists identify as attributes of culture. The human rights system compels particular forms of selfhood, requires specific forms of behavioral practice, and creates knowledge that is then disseminated around the world. This view of human rights is empirically rather than normatively
driven, meaning that anthropologists are more interested in asking how individuals around the world use and understand international human rights than they are in debating whether universal human rights are possible or desirable.

One essential component of this theoretical understanding is the concept of “rights talk.” Rights talk differs from human rights law in that its focus is on how people speak about rights rather than what the law actually stipulates. Sometimes rights talk echoes the legal understanding of rights. Other times, however, rights talk may reflect a divergent or more expansive understanding of rights. These distinctive uses of human rights language can potentially spark conflicts among those involved, and it is in closely examining these instances where anthropologists have demonstrated the constructed and contested nature of human rights.

The shift in focus among anthropologists from critiquing the normative concept of human rights to studying human rights practice was largely empirically driven. The hallmark of anthropological research, the ethnographic method, places anthropologists in close contact with individuals around the world who are engaging with the international human rights system, be it the European Court of Human Rights, the International Criminal Court, or the UN Human Rights Commission. At times, the experiences documented by anthropologists were germane to debates between cultural relativism and universalism, but more frequently, the picture that emerged of human rights in the world was far more nuanced and complicated. In the same way that legal anthropologists working in colonial Africa challenged the accepted thinking of the day that “law” must derive its authority from a central state power, anthropologists studying human rights quickly noted many instances where “human rights talk” differed from official human rights law. By focusing on how and why individuals used human rights in the way that they did, anthropologists were able to situate their understanding of this language of rights and dignity within a larger context of globalization and neoliberalism.

This focus on knowledge flows and other transnational
processes followed a general trend within anthropology in the 1990s and early 2000s to turn attention to the process of globalization: how cultural notions circulate globally and what difference these exchanges of people and information make in the lives of individuals. The mid-1990s also brought a shift toward the creation of global justice mechanisms that shaped how anthropologists approached the study of rights. From the signing of the UN Declaration on Human Rights in 1948 until the early 1990s, international human rights law had primarily been a utopian topic with little purchase outside of a small community of academic lawyers. The UN issued human rights treaties related to topics such as women’s rights, the rights of the child, and the elimination of racial discrimination, and these treaties were signed by states that had little intention of ever implementing them. At the time, human rights were primarily situated in the diplomatic realm, hollow rhetoric without any mechanisms of enforcement.

The end of the Cold War and the ethnocidal conflicts in the former Yugoslavia and Rwanda changed all that, bringing about several important events in the history of international human rights. First, the United Nations established two UN war crimes tribunals: one for the former Yugoslavia (ICTY, 1993) and one for Rwanda (ICTR, 1994). Second, there were more UN humanitarian missions in the 1990s than in the previous 40 years, and in many cases, these were justified on human rights grounds. Third, General Augusto Pinochet was arrested in London and placed under house arrest while the Chief Justice and then the British Law Lords considered the request for extradition by the Spanish magistrate Balthasar Garzón, who had issued an international arrest warrant for Pinochet on charges of torture. Pinochet was eventually released, but not before two important legal precedents had been created: the Spanish Audiencia Nacional court asserted that it had universal jurisdiction to try cases of genocide which had occurred to non-nationals outside of its territorial boundaries, and in Britain, it was ruled that a head of state could not claim immunity for acts such as torture that fell outside of the normal functions of a head of state. Finally, in Rome in 1998, 120 countries adopted the statute to set up an International Criminal Court that would have jurisdiction to try crimes
against humanity, genocide, war crimes, and aggression in states that signed its statute. All of these events, along with the trajectory within the discipline of anthropology to study the transnational processes of cultural construction and contestation, proved fertile ground for the anthropological study of human rights practice.

