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Societal development in relation to human rights, rights of peoples and sociological theory and research

1. Introduction

Human rights are *universal* rights, based on the recognition of the inherent dignity of all members of the human family. As Article 1 of the Universal Declaration of Human Rights states: «All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood». The universality of human rights is further emphasized in Article 2: «Everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status»¹. Human beings, endowed with reason and conscience, are to be treated as ends in themselves, and not only as exponents of conditions and contingencies they cannot control. Collective rights must be judged upon their contribution to individual freedom – the opportunity to make choices – and to the well-being of individuals.

Before discussing the intricate relationship between individual human rights, collective rights and peoples' rights and the (potential) contribution of sociology to elucidate this relationship, we will briefly enter into the main issues in the debate on human rights (part 2). Subsequently we will pay attention to some problems that are connected with such key concepts as "people", "individual" and "nation" and the relationship between human rights and peoples' rights (part 3). In part 4 we will pay attention primarily to theoretical developments in sociology and empirical research in relation to the development of human rights. In this part both the development of human rights and sociology will be related to changes in international interdependencies. In the final part 5, some conclusions and recommendations will be drawn.

¹ *Universal Declaration of Human Rights*, United Nations General Assembly, 1948.

2. *Universalism, individualism, societal development and human rights*

2.1. *Triumph of the individual?*

In order to understand the position of modern sociology with regard to human rights it is necessary to discuss briefly some of the main issues that came to the fore since the drafting of the *American Bill of Rights* (1791) and especially the *Déclaration des droits de l'homme et du citoyen* (1789).

Although human rights have deep historical roots, the concept of human rights as formulated in the above-mentioned influential documents is very much the product of both Enlightenment and the rise of industrial society. As such the concept of human rights is strongly associated with *individualism* both by many of its western advocates and adversaries. Dumont states in his *Essais sur l'individualisme* that the adoption of the *Déclaration des droits de l'homme et du citoyen* marks in a certain sense the triumph of the individual² and Tran Van Minh observes that «... droits de l'homme et des peuples sont nés en même temps que la démocratie libérale et le capitalisme libéral»³.

The assumed *causal* link between human rights and the rise of an individualized society, based on contract-relationship, is clearly formulated by the sociologist Sorokin who remarks that human rights play a more prominent role in societies characterized by strong individual mobility than in stable societies. Mobility facilitates an increase of individualism, according to Sorokin, because it destroys the individual's seclusion for life in one social box, as is typical for an immobile society. «Mobility awakens his (the individual's) personality, transforms him from the component of a group to an individual person. As he is shifting from group to group, he must now receive rights and privileges for himself, not for a specific group, because he himself does not know in what group he will be tomorrow. Hence the "Declaration of the Rights of Men" but not that of a group. Hence the demands of liberty of speech, religion, freedom, self-realization for a *man*, but not for a group. Hence the equality of all individuals before the law, and individual responsibility instead of that of a group, as is the case in an immobile society. A mobile society inevitably must "invest" all rights and responsibilities in an individual but not in a group»⁴.

The historical linkage between the rise of a new social order, based on contract and individual achievement on the one hand, and human rights on the other, has been a source of much confusion and criticism of the concept of human rights. Leaving aside the confusion that was and is aroused by this historical linkage for the moment – we will return to this topic in part 4 – we note that the concept of human rights especially as individual human rights has been severely criticized by the defenders of the type of social order that was threatened by societal developments in the direction of an open, mobile society, based on individual achievement, *and* by those who whole-heartedly accepted the down-fall of

² L. Dumont, *Essais sur l'individualisme. Une perspective anthropologique sur l'idéologie moderne*. Paris, Editions du Seuil, 1983, p. 102.

³ Tran Van Minh, *Droits de l'homme et droits de peuples*, in *Droits de solidarité, droits des peuples*. Saint Marin, 1983, p. 47.

⁴ P.A. Sorokin, *Social and Cultural Mobility*. New York, The Free Press of Glencoe, 1964 (1941), p. 542.

the traditional institutions, but did not share the image of a societal development in the direction of an individualistic society, based on contract.

2.2. *Rediscovery of community: the conservative response*

In the 19th century we can clearly observe three lines of opposition against the individualistic conception of society and of individual human rights. After the Age of Reason and contract-relationship we find in the 19th century contract waning before the rediscovered symbolism of community. «The rediscovery of community is unquestionably the most distinctive development in nineteenth century social thought, a development that extends well beyond sociological theory to such areas as philosophy, history, and theology to become indeed one of the major themes of imaginative writing in the century», according to Nisbet⁵. This quest for "Gemeinschaft" was certainly a harking back to traditional social conditions that had been superseded by modern social circumstances, at least partly. The efforts of conservative thinkers to restore the social institutions of the past is just one response to societal development.

2.3. *The end of the separation between the individual and society: Marx*

Marx criticized sharply the rights of men in his *Zur Judenfrage* and divides rights in to those rights that can be exercised only in community with others, such as participation in the political order (civil rights)⁶ and the rights of man as individual liberties. The latter rights are, according to Marx, not based on the relationship between men but on the isolation of man from other men. The right to liberty is the right to separate oneself from social life and the right to private property is the right to dispose freely of one's property without caring about the consequences for other men. The right to security is interpreted in bourgeois society in such a way that the police and society as a whole are just there to guarantee its members these individual rights. The rights of man are in fact egoistic rights⁷.

Marx rejects the idea that this duality between individual and society, as it is reflected in the *Déclaration*, is an inevitable element of the condition of man, although it is evident from his works that he acknowledges that this duality describes adequately the condition of man under capitalism, as under capitalistic conditions man is alienated. His relationships are not social «... and the power of society, based on private property, confronts man as an external force with which he has no community save that of commerce»⁸. This duality, that divides up "man's own essence", results from the separation between state and society under

⁵ R.A. Nisbet, *The Sociological Tradition*. London, Heinemann, 1967, p. 47.

⁶ K. Marx, "Zur Judenfrage". In: K. Marx, *Die Frühschriften*. Stuttgart, Kröner Verlag 1971, p. 190. «Die Teilnahme am Gemeinwesen, und zwar am politischen Gemeinwesen, am Staatswesen, bildet ihren Inhalt» (190).

⁷ K. Marx, *o.c.* «Durch den Begriff der Sicherheit erhebt sich die bürgerliche Gesellschaft nicht über ihren Egoismus. Die Sicherheit ist vielmehr die Versicherung des Egoismus» (194).

⁸ J.M. Barbalet, *Marx's Construction of Social Theory*. London, Routledge and Kegan Paul, 1983, p. 65.

capitalism and will be removed under socialism when a complete "universalization" of the state takes place and the individual need not any longer to be protected against the state. Under socialism, men will realize themselves as social beings, as members of the collectivity. They will realize goals set by the collectivity and in *co-operation* with other members.

