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

In a larger sense, we are more intent upon isolating basic human rights issues than on taking at face value the cataloguing of human rights as found in the Universal Declaration of Human Rights and the various related covenants and treaties. However, in clarifying our theoretical reasoning on this subject, we ground our analysis, whenever possible, in ongoing empirical activities...The matter of human rights has been the focus of extended discussion and debate within the emerging world community for well over half a century.... However, the theoretical and empirical import of human rights is one that, with rare exceptions, has been skirted by sociologists....

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

**Background Considerations**

While it is apparent that the issue of rights had a relatively long history within certain societies in the West and to some degree in international law, it is also evident that the Nazi regime and, more particularly, the Holocaust, brought rights issues to the fore. After the defeat of Nazi Germany, two major social events relating to human rights stand out. One was the establishment of the International Military Tribunal resulting in the Nuremberg trials wherein a number of Nazi leaders were tried and convicted…. The Nuremberg Tribunal has, in recent years, given rise to other tribunals such as those in the Hague and in Africa. What occurred at Nuremberg seems to have been a stimulus for the creation of the International Criminal Court…

Another major product of the post-World II era was the creation of the United Nations, and with this the formulation of the Universal Declaration of Human Rights (Morsink 1999). This Declaration was the product of a compromise, of sorts, between the individualism of the West and the collectivist orientation of the, then, Soviet bloc, and indirectly at least, reflected the breaking away of colonies from European domination. The Universal Declaration is not only significant in its own right, but has been a launching pad for a host of globally oriented, as well as regionally based, treaties. Thus, Heifer (1999:297) writes that "the two most comprehensive agreements are the UN-based International Covenant on Civil and Political Rights . . . and the International Covenant on Economic, Social, and Cultural Rights . . . , each of which protects a broad catalogue of rights and freedoms." These, in turn, have mirrored regional treaties with respect to the Americas, Africa, and Europe…. These treatises have generally given rise to a court or tribunal or treaty body that monitors compliance with the rights and freedoms in each treaty. Viewed sociologically, this international normative and legal order may appear to bear little relation to what occurs in everyday life within nation-states, but these treatises often provide the social context for political and social action. In Europe, in particular, international human rights concerns are beginning to affect the conduct of national legal systems, as individuals, not just states, are appealing to supranational bodies (Heifer 1999). Moreover, as mentioned above, international tribunals have been established to address human rights abuses in the former Yugoslavia and in Rwanda…. 

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

Morals, Ethics and Rights

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

In an effort to clarify the differences between an ethicist (or duties) orientation and a rights perspective, we shall sketch out [a case].... Women's Rights at Beijing. Out of the 1995 women's conference in Beijing emerged the principle that women's rights must be conceived of as human rights (e.g., Howard and Allen 1996). But how does one make sociological sense out of this assertion? Our reasoning is as follows: If women are to achieve human rights, they cannot look to the past for guidance.... Examining women's social and cultural conditions, historically and comparatively, we find that, overall, what power and authority women did exercise was through their performance of wifely and motherly duties. The women at Beijing sought to escape the heavy hand of tradition by promoting a cultural notion of personhood or humanhood for women that transcends any specific historical and social situation. Unlike the revolutionaries of the American and French periods, the women at Beijing reasoned not that there was some presocial state of nature in which women were guaranteed rights, but, rather, that women's rights inhere in their very condition of being human and that this position holds in all social and cultural orders. This appeal to women's rights as human rights is a principle that is more abstract in nature than one anchored in particular historical and social contexts. In the context involving the universal condition of being human, women's claims to human status are equal to those of men.