The concept of studying the “practice of human rights” takes an expansive view of the international human rights framework. In addition to the actual legal instruments, it also includes the way in which individuals relate to the human rights system: the way that they talk about it, criticize it, and attempt to use it to meet varying goals. It encompasses the individuals who take part in activities related to human rights including human rights activists, lawyers, courtroom officials, staff members at international institutions and so on. This understanding of human rights seeks not only to understand what the system of human rights is, but also how human rights knowledge is produced and transmitted around the world. The concepts of human rights talk, the practice of human rights, and human rights vernacularization (which we discuss shortly), provide anthropologists with a unique set of analytical tools with which to better understand how human rights are encountered around the world. In the following two ethnographic examples, one from Ghana and one Guatemala, we illustrate how these concepts shed light on local human rights practices.

The first example comes from Ghana. As one of the first African nations to gain its independence from colonialism, Ghana has long carried the distinction of being a model of African democracy. Today, the country is heralded around the world for its stability, prosperity, and democratic character, and Ghanaians often note with pride that Barak Obama called Ghana “a model for democracy.” Much of this praise stems from the successful transition to democracy that Ghana experienced in the late 1990s. As a part of this transition, the country crafted a new constitution which outlines the “fundamental human rights and freedoms” of all Ghanaian citizens, incorporating many of the human rights described in international treaties and declarations into domestic law. Although human rights play an
important role in Ghanaian democracy, there are also many other competing value systems and sources of authority including religion and the customary system of chieftaincy.

The negotiations between these different value systems were particularly apparent in the events surrounding the passing of new anti-domestic violence legislation in 2004. The legislation was drafted by a Ghanaian women’s rights organization, but was highly contentious. Those who were opposed to the bill complained that the human rights language it employed was a foreign imposition and that this bill, which sought to move domestic issues out of communities and into courtrooms, would threaten the “traditional” Ghanaian manner of handling family issues. Although the clash over the Domestic Violence Bill was widely reported as a familiar battle between “culture” and “human rights,” the anthropologists who studied the issue described a more nuanced situation. Saida Hodzic described how this law began to stand for larger nationalist goals. Although human rights language was used strategically in the bill to attract support from transnational organizations working on women’s human rights issues, the Ghanaian government saw this network of international solidarity as an incursion. In response, and despite the varied opinions of the populace, government officials claimed to speak for “the people” in rejecting the Bill on the grounds of Ghanaian “tradition.” Hodzic argues that in the same way that human rights discourse can add power to claims within the international community, the discourse of cultural sovereignty adds similar authority to the resistance to expanding rights.

Similar strategic use of discourses of human rights and tradition were documented by Catherine Buerger in her research on human rights activism in an informal settlement in Accra, Ghana’s capital city. Buerger noted that community activists often combined their human rights claims with more conventional appeals to local chiefs, religious leaders, or political party officials. In one instance, a group of young activists attended a meeting with a government official to assert that their human rights had been violated by the government in not meeting the community’s sanitation. The activists’ neighborhood lacked the plumbing required for running water
and the installations of flushing toilets. Additionally, a large drainage ditch bisected the community and its poor condition posed a danger to the surrounding homes.

Neither the right to sanitation nor adequate housing are established in Ghana’s Constitution, but activists drew on their understanding of international human rights law in their local rights talk. When their claims were met with hostility, however, the activists began addressing the official through language more often reserved for customary practices. “We see you as a father and a leader. You are from the same community as we are. We are prepared to write an apology if our conduct was inappropriate” one activist stated. The emphasis on themes such as apology and patriarchy by the activists signaled a switch away from the strategies commonly associated with human rights advocacy. By reminding the official that they are from the same community and that they saw him as a father, the youth club was both making a conciliatory statement of respect and also attempting to appeal to the official’s sense of community obligation. Despite the fact that some members from the human rights NGO saw this move as a threat to the human rights values at the center of the campaign, at no point during this process did the community activists stop seeing their movement as primarily a human rights campaign. As in the example of the negotiations surrounding the Domestic Violence Bill, rather than focusing on the potential conflict between human rights and culture, focusing on human rights practice allows anthropologists to identify how power relations come to play a role in the strategic employment of legal discourse. In the latter case, for example, alluding to a patriarchal relationship was not simply a passive acceptance of hierarchy; it was part of the advocacy strategy.