2.4. *The reformist reaction: Durkheim*

The third type of opposition to the societal development in the direction of increasing individualism and universalism is connected with the rise of French sociology. Since the beginning of the 19th century, the social character of men is accentuated. «L'époque *critique*, qui n'insistait que sur l'individu et la raison doit faire place à une nouvelle époque organique», says Dumont⁹, referring to Saint-Simon, and he points out that the combined rise of sociology and socialism is not accidental. Sociology represents, as a specialized discipline, the consciousness of the social totality, a conscience that is – and was – part of the collective conscience ("la conscience commune") in the non-individualized societies. Socialism, as a new and original type of organization of social life, emphasizes social life as a whole and conserves a part of the Revolution's heritage by combining holistic and individualistic aspects¹⁰. It is especially Durkheim who tries to develop a type of sociology in which the collectivistic and individualistic elements are combined. In his conception of social life, men can realize themselves thanks to the progressing division of labour in which they can develop their individual talents. Individualism and individual freedom are in Durkheim's view always connected with his conception of society as a moral order. The individual is "free" in some respects *because* he is part of that moral order¹¹. So Durkheim's individualism stands in a diametrical position to the liberal conception that states that individuals are motivated by self-interests to establish contractual relationship and that social life emerges from those interactions that are essentially based on self-interest. In contradistinction to this conception, Durkheim pointed out that human beings participate in a collective conscience, that embraces concepts about the nature of the social order and of the relationship between men and that is the product of a long historical process. Although he does not elaborate the subject of human rights, it is evident that also the concept of human rights must be interpreted as part of this collective conscience. «... La conscience collective est la forme la plus haute de la vie psychique, puisque c'est une conscience de consciences» and, «La pensée vraiment et proprement humaine n'est pas une donnée primitive; c'est un produit de l'histoire, c'est une limite idéale dont nous nous rapprochons toujours davantage, mais que, selon toute vraisemblance, nous ne parviendrons jamais à attendre»¹². Individuality is a product of modern society. In this society, the respect for the individual attains its culmination, especially in the realization of political liberties. Those liberties must

⁹ L. Dumont, *o.c.*, p. 109.

¹⁰ L. Dumont, *o.c.*, «On ne peut pas parler d'un retour au holisme puisque la hiérarchie est niée, et il est clair que l'individualisme est lui aussi disjoint, conservé sous certain aspects, rejeté sous d'autres» (p. 113).

¹¹ E. Durkheim, *De la division du travail social*. Paris, PUF, 1967, p. 403 ff.

¹² E. Durkheim, *Les formes élémentaires de la vie religieuse*. Paris, PUF, 1968, p. 633-635.

not only be protected, according to Durkheim, but must be regarded as the very base of the furtherance of economic and social justice. It seems to me that this point of view implies that the contents of human rights may vary according to the nature of social development and of the collective conscience and that the development of "real" universalism is strongly tied to the historical developments leading to a world-wide collective conscience. In this respect the development of a new international division of labour would be of pivotal interest.

2.5. Three interpretations of the relationship between the individual and collectivities

In the preceding pages, I described briefly three types of responses to a societal development in the direction of a social order that is based on individual achievement and universalism. Each of the three reactions implies a specific evaluation of human rights.

The conservative reaction tends to subordinate the interests of individuals to the interests of the traditional social order, be it an existing social order or the order to be restored.

In the Marxist approach the individual is not subordinated to the collectivity, but it is argued that the individual, as a social being, can only realize himself (or herself) in co-operation with others. Under socialism the duality individual – society, assumed to be a characteristic of the liberal, capitalist society, is no longer relevant.

The reformist view, as represented by Durkheim, also states that men can only realize themselves as parts of a social order, conceived of as a *moral* order. In this image of society the economic order is subordinated to the social order as a corporative and moral order and the state is considered to be society's central agency for the advancement of social integration. Society can be, in this perspective, an ordered, planned society in which a reconciliation is brought about between the division of labour, the professional specialization, the hierarchy of competences and the equality principle. Structural functionalism can be considered as the modern variant of this image of society.

These three reactions imply specific views on the relationship between individual and collective rights, an issue we will examine again in the next parts.

2.6. The liberal perspective on societal development and human rights

Although the conception of the rise of a new social order, based on equal opportunities and individual achievement, was severely attacked, it remained a powerful image of development until the present, especially in the United States. Basically the idea is that economic growth, based on industrialization, propelled by science and technology, brings about a gradual unilinear evolution towards a more open society with the following characteristics: increasing individual occupational and social mobility, together with a growing equality of educational opportunities, a fading away of differences based on class and life-styles, a concomitant growth of the middle-classes as a consequence of the increasing demand for highly skilled

and professional workers and, consequently a decrease of collective types of antagonism, especially of class struggle. Industrialization generates, in this perspective on societal change, eventually this same type of social order everywhere. This perspective on development is often called the *industrial convergence theory*¹³. According to this thesis the development of industrial society goes hand in hand with individualism and the establishment of universalistic criteria for judging individuals, including individual achievements. The position of individuals in occupational life will increasingly be determined by selection based on education and achievement.

Individual human rights fit neatly in this image of societal development. Adherents of this view regard collective rights as something that may endanger the development of a free society. An exponent of this point of view is Bell who says that «the claim for group rights stands in formal contradiction to the principle of individualism, with its emphasis on achievement and universalism». However, he acknowledges that it is a just claim when it pertains to social units who have hitherto been excluded from political participation. But discussing social inequality in the U.S.A. he says: «The idea of equality of opportunities is just one, and the problem is to realize it fairly. The focus, then, has to be on the barriers to such equality. The redress of discrimination by representation (e.g. of minority groups JB) introduces arbitrary, particularistic criteria, which can only be destructive of universalism, the historic principle, won under great difficulty, of treating each as a person in his own right»¹⁴.

In the liberal perspective not only is the primacy of the individual stated, but it is also evident that the significance of co-operation for the self-realization of individuals is underestimated, so little or no attention is paid to the contribution of collectivities to the well-being of individuals and to the meaning of collective rights and peoples' rights in this context.

2.7. *Disenchantment of the world: Weber*

There is yet another line of development, originating in the West, that has to be taken into consideration. Looking at the history of Western European societies we note that a differentiation between the main powers has been striking characteristic of those societies since early times. No ruling class has ever succeeded in acquiring a lasting and complete control over society. A separation – never a complete one – between spiritual and secular powers and a less outspoken

¹³ C. Kerr, J.T. Dunlop, F. Harbison, C.A. Meyers, *Industrialization and World Society*. In: C. Kerr, *Labor and Management in Industrial Society*. Anchor/Doubleday, 1964, p. 345 e.v. More recently, Kerr published a new study on this thesis: *The Future of Industrial Societies. Convergence or Continuing Diversity*. Cambridge, Mass., and London, Harvard University Press, 1983, in which he states that industrial life is in trouble. «The "social limits" to growth have meant "social congestion" in many aspects of life, and the "paradox of affluence": trying to get "ahead of the crowd" has meant that no one is really better off... Not only "postindustrial" capitalism but also "postindustrial" socialism has its "cultural contradictions"» (p. 107). Kerr places less hope on political convergency and convergence in belief systems than he did in his earlier study. «Past convergence has clearly led to higher-quality lives, but not yet to a safer world situation», he says, and he continues: «The greatest hope is that new technologies and better policies for their utilization will allow the continuation of economic growth in ways that do not exhaust nonrenewable resources. This will allow the slow process of two-way convergence to continue, even in political and economic structures» (p. 125).

one between political and economic powers has been the rule¹⁵. These powers have not only been separated to a certain extent, but are further characterized by strong rivalries among each other.