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

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

The American revolutionary era spawned the Declaration of Independence; later, the Bill of Rights was attached, somewhat as an afterthought, to the Constitution. In turn, the French revolutionaries (who appear to have been influenced by their American counterparts) authored the Declaration of the Rights of Man and Citizen.[3]

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

The implications of the American and the French revolutionary experience become clearer when we examine how major intellectual figures -- the liberal (within the context of the time), Jeremy Bentham, the conservative, Edmund Burke, and the radical, Karl Marx -- responded with derision to the claims regarding rights, particularly those principles reflected in the Declaration of the Rights of Man and Citizen (Waldron 1987)…. Bentham, building upon his own notions of utilitarianism, reacted sharply to the new order being erected by the French revolutionaries. He rather gloried in his attack against the Rights of Man and Citizen by contending that the moral claims embedded therein were "nonsense upon stilts."... As a conservative figure, Edmund Burke, as one might anticipate, objected to the French Revolution and its commitment to doctrine embedded in the Rights of Man and Citizen. He skewered the claim to these rights as unhistorical, meaning, in effect, that a viable social order cannot be sustained without recourse to a well-developed social and cultural tradition. Specifically, the rights doctrine broke with the tradition to which he was so deeply committed…. Turning to Marx, we find that he, too, was dismissive of the Declaration of the Rights of Man and Citizen, but for rather different reasons. In his essay, "On the Jewish Question," Marx advanced the proposition that "none of the so-called rights of man goes beyond egoistic man, man as he is in civil society, namely an individual withdrawn behind his private interests and whims and separated from the community" (Waldron 1987:147). The alienation of man from man was only exacerbated, not resolved, by an appeal to the Declaration of the Rights of Man and Citizen. In a more general sense, the rights doctrine could be said to undergird the individualism of the capitalist system, against which Marx became the foremost critic. [4]

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

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

Thus, the contemporary human rights discourse did not arise in a vacuum, but emerged from the rights discourse, which, until World War II, was anchored within a nation-state (or societal) framework. Even today, one wing of the discourse on rights is oriented toward a societal frame of reference, thereby placing rights within a particular social and cultural context. A leading exponent of this point of view is Ronald Dworkin (1977)….engages the matter of rights within an Anglo-Saxon cultural and legal milieu and does not venture, in any systematic manner, into the realm of human rights, which have come to be defined within a cross-national or cross-cultural framework.

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

**Changes in the Global Arena since World War II**

Analyzing the major social and cultural transformations on the global landscape during the past half-century or more seems essential for understanding the social and historical context of the current human rights discourse and practice and for grasping why human rights principles provide a vital foundation for understanding the emerging worldwide order… Here, we shall review, albeit in an adumbrated fashion,
these far-reaching global transformations -- with an eye to locating the place of human rights in the changing international order.

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

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

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

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

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

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

Such transnational organizations as the WTO have been created by complex treaties (international contracts) among nation-states. Moreover, the constraints that these treaties impose on states tend to be taken for granted as international treaties provide the social context for decision-making by national legislators.

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

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

…[W]e find that human rights principles are a strategic vehicle for resolving or minimizing racial and ethnic cleavages. At the very least, if societies come to adopt human rights principles, they will find it difficult to define particular racial and ethnic minorities as subhuman, as outside the realm of social
respectability and, thus, more easily destroyed. And human rights principles provide a bridge by which contentious racial and ethnic groups may be able to, at least partially, resolve their differences.

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

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

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

8. The last social and cultural change is of a different order: the continuing trend toward "individualism" or individuation, which is a significant response to the organized complexity discussed above.

...[W]hen discussing human rights, we should avoid being locked into the traditional moral categories of the nation-state system that informed classical sociology. As we think more globally, we discover that large-scale organizations that cut across nation-states can not only advance human rights principles but also pose potential threats to them. In the future, it will seem shortsighted to view states as the sole source of human rights violations.