Sally Engle Merry’s influential work on human rights translation or “vernacularization” is useful in elucidating the internal dynamics of the Ghanaian case. Human rights knowledge may be produced in an international setting, but it then moves to individual communities around the world. In the process, it is adapted to fit with local contexts, value systems, and priorities. As Merry’s work outlined, this adaptation is undertaken by “translators,” intermediaries who play a critical
role in connecting the local with the global, making their goals and values intelligible to each other. Translators take on the task of presenting human rights knowledge in cultural terms that are appealing to local communities. At the same time, they must frame the concerns of the community within the parameters of the international human rights system to attract international funding and media attention.

In doing so, translators link local struggles with international networks of interested activists that assist community actors in pressuring their governments. In the case of the Ghanaian sanitation rights campaign, activists used the language of international human rights to frame their claim for improved sanitation, even though this was not one of the human rights explicitly outlined in their country’s constitution. The rights discourse allowed them to appeal to an international community of activists and donors concerned with similar issues. At the same time, African activists incorporated more locally recognized notions of kinship obligations into their advocacy. Although somewhat controversial within the larger human rights community, this strategy of vernacularizing human rights talk made complete sense to the Ghanaian activists. As the following examples from Guatemala demonstrate, however, this process may also present additional challenges.

The Central American country of Guatemala was once the center of the Maya civilization and over the years, the country has drawn the interest of anthropologists due in part to its large indigenous majority (approximately 60% of the country’s population) as well as the high levels of political violence that it has experienced. In the late 1970s and early 1980s, a Marxist guerilla insurgency incorporated a section of the Maya rural poor and was met with one of the most vicious counter-insurgency policies the Americas has ever seen. According to the UN’s Commission for Historical Clarification, during Guatemala’s 36-year war, the military razed 600 villages to the ground, killed up to 200,000 mostly indigenous civilian non-combatants, and forced one million people to become refugees.

Moral and cultural relativism seemed inappropriate to these
circumstances and many anthropologists denounced the massive human rights violations and the role of the US government in supporting successive military juntas. In denouncing state violence, anthropologists targeted US public opinion and sought to shift the direction of US foreign policy to end covert aid for violent and repressive regimes. As time went on, the focus of the work of anthropologists in Guatemala began to change perceptibly and assume an analytical distance from the mass atrocities. There were fewer direct narrative accounts from victims, and anthropologists began to ask more profound questions about the armed conflict and racial violence. Researchers went beyond denunciations of violations aimed at public opinion to attempting to explain the causes, motivations, experiences, and socio-cultural consequences of human rights violations.

In addition to the local instantiation of human rights ideals, anthropologists working in Guatemala (and the larger Maya cultural region) also considered the cultural processes associated with the explicit translation of human rights documents into local languages such as Maya-Q’eqchi’. Richard Ashby Wilson documents one instance where a workshop was convened to discuss the Global Human Rights Declaration that was signed between the Guatemalan government and the Revolutionary National Unity of Guatemala guerrillas. Urban Maya professionals associated with the national Academy of Mayan Languages had translated the document into Q’eqchi’, one of the nearly twenty Mayan languages spoken in Guatemala. The workshop attendees, about 150 Q’eqchi’ men and women from rural villages in the Alta Verapaz region of Guatemala, received human rights training on the principles contained in the translated document. The character of this training was significantly determined by the difficult interpretative decisions made by those responsible for translating the document.

For example, as there is no word or phrase in Q’eqchi’ that corresponds to a “government accord” or “international declaration,” those who translated the United Nations Declaration of Human Rights chose the word chakrab’ which literally means “law.” But in the minds of local Maya-Q’eqchi
speakers, this word denotes the New Testament, which is termed the *Ak’ Chakrab*’ (literally, the “New Law.”) In translating the term “human rights,” the translators opted for a phrase (xk’ulub’em li poyanam) that means “what all people receive” or “what all people deserve.” This phrasing connotes a largely passive reception of rights, as things that one receives from others rather than rights that one actively claims. More vigorous and dynamic possibilities do exist in Q’eqchi’ such as *patz’om* [“that which is petitioned”] or *titz’om* [“that which is demanded”]. Therefore, a textual reading of the direct translation into Q’eqchi’ conveys a sense that human rights were laws that carried strong Christian overtones about what one might passively deserve or receive from a benevolent authority.