The controversies between the main powers and the arrangements that resulted from them – European history is abundant in examples – have been of great importance to the course of Western development. The granting of religious freedom has been associated with the secularization of the state and the separation of spiritual and temporal powers. «It has been plausibly argued», Ginsberg remarks, «that the dynamic quality of the western peoples was enhanced by the conflicts and rivalries between the secular and religious powers, and there are many who would agree ... that political liberty owes much to the frictions thus generated»¹⁶.

According to Weber, this separation of the spiritual and secular powers and the rivalry between them has undoubtedly contributed to the rise of a formal and rational juridical system, developed by trained lawyers. They introduced the authority of secular juridical norms binding on all subjects. With the victory of the *formal* juridical rationalism, legal authority came into existence in Western societies alongside older and earlier types of authority (e.g. traditional and charismatic authority). The most important variant of legal authority was and still is the bureaucratic one.

Western rationalism has a long history and we do not have the intention to discuss causal explanations of the development of rationalism and its relationship with universalism. Weber points out that this rationalism resulted from the specific nature of the Western social order in which the rational structure was a necessary condition for the development of an economic order based on a rational management of private enterprises and on accurate calculations. Only the West had the disposal of such a complete formal juridical system and administration that could be used in the management of economy¹⁷. This development has been of paramount importance to the specific relationship between science, technology and economy in the West. Science and technology have strongly determined economic developments. It is besides the mark to say that the sciences – especially the exact and experimental sciences – have their origin in capitalistic market conditions. The technical application of scientific knowledge, however, has been strongly influenced by economic stimuli. In this process formal law, too, played an important role, and so did the rise of a practical-rational way of life and of a new “*Wirtschafts-gesinnung*”. It has been the great contribution of Weber to have made explicit the importance of the affinity between the economic ethos and the rational ethics of ascetic protestantism in the development of Western capitalism¹⁸.

The specific and cultural constellation in the West contributed to the continuation of the process of rationalism, resulting in a rational order based on the participants' conviction that the conditions of daily life can be understood rationally.

¹⁵ R. Aron, *La lutte de classes*. Paris, Gallimard, 1964, p. 165.

¹⁶ M. Ginsberg, *On Justice in Society*. Penguin Books, 1965, p. 156.

¹⁷ M. Weber, *Einleitung in die Wirtschaftsethik der Weltreligionen*. In: Max Weber, *Soziologie-Weltgeschichtliche Analysen-Politik*. Stuttgart, Kröner Verlag, 1968, p. 437 and p. 350.

¹⁸ M. Weber, *o.c.*, p. 352, and, of course his *Die Protestantische Ethik und der Geist des Kapitalismus*.

ally. Social life is essentially predictable once the rules are laid down. Rationalization of social life is the "disenchantment" of the world by the rule of rational organizations in which orders are issued in the name of impersonal norms, i.e. norms that are independent of personal authority or favours. Rationalization has become the development of the bureaucratic type of administration in the state and in modern corporations. In this process, both governments and the large corporations are becoming increasingly dependent on accurate, continuous, efficient and predictable bureaucracies.

Especially in our time, the strains between individual and collective rights on the one hand and the ongoing rationalization on the other are becoming increasingly evident, as both the rationalization of economic life and the implementation of social and economic rights by state bureaucracies often have restricting consequences for the autonomy of men, both as citizens and workers¹⁹. The applications of science and technology – especially information technology – push forward the rationalization of modern societies. Habermas, among others, has pointed out that the progressive rationalization of society is linked to the institutionalization of scientific and technical development. «To the extent that technology and science permeate social institutions and thus transform them, old legitimations are destroyed. The secularization and "disenchantment" of action-oriented world-views of cultural tradition as a whole, is the obverse of growing "rationality" of social action»²⁰.

Indeed, this process of rationalization has profound consequences for the quality of social life. In this process persons may be – and often are – reduced to the role of elements of a system or to a cog in a machine. Human beings are often fragmented by the needs of systems or institutions and individual and collective liberties are flouted in this process. The process of rationalization tends to produce strong tensions between "rational system-needs" on the one hand and humanistic values, such as self-actualization, on the other. This tension is aggravated in those cases where arrogant modernizing elites impose rational types of organizational changes in the name of "progress", "technological determinism" or "the necessities of the market", to name just a few slogans.

2.8. *Human rights: liberties and needs*

Before summarizing this part we will draw the attention still to some other issues that are relevant to understand the nature of the problems that will be discussed in the following parts. In this context the distinction between formal rights (or liberties) and material – or social and economic – rights is an important one.

Many of the rights included in the *Déclaration des droits de l'homme et du citoyen* were formal rights, guaranteeing individuals the freedom to act accordingly

¹⁹ J. Berting, *Social Democracy and Social Justice*. Proceedings of the IDPAD-Seminar. The Hague, Institute of Social Science Research in Developing Countries/New Delhi, Indian Council of Social Science, 1983, p. 17-57.

²⁰ J. Habermas, *Technical Progress and the Social Life-World*. In: J. Habermas, *Toward a Rational Society*. London, Heineman, 1972, p. 56.

to their own wishes in specific domains. In the 19th century those freedoms were extended and especially a second generation of rights came to the fore: the right to participate either directly or indirectly in political life, in the decision-making process.

As we have seen in 2.3., Marx criticized the concept of individual liberties as constituting a right of individuals to separate themselves from social life. Moreover, Marx holds the view that those formal and abstract rights were of little importance for the overwhelming majority of populations that was deprived of opportunities to be really free in *daily* life, because the means to satisfy basic needs were very unequally distributed in society.

This type of criticism cannot refer to all individual human rights, especially not to those rights that guarantee life and security, such as Article 5 of the Universal Declaration of Human Rights: «No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment»; Article 6: «Everyone has the right to recognition everywhere as a person before the law», and Article 9: «No one shall be subjected to arbitrary arrest, detention or exile».

Nevertheless, many other human rights remain an empty shell in societies where considerable social inequality exists and where many people are deprived of the means to a decent living. The admission of this state of affairs led, not without struggle, to the development of social and economic rights. Those rights are based on *social* justice as following from the fundamental equality of all human beings. In this conception it is not the contribution of individuals to the existing exchange relationship in society and the rewards for this contribution they receive that are important, but their (social) needs, including the need for self-actualization. The Universal Declaration of Human Rights includes these rights (Articles 21 ff) that intend to provide a minimum standard of decent living for everybody: rights to work and subsistence, food, clothing, medical care and education. Those rights could equally well be presented as claims of needs, as Miller points out. «What is actually contained in this section of the *Declaration* is a list of basic human needs, together with the principal means of satisfying them. Thus what makes this class of human rights relevant to social justice is that they are claims based upon need, and moreover of a universal and urgent kind»²¹.

An important difference can be discerned between human rights as liberties and social and economic rights. The first category of rights implies the non-intervention of the state in certain domains of social life and the protection of subjects by the state against violation of those rights by others. Social and economic rights, as material rights, are related to the redistribution of commodities in society and imply the *duty* and responsibility of the state to provide the means to satisfy citizens' needs, either directly or indirectly.