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

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

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

Unlike most other analyses of human rights our discussion places special emphasis upon "organized power relationships." Viewing the matter historically, it is apparent that the rights orientation was central to the American and the French Revolutions, and the challenge to organizational power strikes at the heart of the human rights doctrine as it emerged after World War II. We continually remind ourselves that it was genocide, in particular the Nazi destruction of the European Jews, Gypsies, and other minorities, that generated the Nuremberg trials and served to foster the formulation of the Universal Declaration of Human Rights. Yet, how and why the systematic destruction of the Jews occurred seems oddly
unconnected to the individualistic theorizing about human rights common to many legal and political scholars. Without becoming bogged down in the debate over many of the specifics of the Holocaust, it seems rather evident that one of the major steps facilitating the mass killings by the Nazis of Jews, Gypsies, and others was the Nazis' ability to define these ethnic minorities as undeserving of human status. It became rather easy to destroy what was considered subhuman. So it has been in other times and places -- in Rwanda, Nanjing, Cambodia, and elsewhere. A second key element of the Nazi devastation was the readiness with which the organizational structure of the Nazi state (and the corporate structure that worked hand-in-glove with the formal state apparatus) became the social vehicle for facilitating the mass killings. In our view, Raul Hilberg's (1961) monumental investigation, The Destruction of the European Jews, continues to be one of the defining works on the Holocaust. While many writers have challenged, modified, and qualified Hilberg's analysis, none of these works has superseded his scholarly accomplishment. More than anyone else, Hilberg documented, in fine-grained detail, how the organizational (or bureaucratic) apparatus of Nazi Germany went about its task in a systematic manner. Hilberg provides us with a depressing description of the Nazis' careful attention to detail in the killing process -- for example, how much gold was extracted from the teeth of the victims, what articles of the victims' clothing were collected, and so on. Despite slippages, the German bureaucracy operated at its "efficient best" from the vantage point of the leadership.

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

Moreover, the Holocaust, in particular, underscores the role of large-scale, powerful social organizations in perpetrating atrocities. Yet, in the voluminous literature on human rights, the role of powerful social organizations, and their place in destroying any semblance of human dignity, appears to be sidestepped by most scholars who address human rights.

In an effort to bring the analysis of human rights into greater conformity with empirical reality, we have intentionally conceived of the efforts to protect or enhance human rights as claims against powerful organizations. This tack leads us to consider the nature of social power…

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

Although it is impossible to consider the place of organizational structures in the development of civilized social orders (pre-modern and modern) within the confines of this brief essay, we can hint at some of the patterns that have evolved. It is quite apparent that early cities (and civilizations) could evolve only as more complex social organizational structures were created…

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

Our discourse on social organizations is intended to suggest that without them modern industrial-urban forms could not have emerged or been sustained. This is not to say that major reformulations of social organizations are not feasible; indeed, these may be taking place before our very eyes…

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

At the beginning of this new century, it is the organized power of the state that captures most of the attention of social scientists. However, we must also address the potential for the abuse of organized power by large corporate structures…

Our position is that people of "good character" working within the context of powerful organizations may find themselves committing all manner of immoral acts. As we elaborate more fully below, it is not enough to hold individuals socially and morally accountable; organizations must be held to certain standards also, if basic human rights are to be adequately protected.
To place our argument regarding modern organizations in perspective, we might profitably consider the responses of prominent intellectual critics of modernity. …

We have discussed these critics [MacIntyre (1981); Wallerstien (1983); Foucault (1980)] for a reason: each would, to a greater or lesser degree, retreat into some distant past to find solace and the resolution of modern ills. Our critique of the modern condition is of a considerably different order. Ridding ourselves of modern organized industrial forms (and the modern knowledge systems that support them) would likely result in catastrophe to a degree never contemplated by many of these critics who would retreat into the past. Thus, we look to the ideals generated by modernity (human rights being a case in point) as a moral foundation for actions that eventually could come to redress the serious ills created by modernity itself.

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

Finally, to further clarify the issue of human rights, we draw upon Judith Shklar’s (1990) innovative theoretical work on injustice. It would appear to be easier to determine what is unjust (or wrong) than what is just (or good), the latter being more open-ended…

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

**Sociological Contributions to Human Rights Elaborations on the Framework**

Having sketched out our particular theoretical conception of human rights, we can now elaborate upon the nature of these rights by examining highly contested domains, in the process articulating how sociological analysis can contribute to furthering our understanding of human rights discourse and practice. Commanding our attention are such matters as universalism versus cultural particularism, the nature of human nature, the nature of rationality, the nature of formal organizations, and human rights and democracy…

**Universalism vs. Cultural and Historical Particularity**

The call for universal human rights requires that sociologists grapple with universal principles, with full recognition of the relationship of these to specific historical and cultural circumstances…
Moreover, we should be keenly attentive to the fact that the supporters of free markets (the neo-liberals of the contemporary era) insist upon the universalism of their own moral perspective, which is one of utilitarianism. In a sense, a set of basic, universal human rights principles becomes a standard for critically evaluating the neo-liberal model -- and on its own universalistic terms.