Despite this rather conservative translation, Wilson’s empirical research demonstrates the important role that history and political context play in the actual translation of human rights. Q’eqchi’ actors returned to their communities and integrated concepts of human rights into their preexisting strategy that emphasized petitioning the state and the international community on local development issues. As Rachel Sieder has argued, an active human rights strategy allowed Maya activists to build connections with international indigenous rights organizations that supported their claims for self-determination. Elevating disputes from the local level to the international, or the “verticalization of conflict,” presents both possibilities and obstacles for activists. Mayan activists used their connections with international human rights organizations to appeal to a larger global advocacy network of indigenous rights activists. This increased the power of local groups in their negotiations with local regional and national state actors and agencies. At the same time, however, in appealing to generalized indigenous rights networks, activists had to portray their group’s identity as being harmonious and united in goals, aspirations, beliefs, and practices. A static projection of identity conflicted with the ethnic, religious, and linguistic diversity of the Maya people as well as the dynamic nature of their communities. In this way, the transnational ideals of multiculturalism and indigenous rights both aided activists in reaching their goals and also constrained the
possible forms of their activism.

As these examples illustrate, human rights knowledge does not move between the halls of the United Nations and communities around the world unfettered. Instead, it is refashioned by power dynamics that privilege some voices over others. In Ghana, both “human rights” and “tradition” carry discursive weight, adding power to arguments framed within their parameters. In Guatemala, local activists were able to find support in the transnational community of indigenous rights activists, but only if they presented their claims in particular ways. These examples demonstrate the utility in looking beyond the familiar debate between cultural relativism and universal human rights, to appreciate how discourses of culture and human rights are used strategically by actors in efforts to establish the legitimacy of their claims within the larger political arena.

*Human Rights Knowledge: Evidence and Indicators*

More recently, anthropological scholarship on human rights culture and practice has turned its attention to the epistemological frameworks of human rights law itself. This work concerns itself with the global institutions of human rights accountability, and anthropologists have increasingly focused on courts and the metrics through which accountability is practiced and defined.

This inquiry has taken multiple forms. First, scholars have focused on the international human rights institutions that emerged in the 1990s. As part of the disciplinary interest in transnational processes and the global production of knowledge, anthropologists shifted their fieldwork from the communities affected by conflict to the halls of international criminal tribunals, truth commissions, and other institutions of transitional justice. These international justice institutions, often developed in the aftermath of political violence, hold individuals accountable for human rights violations or seek to reconcile the parties and provide an authoritative historical account of the conflict. Anthropologists such as Nigel Eltringham and Richard Ashby Wilson have sought to
understand to the way in which these institutions construct notions of “justice” and create meaning and knowledge about the origins and causes of violent ethnic and racial conflicts through their trials and hearings.

Anthropologists provide insights into the legal culture of human rights by inquiring into how exactly law knows what it knows about conflict and violence. Legal epistemology centers on the idea of “evidence.” Prosecutors and defense attorneys present evidence in a trial regarding the actions and intentions of accused persons, and this evidence is circumscribed by rules of evidence and procedure that steer jurists away from both specialist and non-specialist forms of knowing into a domain that is uniquely legal. Legal ways of knowing at international tribunals are distinctive in their predilection for documents over other forms of evidence and witnessing. Lawyers prefer documents as sources, and there exists a hierarchy of documents; primary documents are more dispositive than secondary documents, and documents produced by official governmental agencies carry more weight than unofficial ones. In construing documents as the solid basis for objective knowledge about a situation, international courts may overlook the degree to which documents are created by individuals and are therefore just as “subjective” and as historically and culturally contingent as other forms of evidence.