Social and economic rights are, on the one hand, rights in themselves, originating from social justice as based on fundamental equality of all citizens of a society. On the other hand, they are judgments, formulated as rights, on the necessary conditions to enhance the capability of all men to implement the potentiality of their formal liberties, including their *cultural* rights. In the next part we will enter into the relationship between individual and collective cultural rights

²¹ D. Miller, *Social Justice*. Oxford, Clarendon Press, 1979, p. 79.

and discuss whether "cultural rights" may be considered as «another generation of human rights».

Social and economic rights differ from human rights as liberties and as participation rights in another aspect. The implementation of social and economic rights and the level of the provision of commodities and services to satisfy human needs are highly dependent on a society's economic development while the abundance by the liberties and participation rights is relatively independent or, in several cases, independent of the prevailing economic conditions. These latter rights are either violated or not and no excuse is acceptable when individuals are subjected to torture, to cruel, inhuman or degrading treatment or punishment, to arbitrary arrest, detention or exile, or when their right to freedom of peaceful assembly and association is denied. In contradistinction to those rights social and economic rights have a *relative* character, the *degree* of actualization of each formulated right being dependent upon economic development and society's efforts to bring about a more equitable society. The relativity of the social and economic rights is stressed by Aron's remark that the logic of equality would not have been accepted that easily, when modern societies, conscious of their capability to produce, had not convinced themselves gradually that equality could be assured thanks to technology and organization²². Marshall connects the contents of the idea of social justice with the *social* development of a society, undoubtedly also partly dependent on economic development: «Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed. The urge forward along the path thus plotted is an urge towards a fuller measure of equality, an enrichment of the stuff of which status is made and an increase in the number of those on whom the status is bestowed»²³.

We can look in the same way at the Universal Declaration and the Covenants as common standards of achievement and as an image of a better international order, taking into account with regard to the social and economic rights not only their development in relation with economic growth, but also the nature of those rights and the quality of the provisions within "traditional" social networks or within other types of collectivistic social arrangements.

A final question is relevant in this context: are social and economic rights, as claims based on human needs, compatible with fundamental rights? Aron argues that in Western, liberal societies a reconciliation between those kinds of rights is on its way to be achieved. In my opinion this reconciliation will be an unstable one as the redistribution of commodities and services and the production of new collective goods with the objective to diminish social inequality, may have restricting consequences for individual liberty in daily life by decreasing the importance of individual achievement in economic and social life and by develop-

²² R. Aron, *Essai sur les libertés*. Paris, Calmann Lévy, 1965, *passim* (conclusions).

²³ T.H. Marshall, *Class, Citizenship and Social Development*. Essays by T.H. Marshall. New York, Anchor Books, 1965, chapter IV, "Citizenship and Social Class", p. 72 ff.

ing new types of dependencies between individuals and bureaucracies. The present development of the Western welfare states is a good example of a growing tension between the achievement principle – rewards according to achievement – and the need principle – provision by the state of means of subsistence according to the needs of citizens on a level enabling them to organize their lives meaningfully.

Galtung and Wirak attacked this problem of the relationship between human liberties and social economic rights from a somewhat different angle by making a sharp distinction between the human rights tradition and the human needs tradition. They agree that the human rights tradition «... has built into it an image of the good society, as so many other images». They then proceed, using the same type of argument as Marx in his *Zur Judenfrage*: «But having said that it should be added that the human rights tradition has had a tendency to ignore the more fundamental needs, perhaps relegating them to more residual categories like “economic and social rights”. They are concerned more with the rights of elites in liberal (i.e. individualistic-vertical) societies than with the rights of people in general everywhere –»²⁴.

It is evident that human needs *are* important, as Galtung and Wirak state, but it is difficult to follow them when they say that the human rights tradition has tended to ignore the more fundamental human needs, as human rights *are* related to fundamental needs such as life, dignity and worth of every human being. Those rights are certainly not the right of elites in the so-called liberal societies but rights with a universal significance. (See, however, sub-section 5 of this paper for some restrictions on the meaning of universality). Moreover, there is no reason why we should subordinate human rights to “more fundamental needs”, because this could be interpreted by some ruling elites, in not a few places in the world, that as long as “more fundamental human needs” – as e.g. the need for food – are not satisfied to a sufficient degree, the violations of human rights such as liberties or participative rights could be considered as just a minor infraction, perhaps/as a necessary sacrifice to bring about the well-being of future generations.

2.9. Discussion of the preceding issues

We now have the major elements in our hand which we need for our discussion of the relationships between human rights, peoples' rights and sociological theory and research. As we have seen, the development of the concept of human rights is historically related to the rise of a new social order. This specific link between the origin of human rights and the rise of the liberal, capitalist society has coloured human rights concepts with connotations which are specific to the cultural and socio-political situation under which they arose. Parsons has pointed out that the concept of liberty was put in different frames of reference in England and France at the end of the 18th century and that this difference was related to historical developments which produced a different type of relationship between the state and society in the two countries. In England, where several

²⁴ J. Galtung and A. Wirak, *Human Needs, Human Rights and the Theories of Development*. Paris, Unesco, Division of Social Science Methods and Analysis, 1976 (paper), p. 46.

rights had already been guaranteed by the state in a long historical process, the concept of liberty referred primarily (e.g. in the works of Adam Smith) to economic freedom for individuals in contradistinction to mercantilism. In France, where the state still retained dominate vis-a-vis society, the freedom of society in relation to the political system was stressed²⁵. It is interesting to note that the *Déclaration des droits de l'homme et du citoyen* of 1789 has a strong collectivistic tinge that is related to Rousseau's influence. His collectivistic concept of "la volonté générale" can be traced to Article 3 («Le principe de toute souveraineté réside essentiellement dans la nation, nul corps, nul individu ne peut exercer d'autorité qui n'en émane expressément») and to Article 6 («La loi est l'expression de la volonté générale ...»).

Our discussion of some main issues in the debate on human rights demonstrates clearly how strongly these issues are related to societal developments and to different perspectives that exist regarding future societal developments, including ideas about their degree of malleability. Most of the problems we discussed in the light of past development, especially within Europe, will be with us in the future, as human rights, as common standards of achievement, are part and parcel of world-wide developments in the direction of an inevitable increasing interdependency of all nations and peoples. We must be aware of the fact, as Gellner observes, that «Mankind is irreversibly committed to industrial society, and therefore to a society whose productive system is based on cumulative science and technology»²⁶. And this commitment will not be changed by a development in the direction of a post-industrial society, we may add, although this development *may* change our options and contribute to social and cultural specificity and diversification.

The implications of this strong relationship between human rights, social and cultural developments within nations and the changing interdependencies between nations are vast. In this process of development both Human Rights, as formulated in the *Declaration* and the *Covenants*, will be stripped of those elements and connotations which will appear retrospectively as bound to a specific historical constellation. (Much in the same way as happened is the past with the right to property. Most people will not consider, in our time, the right to property as «un droit inviolable et sacré». Although this right was formulated as a "sacred" individual right in the *Déclaration de l'homme* it is formulated in a more abstract and general way in the *Universal Declaration*, allowing for a much wider range of culture or nation-bound interpretations).