But there are more specific debates that need to be attended to. One focuses on whether the West is seeking to impose its categories upon the rest of the world. This question cannot be readily ignored. For one thing, the United States, which has been a leader in fostering the human rights agenda, has exempted itself from a number of strategic human rights treaties...

But let us consider more generally the issue of universal moral imperatives. Recent years have seen an extended discussion as to whether the West is imposing human rights principles on cultures in Asia, Africa, and elsewhere. There are conflicting views on the matter. One is that the West has, indeed, been imposing its human rights doctrine upon, say, the cultures of East Asia (Bauer and Bell 1999).... True, the West has pushed the human rights agenda, but that is not the whole story. As Sen (1999) contends, Eastern cultures already embrace a number of the moral patterns ascribed to the West. In addition, some members of these social and cultural orders are participating in shaping, at least to a degree, the course of the human rights agenda.

We would also expect, in general sociological terms, that considerable tension will prevail between universal human rights principles and the particular social and historical expression of these principles. It is in the realm of applying abstract human rights principles to concrete social situations that sociologists can, perhaps, make a singularly telling contribution to an understanding of human rights arrangements on a global scale...

The Nature of Human Nature

Much of the current human rights discourse and practice is predicated upon a conception of human nature that remains poorly articulated in the human rights literature. Our impression is that a considerable body of human rights literature is founded upon the bio-psychological conception of human nature as advanced by the utilitarians. Such a view is congruent with a conception of individuals as isolated agents pursuing their own ends quite independently of one another; then, almost magically, these actions come to produce the greatest good for the greatest number. This perspective continues to be supported by one wing of sociology...

... Still another wing of sociology that has criticized the notion of the autonomous actor shorn of any social and cultural context is represented by scholars associated with pragmatism -- notably John Dewey and George Herbert Mead. And it is this last perspective, properly modified, that we regard as the most viable for advancing human rights issues.
… Mead's (1934) best-known work is entitled Mind, Self, and Society. Yet, the neglected dimension of his work is the social mind. In its most essential form, the social mind, which emerges in the context of social interaction, is characterized by its ability to engage in reflective thought, to think about thinking. How one thinks and what one thinks about are symbolic processes that are acquired in the process of interaction. It is because of the social mind that human beings come to develop a conception of the self. It is because of the social mind that they are capable of engaging in creative actions, breaking out of old molds and forming new ones -- a process dramatically displayed in the invention of sophisticated tools, as well as the creation of alternative courses of social action and new organizational forms…

… And, despite the current focus on cultural pluralism or cultural diversity, we have only a limited understanding of how persons learn to take the roles of multiple others. However, while we can point to numerous failures in efforts to take the roles of divergent others, we also find certain individuals (ranging from diplomats to social scientists) who have been able to transcend their own cultural context and assume, to a considerable degree, the roles of divergent others. Still, we shall need to know far more about the obstacles human agents encounter in the process. It seems possible to relate to others not only by carrying out shared concrete tasks, but also by relying on rather abstract social categories that create common ground among human agents with diverse cultural experiences (note the reliance on the latter approach by the women in Beijing, as discussed above)…

The Nature of Rationality

… [W]e rely on Habermas's (1987) conception of communicative rationality, not in the way he employs it, but, rather, as an orienting framework for looking beyond formal rationality. For if we are to cope effectively with the matter of human rights, we must acknowledge the compelling nature of community (or, in contemporary terms, the national society) and, at the same time, peer beyond the boundaries of community and take into account the role of others in a global context. While being shaped by the "we," human agents will need to learn to take the role of the "them," or even multiple "thems." Not that taking the role of divergent others is readily achieved, but it is within the realm of the possible. Indeed, some human agents have learned to do so.

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

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

…[W]e advance the view, extending the work of Dewey and Mead, that one can learn to deal with major differences -- insofar as one can focus upon commonalities regarding the basic rights of human beings within divergent social political and economic realms.

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

**The Nature of Formal Organizations**

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

A gaping hole exists in the writings of most moral theorists in that they have typically sidestepped the matter of organizational structures as these relate to ethics. Thus, the utilitarian and the Kantian traditions, in differing ways, both give short shrift to organizations. Even traditions critical of individualism such as those advanced by Hegel and Marx, have been deficient in their treatment of organizations...