At times, then, it seems as if the law operates within a hermetically-sealed textual universe of tightly controlled documentary evidence. Even though the law may officially endorse the scientific method, its ways of knowing diverge widely from science and epistemological realism. International criminal law’s conceptions of causality and determination also diverge from those of science, social research, or history. For instance, the causal connections between two acts or events is a richly regulated area of legal inquiry, in which legal actors provide an account of the “chain of causation” that resulted in the crime, and based on these accounts the judges proceed to judgment and, if the accused is found guilty, sentencing. Criminal court judges demand that prosecutors prove linear connections that establish which acts caused which others (and become “proximate” causes) beyond a reasonable doubt, a
level of certainty that no social researcher would claim for their work. Judges also seek a particular kind of knowledge about the subjective intentions of actors committing the said acts, with a view to assigning criminal responsibility that corresponds to their level of criminal intentionality (or *mens rea*).

Anthropologists and other social researchers are usually less concerned with establishing causality and apportioning responsibility, and when they do see a link between events, their assertions often acknowledge a greater level of uncertainty. The greatest disparity of all, however, lies in the degree to which social research recognizes multiple and interacting layers of causality, and apprehends connections between events in a systemic and holistic manner. For social researchers, it is the ensemble of conditions that are jointly sufficient to result in an outcome, rather than one particular factor. Lawyers and judges are more likely to radically pare down the context to isolate only the criminal act and events that immediately preceded them. While this may be necessary to arrive at a clear-cut determination of guilt, legal decontextualization comes at a price, namely a balanced and comprehensive understanding of the conflict.

A related critique has emerged within the anthropological study of global indicators. As defined by one United Nations expert body and cited by Sally Engle Merry, indicators are “statistical measures that are used to summarize complex data into a simple number or rank that is meaningful to policy makers and the public.” Increasingly, governments and NGOs are relying on quantitative metrics to inform policy decisions. This holds true within the human rights sector as well. Anthropologists have argued that the power given to statistical indicators by governments is a new form of governance, one which relies on soft power rather than physical force. This form of bureaucratic governance compels behavior by requiring countries to report and be evaluated on various issues, then either shames or rewards countries as a result of their rankings on various indicators.

When used at the international level, these metrics enable
quick comparisons between countries on topics such as child mortality and literacy rates, as well as more opaque values such as levels of rule of law, democracy, or freedom. In the same way that anthropologists have critiqued legal procedures for over simplification and decontextualization, they have also noted the way that indicators create streamlined rankings at the cost of obscuring social realities, which are inherently complex. By squeezing the world into categories, little space is left for nuance. Anthropologists argue that indicators not only describe existing conditions, but also play a role in shaping social realities. Anthropologists argue that critical attention must be paid to the use of quantitative metrics as technocratic tools for global governance and how policymakers decide what to count and what to ignore. For example, by choosing to rank countries on their levels of adherence to human rights treaties, the values contained in these documents are given precedence over other values that may have relevance locally. As such, human rights indicators have the dual powers to illuminate and obscure.

Conclusions

Anthropologists have had a significant impact on interdisciplinary conversations about human rights. At first this was to emphasize the importance of local cultures, but then anthropologists made a major contribution to the theorization of the globalization of human rights. The contribution of anthropology to understanding human rights lies in its documentation and analysis of their practical uses, and in highlighting the degree to which they create and reinforce a cultural matrix of moral norms, political actions, and social perceptions. Human rights promulgate a universal political charter but their meaning lies in their use by social actors, rather than in an abstract theoretical principle. Political and legal theorists may wax lyrical about the inherent, conceptual meanings of rights, but anthropologists provide key insights into how they are contested and instantiated in a variety of real-world settings, and they document their varied (and sometimes unintended) consequences. Thus, as an empirical social research discipline, anthropologists study the social life of rights, understood as the daily political uses to which human rights discourses and practices are put and the
type of knowledge regime they imply.

Anthropological studies inject a much-needed dose of realism into the utopian aspirations of jurisprudence and human rights activism. They enhance our understanding of the ways in which human rights movements have resulted in real advancements in social wellbeing and protections for vulnerable populations, as well as how, like many other policy campaigns, they have failed to attain many of their goals.

References and Suggestions for Further Reading


Merry, Sally Engle, Kevin Davis, and Benedict Kingsbury (eds.) 2015. The Quiet Power of Indicators: Measuring Governance, Corruption, and Rule of Law. Cambridge: Cambridge University Press.