It is evident that an ongoing debate between open-minded representatives, coming from different cultures, societies and political systems, and being adherents to different religious and ideological world-views, can contribute to this process of corroboration of the universalism of the human rights. This universalism will be, in this respect at least, a product of the growing interdependencies in this world and will be accompanied by a growing awareness of the specific significance of cultural and historical variety.

²⁵ T. Parsons, *The System of Modern Societies*. Englewood Cliffs, New Jersey, Prentice-Hall, Inc., 1971, p. 80.

²⁶ E. Gellner, *Nations and Nationalism*. Oxford, Basil Blackwell, 1983, p. 39.

Although there have been changes in the formulation of human rights and there will follow many changes in the future, it must be said that the meaning of human rights, as formulated in the *Universal Declaration* and the *Covenants*, is quite unequivocal, especially when we consider the fundamental rights and freedoms. The fact that many nations from different cultural regions of the world have shown their adherence to these rights and that they have also ratified the *Declaration* and the *Covenants* in many cases, corroborates this statement.

The ultimate objective of human rights is the protection and the advancement of the well-being of real, living human beings. Our discussion of some important reflections on cultural and societal changes in Western Europe clearly shows that individual liberty and other important elements of individual well-being can take various shapes under different social conditions and with varying degrees of collectivistic or individualistic orientations.

Human rights, as fundamental rights and freedoms, have a high revolutionary potentiality as they are – as a system of ideas – antagonistic to (traditional) institutions that allow the sub-ordination of categories of human beings to others on account of ascribed characteristics such as race, colour, sex, etc. They are equally antagonistic to the ambitions of those elites and ruling classes that tend to sub-ordinate the well-being of both individuals and peoples are other collectivities to the one-sided imposed requirements of their present order or of the developmental model they adhere to. And, of course, we are continually confronted with unintended and undesirable consequences of societal development for certain persons or groups (e.g. new dependencies of individuals and groups arising from the process of rationalization), which can be evaluated and eventually redressed with the help of human rights.

We have remarked that fundamental rights and freedoms are, in most respects, quite unequivocal or unambiguous. But it is equally true that human rights are common standards of achievement and that the economic, social and cultural “goods” needed to pursue these common standards are very unequally distributed among the different nations of the world. This situation leads to a more relative interpretation of the level of achievement, at least with regard to the social and economic rights. Moreover, the ascertainment of widely divergent levels of achievement in different countries is of course pertinent to article 22 of the *Declaration* that refers explicitly to the obligation of nations to advance social security through national effort and international co-operation.

We will come back to several of the problems mentioned in the following paragraphs, paying attention to the different types of relationships between individuals and collectivities, to the universalistic character of human rights and the specificity of cultures and nations, and to the problems of social change and developmental models. As this contribution is also focussed on the relationship between human rights and sociology, it is of importance to note, that our review of some main issues in the Human Rights debate brings us directly to the main issues modern sociology is confronted with. There is, however, at least one huge difference. Sociology is, on the level of empirical research, strongly tied to national or intranational frames of reference and although the same cannot be said of the main theoretical perspectives, it is evident that the latter are strongly dependent on the nature and types of social and philosophical developments in the western advanced societies. Studying the development of human rights and human rela-

tions from to this sociological background is like looking through a powerful telescope and observing the same basic patterns and problems as within the national frame of reference, but being at the same time confronted with the much wider variation and complexity of the world we live in.

3. The relationship between human rights and peoples' rights

3.1. Individual human rights depend on co-operation

Up to now we have paid attention to human rights by going into the relationships between individuals, collectivities within a society, society itself and the state. It is evident that human rights, although their objective is the well-being of individuals, are in a certain sense also collective rights as their implementation is dependent, partly at least, on collective goods (as the right to a nationality, the right to worship, the right to freedom of peaceful assembly, the right to form and join unions). Moreover, the members of a society have the right to determine freely their political status. The state is also a "collective good" to which the interests of society may not be subordinated. Finally, some values may be considered as "collective goods" to be achieved and maintained by collective efforts such as peace, relative stability of the system of social relationships, life-styles, solidarity and humanistic values such as tolerance.

3.2. Peoples' rights and the ambiguity of the concept of "people"

Peoples' rights are a separate class of collective rights whose status is both unequivocal and ambiguous. Peoples' rights are collective rights, such as the right to exist as a people; the right to self-determination; the right of a people to determine freely its political status; the right to secession; the right of a people to enjoy and develop its culture; the principle of the equal rights of all peoples.

The great stumbling-block in relation to peoples' rights is that it is very difficult to ascertain what should be considered as a people. Nevertheless, the idea of equal rights and self-determination has come to be regarded «... as one of the most dynamic concepts in international life today. Its influence on both the political and the legal plane and also on economic affairs runs through the whole UN-system. It is being accepted more and more strongly as a legal norm by legal authorities, with the result that it has now become embodied in international law», according to Joyce²⁷. But how do we decide whether a claim to self-determination by a group of persons is the claim of a "people"? How can the right to self-determination be protected against abuses, which would open up the avenue to the watering down of this right? It is evident that the right of self-determination is a right of peoples under colonial and alien domination.

There is, however, an important number of "peoples" – groups of persons which consider themselves as a "people" and/or are considered by other people to be so – that are not under colonial or alien rule and that nevertheless claim the right to self-determination in at least one or more domains of public life. «Yet there is, surprisingly, no text or recognized definition from which to determine

what is a "people" possessing the right in question»²⁸. Also Van Boven deplors this situation in which the rights of peoples to self-determination is *de facto* restricted to the termination of the process of colonization. But an important consequence of this situation is that the existence and the identity of many peoples, not coming under the head of "colonization", is denied and threatened. These peoples may have a homogeneous relationship with one state in which they are systematically repressed by the state-agencies and in which they may even be the subject of the crime of genocide. Or they may be dispersed and divided by the arbitrariness of state-boundaries²⁹. The important point is that the collective values of these people are at stake. For the sake of the discussion, in Unesco's Secretariat Basic Document, "peoples" are defined as «groups linked by certain cultural or quasi-politized institutions in the public and sometimes in the private domain. "Peoples" therefore may have a territorial base. This territorial base may be accompanied by sharp discontinuities in historical, cultural or political institutions with regard to the state. However, in many cases the territorial base – and claims – may reflect continuities in some domains, with differentiation in other, such as shared political and legal institutions with local autonomy within certain other social institutions, e.g. education and culture. Demands therefore are likely to be for a degree of decentralization with regard to central state power».

This working-definition extends the concept "people" in such a way that it includes not only peoples which fall under colonial or alien rule in a strict sense, but also the peoples mentioned in the preceding paragraph. However, there is a danger connected with this extension because the distinction between "people" and "minority" might become blurred. A fading away of this distinction in political language might lead to a further dilution of the concept of people, because it would embrace too much. Look, as an example to the following working-definition of minorities, suggested by Joyce in his study on human rights. «... a minority is a body of people bound together by a kindred consciousness that is rooted in a common ancestry, tradition, language, and culture or religion which sets them off from the majority or the dominant people of the country in which they live»³⁰. Although this definition stresses cultural characteristics as language etc., and does not mention the institutional level, it is easy to include this minority conception in the working-definition of people. Again, blurring the distinction between "peoples" and "minorities" might jeopardize the right to self-determination of peoples while many states will not be inclined to apply this right to minorities.

A great deal of research has been done on the topic of ethnicity within different research traditions, but the results of these studies are still waiting to be used in a systematic way in relation to human rights, peoples' rights and their interrelationships. Human collectivities may be classified by using many criteria such as culture, language, religion, ideology or common history. In many instances the classifications based on these separate criteria do not coincide with the bound-

²⁷ J.A. Joyce, *The New Politics of Human Rights*. London and Basingstoke, The Macmillan Press Ltd., 1978, p. 154.

²⁸ J.A. Joyce, *o.c.*, p. 160.

²⁹ Th.C. van Boven, *Nieuwe Perspectieven en Uitdagingen* ("New Perspectives and Challenges"). In: M.B.W. Biesheuvel en C. Flinterman, *De Rechten van de Mens (Human Rights)*. Amsterdam, Meulenhoff Informatief, 1983, p. 156.

³⁰ J.A. Joyce, *o.c.*, p. 28.

aries of the, say 200, states in the world at present. Recently Gellner made a rough calculation leading to the conclusion that there is "... only *one* effective nationalism for *ten* potential ones!» and he continues: «For every nationalism, there are *n* potential ones, groups defined either by shared culture inherited from the agrarian world or by some other link (on the 'precedent' principle) which *could* give hope of establishing a homogeneous industrial community, but which nevertheless do not bother to struggle, which fail to activate their potential nationalism, which do not even try»³¹.

3.3. *Inequality and the role of the culture of modernization*

Why is this so? At this moment we are not in the position to answer this question satisfactorily because many variables, in *different combinations*, seem to play a role.

It seems to be important whether a group of persons within a state occupies an inferior position that is based on its ethnicity, religion or language. It is important to note that the inferior position need not be connected primarily with the *individuals* who compose the group. In fact, ruling elites within a state often have an image of societal development, of modernization, in which divisions based on ethnicity are regarded as obstacles to that equality of opportunities sought for all individuals within the boundaries of the state³². What is at stake is that an ethnic group defines its position as an inferior one in relationship to the culture of modernity, as defined by the ruling classes or elites, by being deprived of collective goods, or not being in a position to develop collective goods to continue a way of life or a language-community.

The imposition of the strategic characteristics on a collectivity – such as language, religion, life-style – is understandably and the state, e.g. the imposition of a common history, especially when this history refers to a time when the collectivity was organized in its own state and has been deprived of it by shifting international power relationships, and of culture or life-style, religion, language, and economic interests.

The nature of this interaction between the culture of modernization (often being the nationalism of the majority or of the ruling elites) and the characteristics of a collectivity, distinguishing it from the majority, seems to be a pivotal one in the conception of a modern society as basically a society of equals. This equality not only pertains to individuals, but also to important collectivities within a society. However, this is not to say that in some cases individuals may be subordinated

³¹ E. Gellner, *o.c.*, p. 45.

³² According to Parsons: «The principle of equality has broken through to a new level of pervasiveness and generality. A societal community as *basically* composed of equals seems to be the "end of the line" in the long process of undermining the legitimacy of such older, more particularistic ascriptive bases as religion (in pluralistic societies), ethnic affiliation, region or locality, and hereditary position in social stratification (notably in the aristocracy but also in more recent versions of class status). This basic theme of equality has long antecedents but was first crystallized in conceptions of "natural rights" under the Enlightenment and found particularly important in the "Bill of Rights of the American Constitution" (*o.c.*, p. 119). Parsons' conception of modern society emphasizes individual human rights. Nevertheless, it appears from his study that he combines modernization also with growing opportunities for ethnic groups and other minorities to pursue their own goals as long as they accept the basic tenets of co-operation in modern society, particularly the value system of the modern societal community.

to collectivities and that their individuals rights could be flouted because collective rights should have a higher priority.

3.4. Peoples' rights and the right to national and supra-national infrastructures; types of decentralization

Fundamental rights and freedoms imply that individuals have the right to pursue common goals and to be protected by the state while doing so, unless their activities would violate the rights of other individuals and collectivities. For this endeavour there does not seem to be a need for a new category of "cultural rights". But in several cases such collectivities need not only be protected against the state's objective to modernize, or to maintain the privileged position of dominant classes or ethnic groups, but also need the active help of the state in the production of an adequate infrastructure to enable the members of a minority to pursue their aims in specific domains of social and cultural life. The right to these provisions can be regarded as an extension of social, economic and cultural rights.

In several cases, however, the position of a collectivity is not tied to one state, but to several states, when national boundaries cut across «statelles» nationalities such as the Kurds or the Inuit Indians. In such cases the implementation of the cultural rights of these peoples or ethnic groups are dependent, of course, on international co-operation to build supra-national institutions that will enable those collectivities to pursue their ends (e.g. educational provisions, such as a university or specific types of professional training, communication networks).

The nature and range of infrastructural provisions will depend on the type of ethnicity or linguistic and religious divisions within a society and the size and type of territorial dispersion of the collectivities concerned. In some cases the development of the relationships could be in the direction of «pillarization». An example of such a system is that which existed in the Netherlands, where religious cleavages generated a system of co-ordinated «pillars», each characterized by its own system of provisions in almost all areas of social and cultural life. (This system lost much of its vigour in the sixties of this century). An other example of pillarization are the arrangements between the Flemish, Walloon and German speaking communities and the community of Brussels in Belgium.

In other cases the necessary provisions can be pertinent to only one or a few issues while in all other areas of social, cultural and economic life there is no need for a separation between the collectivity concerned and society at large. With respect to what has been said about the relationship between individual rights and collective rights (part 2) it should be very clear that the peoples' rights and rights of minorities must not be interpreted as the rights of a part of a people or minority to oppress certain categories of individuals within their community, using the argument that they have right to do so because it is their way of life, or because it is prescribed by their religion.

3.5. Sociology and people's rights

Sociologists have produced a series of important studies on minorities and plural societies, and so have political scientists and social or cultural anthropolog-

ists. In the light of this it is amazing to note that these types of research, done within different research traditions in the world, have not yet been systematically analyzed in relation to the development of human rights and peoples' rights, in relation to the nature and types of solutions that have been tried under different circumstances, and, finally, in relation to societal and cultural development as such. This latter point is certainly not to be neglected in future research, as sociological theory and research had been, up to now, very weak in the analysis of the changes of international dependencies on an empirical level, having paid overwhelmingly attention to the position of minorities *within* nation-states. Nevertheless, international interdependencies *are* important to understand the rise of claims and to evaluate the opportunities for the development of strategies to solve problems in this area.

4. The relationships between sociology and human rights

4.1. Human rights and sociology engendered by the same societal changes

The preceding sections of this contribution show in several ways how the development of western sociology is intertwined with the type of problems that were encountered in the debate on human rights. In this respect we refer to the historical link between human rights and the rise of an image of a new social order in which the individual would be liberated from the oppressing influence of traditional and inequitable institutions and from outdated religious views. The rise of the industrial society did have such far-reaching disrupting consequences for social and cultural life that the question concerning the nature of the coming social order and the fate and opportunities of all the human beings in that rising order was a pivotal one. No wonder that the 19th century was a period that was very propitious for the development of sociology as a science of society, especially as a science of societal development.

Not only is the *origin* of human rights related to the rise of industrial society, but we also have seen that the development of western societies and the *advancement* of human rights are closely related. In this latter respect we observe a sequence, beginning with the fundamental rights and liberties, then the rights stipulating the participation of growing numbers of people to participate in political decision-making, followed by the social and economic rights which culminated in the welfare-state system and, finally we are probably witnessing the rise a fourth generation of rights to culture for minorities. Not only are we witnessing this development of human rights, but also, a growing effort within states to diminish the distance between human rights as formal rights and the daily life-world of real people.

In the light of these historical developments, which engendered so to speak both human rights and sociology, and which confronted both the human rights movement and sociology with at least partly the same type of problems, sociology has neglected human rights as an object of study to which it could contribute – for the moment leaving aside some impressing contributions as those of Aron, Ginsberg and Marshall, to mention just a few, and studies about the position of minorities, such as immigrant workers, within (western) nation-states.

4.2. *Some reasons for the relative neglect of human rights by modern sociology*

One important reason for the comparative neglect of human rights as an object of study in sociology seems to me the inclination of most western sociologists to regard the human rights debate as something that fits the frame of reference of international organizations such as the United Nations and its specialized agencies. In this frame of reference it is seen as primarily a field of interest for juridical specialists and for specialists in international relations, not as one for sociologists. This image of human rights held by sociologists is not explained, but at least made understandable when we look at the mainstream of empirical research, done by sociologists and at the infrastructure and types of research-funding in sociology. Without trying to explain the present state of affairs we observe that the bulk of sociological research is related to the analysis of social phenomena and social problems *within* nation-states. Even when sociologists are engaged in international, comparative or cross-national research, their main objective is more often than not a better understanding of social phenomena within their own society.

This one-sided orientation of sociological empirical research to social phenomena and social problems *within* a specific society is related to the nature of funding: most research is directly, and partly indirectly, commissioned-research, predominantly funded by state-agencies or by governmental agencies on a regional or local level. A strong tendency can be observed in western countries to develop programmes for universities' non-commissioned research that are often related to problems considered to be important in the light of that society's development (technology assessment, energy resources, environmental protection, labour-market problems etc.). Although this type of research may contribute to the solution of national problems, it is evident that there is a big social and psychological distance between the world of intranational empirical research on the one hand and the world of changing international relationship and the development of supra-national systems on the other. The existing infra-structure of research is in accordance with this national frame of reference. Research institutes adapted to the needs of research with respect to social phenomena which do not fit the (intra-) national frame of reference are rare phenomena.

In this stage of our analysis we can only agree heartily with Daya Krishna's observations in his «Loi morale et ordre international», concerning the flagrant lack of interest in inequality between states: "On peut voir à quel point l'orientation de la pensée dans les sciences sociales est encore déterminée par les réalités de la conjoncture nationale; et par l'identification subconsciente des chercheurs avec cette conjoncture, en notant l'absence de tout débat sérieux sur l'amélioration de la condition humaine, non pas à l'intérieur du territoire national, mais au plan des rapports entre les Etats" ³³.

4.3. *Sociological theoretical perspectives and human rights*

Turning our attention to the present state of theoretical sociology we observe that the intellectual responses to the rise of industrial society, as reviewed

³³ Daya Krishna, *Loi morale et ordre international*, "Diogène", n. 129 (1985), p. 100.

in sub-section 2, did not constitute a theoretical synthesis based on consensus. The present state of sociology is a state of theoretical pluralism and the dividing lines between the main modern theoretical perspectives or "paradigms" are connected precisely with the main issues in the human rights debate. One of the most important dividing lines between theoretical perspectives in sociology is related to "collectivism" or "holism" versus "individualism". In the holistic approach it is emphasized that the whole logically precedes the parts of that whole and cannot be reduced to the qualities of those parts. The individualists argue that complex phenomena or "wholes" are determined by the attributes of the elements they consists of. They are reduced to the characteristics of the elements or the characteristics of the relations between those elements. The consequence of this opposition between collectivistic and individualistic approaches is exemplified by the ongoing debate on the significance of exchange in social life (e.g. Lévi-Strauss versus Homans)³⁴.

The second fundamental dividing-line between theoretical perspectives in sociology is related to the interpretation of social reality as being an "objective" or an (inter-) subjective reality. In the objective approach social reality is considered as being an objective reality that is based on certain regularities and (social) mechanisms. As such, social life is in principle understandable to objective observers without relying on the individual and collective interpretations of the participants in social life on an *explanatory* level. In the intersubjective or interpretative approach to social life, it is assumed that social life can only be comprehensible to the observer when he takes into account the participants' definition of the situation and the processes of reciprocal interpretation between interacting individuals. Social life is primarily the expression of individual and collective interpretation³⁵.

Although many efforts have been undertaken to bridge the above mentioned oppositions, none of these efforts has been successful as they always imply superordination of one of the approaches to the other.

The combination of the two oppositions allows us to distinguish between four main theoretical perspectives in modern sociology: "objective" collectivistic approaches (neo-Marxist and functionalist perspectives); "objective" individualistic approaches (individual exchange theory, social behaviourism); "intersubjective" collectivistic approaches (e.g. culture patterns, social actionism); "intersubjective" individualism (interpretative sociology, symbolic interactionism).

Those four main perspectives on social life in modern sociology are clearly related to the intellectual responses we described in sub-section 2, responses that tried to transcend the limitations of individualism in a market society. Moreover, the individualistic approach itself is elaborated in different ways in modern sociology.

The present state of theoretical pluralism in sociology also implies that there is no consensus about the nature and direction of societal and cultural

³⁴ C. Lévi-Strauss, *Les structures élémentaires de la parenté*. Paris, 1979 and G.C. Homans and D.M. Schneider, *Marriage, Authority and Final Causes*. The Free Press of Glencoe, 1955.

³⁵ J. Berting, *A framework for the discussion of theoretical and methodological problems in the field of international comparative research in the social sciences*, p. 143 ff. In: J. Berting et al., *Problems in International Comparative Research in the Social Sciences*. Oxford, Pergamon Press, 1979, p. 137-158, and by the same author: "An appraisal of functionalist theories in relation to race and colonial societies". In: M. O'Callaghan, e.d., *Sociological Theories: Race and Colonialism*. Paris, Unesco, 1980, p. 183 ff.

change nor about the selection of the main forces that have to be dealt with in this area. This signifies that on a *general* theoretical level, modern sociology is not in a very good position to handle the problems connected with social and cultural diversity and change related to human rights (e.g. such problems as the relationship between universality and specificity or between collectivism and individualism, in relation to societal transformations). This is, however, not to say that sociology's contribution is not important on a more substantial level and could not have an even more important role to play with regard to human rights. Each of the main perspectives can contribute to the elucidation of specific problems in relation with human rights. To mention just a few types of contributions: 1) the collective intersubjective approaches lend themselves admirably to analysis of the relationship between collective representations such as religions and ideologies on the one hand and human rights on the other. Nevertheless the comparative impact of religion on the recognition of human rights is barely examined, as De Laubier states³⁶; 2) the collective objective approaches have contributed and will continue to do so, by analysing the impact of changes in the division of labour and in (inter)national interdependencies on the positions of individuals and groups within societies and the consequences of these changes for the enactment of human rights. Important problems on this level are, for example, the position of migrant workers and their families or the changing position of women in developing countries. In the latter case we are sometimes confronted with traditional practices which are not reconcilable with human rights, but which are nevertheless part and parcel of the cultural specificity and contribute to the individual dignity within the specific cultural context. An example is the infibulation of young women as practised in Northern Sudan and adjoining regions. Forced abolition by the central authorities should be accompanied, in such cases, by measures ensuring that the individual dignity of the women concerned will not be degraded.

5. Societal development, human rights, people's rights and sociology: some final remarks and recommendations

We have observed that sociology as a discipline has rather neglected human rights and the rights of peoples as a subject for analysis. We have also tried to give some reasons for this neglect in the preceding sub-section and we put forward as our conviction that a more substantial contribution of sociology is certainly possible in spite of some important problems that could be related to the common roots of human rights and sociology.

Within the context of a short chapter like this, it is of course not possible and even not desirable to develop a sociological research programme on human rights, not only because of the present state of the art but primarily because the development of human rights itself demonstrates that the clashes between different perspectives on social life and the interests underlying those clashes, have played an important role, and will continue to play that role, in this development. This implies that a sociological research-programme on human rights and peoples'

³⁶ P. de Laubier, *Sociology of human rights. Religious forces and human rights policy*. "Labour and society", Vol. 10, 1 (January 1985), p. 97.

rights has to be the result of the debate between sociologists coming from different cultural areas of the world, and representing different theoretical approaches and research traditions.

Looking at the rise and development of human rights in Western Europe, we see that these are connected with important changes that are taking place in the interrelationship between major collectivities within and between the societies concerned. Increasing and changing interdependencies in the world are equally having an important impact on human rights. Humanity as a whole is inevitably involved in a development towards an industrial or post-industrial society, a process that has a tremendous impact on the ways of life of everybody. In this process the role of human rights as a system of standards to be achieved must be of paramount importance, not in the first place to protect individuals and peoples in their traditional ways of life, but to protect their interests in the ongoing process of transformation in which they are involved. Human rights play an important role – and should play an even more important role – in the protection of individuals and peoples against forceful images of “inevitable” societal development that are imposed on social life by those who have the power to do so. Human rights represent humanism confronted by the rationalization by the world, of technological and economic determinism, and by the tyranny of ideological convictions.

Human rights are not formulated and institutionalized in a social vacuum but under historically developed conditions which have a considerable influence on them, as was pointed out in the preceding sub-sections of this paper.

The influence of contract on human rights in their interpretation and implementation is exposed in the process of social change. In this process it is of paramount importance, as is demonstrated by our discussion, that world-wide organizations and networks continue to exist in which persons with different cultural, religious and ideological background meet in order to elucidate the meaning of human rights and the rights of peoples within different cultural and ideological contexts and different conceptions about societal and cultural development and, moreover, to analyse the hindrances and constraints which affect their progressive realization.

The origin of human rights and peoples' rights is connected with the rise of the civilization of modernity and the development of the liberal capitalist mode of production in the West. The question is sometimes raised in this context whether human rights are to be considered as an exponent of Western dominance, of an occidental view of a society as a network of individuals in conflict with each other and their governments³⁷. An important rejoinder to this argument is that this kind of culture-boundedness of human rights has to be exposed with the help of those experts who represent other life-styles and intellectual traditions. The nature of the universality of human rights and peoples' rights is not an *a priori*. Some observers, like Van Nieuwenhuijzen, go as far as to state that: «Beyond the confines of western civilization no common ground can validly be assumed: it must be proven to exist»³⁸, a relativist point of view echoed by Winch: «I have tried to show that

³⁷ J.W. Diokno, *Human Rights teaching and research in the context of development and East – West and North – South Conflicts*. Contribution to Experts Meeting on the Teaching of Human Rights, Strasbourg, 1982.

³⁸ C.A.O. van Nieuwenhuijzen, *Culture and Development. The prospects of an afterthought*. The Hague, Institute of Social Studies, 1983. Occasional papers, n. 97.

social relations really exist only in and through the ideas which are current in society; or alternatively, that social relations fall into the same logical category as do relations between ideas»³⁹.

Applied to human rights this point of view implies that beyond the boundaries of western civilization there is no common ground for the universality of human rights. Universality might only be established by the world-wide dominance of western civilization.

Although it would be silly to belittle the importance of the problems raised by Winch, we can point out that in the process of societal and cultural development a mutual understanding concerning culture-boundedness could arise, though, until now, not a consensus with respect to the universality of human rights. Moreover, Ginsberg states that the higher religions converge in their teaching on the inward nature of morality and the universality of love and its obligations. He adds «The philosophers, after the manner of their trade, emphasize their differences with each other»⁴⁰. As we said in the preceding pages, the exact relationship between religions and the human rights is nevertheless a field that is worthy of further exploration.

Diokno also rejects the idea that human rights are basically confined to western civilization and a western way of life. Human rights as basic rights are, according to him, an integral part of both the tradition and culture of developed and developing countries. There is, according to him, «... a convergency of normative world cultures, ... a convergency that, however, does not destroy diversity»⁴¹.

Diokno is confident that research, delving deep in a nation's literature, art, traditions and values, will discover the indigenous roots of the people's native rights concepts.

The conclusion I draw from these observations is that the development of human rights, as effective instruments in social life, can be corroborated by the international collaboration of experts trying to lay bare the culture-boundedness of human rights and peoples' rights by using the results of research both into the «indigenous roots» of rights concepts in different cultures and societies and into the value system of religions and ideologies.

Moreover, research into the general and specific obstacles to an increasing achievement of human rights under different cultural and political conditions should also contribute to this endeavour, although it is evident that these types of sociological research will not always be easy to accomplish, because of the potential revolutionary character of such research within several political systems. It must be realized, however, that the contribution of empirical research concerning human rights and peoples' rights – and the relationship between both categories of rights – is a necessary condition for the realizations of goals set in the international debate on those rights.

Our final observation concerns the relationship between human rights and rights of peoples. In our opinion the study of human rights and peoples' rights

³⁹ P. Winch, *The Idea of a Social Science and Its Relation to Philosophy*. London, Routledge and Kegan Paul, Ltd., 1978, p. 133.

⁴⁰ M. Ginsberg, *Essays in Sociology and Social Philosophy*. Penguin Books, 1968, p. 264-265; *Birthright of man*. A selection of texts prepared under the direction of Jeanne Hersch. Paris, Unesco, 1969.

⁴¹ J.W. Diokno, *o.c.*, p. 8.

must be connected, in a systematic way, with the analysis of societal and cultural development and "models" or "images" of development. Our own approach along these lines will contribute, we hope, to a better understanding of the intricate problems that are under discussion here. It is important to note that though our analysis points to (potential) tension between peoples' rights and human right, tensions which are related to the changing interrelations within and between societies, it also states explicitly that there are no *inherent* contradictions between them. On the contrary, peoples' rights may be regarded as a precondition for the effective institutionalization of human rights. In a developmental perspective the distinction between individual and collective human rights (including rights of peoples) loses much of its antagonistic character. ■