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

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

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

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

One of our chief contentions is that human agents are necessary for the functioning of organizations; yet, organizational structures come to be defined by more than just the activities of individual agents (Vaughan and Sjoberg 1984). As a consequence, there is a built-in tension between the activities of human agents and the demands of the larger organizational whole...

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

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

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

One of the paradoxes of the late twentieth century has been the responses to this liberal (or neo-liberal) worldview. Marxism, which was, for so long, its primary challenger, has, with the demise of the Soviet bloc, more or less disappeared as an alternative. And the postmodern response is an ironic one in that Michel Foucault (1980), for instance, can be interpreted as conceiving of power as becoming more diffuse (and, perhaps, more localized) as state or national power has declined, relatively speaking. Yet, at the very time that postmodernism has been received with favor in many academic circles, the power of social organizations, on a global scale, has broadened its domain…

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

These worldwide organizations, which, in the corporate sphere, are mainly the product of mega-mergers (consciously constructed by privileged human agents), are the foundations of new kinds of social power relationships… Somewhat in keeping with Mills (1956), we find that those who command
positions of power in organizations are able not only to constrain but also to manipulate other human agents to serve their own objectives, at times in gross violation of emerging human rights principles.

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

In order to critically evaluate and hold organizations socially and morally accountable, we will need to consider the ongoing activities of contemporary organizations, both public and private. In so doing, as indicated earlier, it is necessary to probe the interrelationships between human agents and organizations. When we examine the rules and norms that help to define the nature of organizations, we discover that underlings are governed by far more complex rules than persons above. It is not that those lower in the hierarchy are not called upon to act creatively, but they can do so only in markedly constrained ways. It is those human agents in leadership positions who have the discretion to make the major decisions. If human agents below possess highly technical skills, they may be kept in the dark as to how their activities fit into the larger picture. And although persons in authority can, and do, delegate responsibility to those below, they also delegate blameability under the guise of responsibility. If failures occur in the organization, particularly if there is scrutiny from external sources, persons who exercise power and authority can quite readily blame underlings. This pattern serves to reinforce the process of deniability on the part of the managerial or privileged group, and social deniability (carried out with a straight face) facilitates the manager's escape from social scrutiny and moral accountability. So long as failures within systems are believed to result from errors or misjudgments of human agents in lower-level positions, rather than from those who exercise authority, the latter assume they will be able to more readily defend the system from external challenges.

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

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

If we come to understand how organizations actually function, we can better appreciate the ways in which leaders can manipulate human agents in lesser ranks, as well as those external to the system. While acknowledging the merits of Giddens's (1984) conception of organizational structures as both enabling and constraining human action, we, nonetheless, must interject a major caveat. Giddens fails to take due account of the role of manipulation by organizational leaders, and the sometimes egregious negative consequences of organizational power. We need not limit ourselves to extreme cases such as the Holocaust in order to grasp the place of manipulation by organizations of individuals and groups. This process can be direct or indirect and can take a variety of forms. In the U.S. after World War II, the state sponsored a number of hazardous medical experiments on unsuspecting citizens with the ostensible purpose of better understanding the impact of nuclear warfare. And certain efforts, on the part of the state, at surveillance of particular groups for purposes of political control have been well documented. As for corporations, they have been known to dump highly toxic wastes in the backyards of the less privileged sectors of society…

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

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

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

Although it is seldom discussed in human rights literature, social practice suggests that organizations can be so flawed that a major restructuring is called for. Some pointed illustrations should clarify this assertion. After World War II, the authoritarian structure of Nazi Germany was fundamentally reconstituted. Specifically, the Gestapo was rather quickly dismantled after the Nazi defeat, for it was apparent that a police system of that sort was incompatible with democratic (or human rights) principles. Another instructive case is South Africa's system of apartheid. In part as a result of sanctions by the world community, in part as a result of internal pressures, the apparatus of apartheid was officially dismantled (though finally ridding the system of certain basic practices is likely to consume decades). Nonetheless, a major effort has been initiated to remake the entire organizational structure (including the legal system) that had supported white dominance in that nation. In this instance, the reconstitution of organized power relations based on racist policies has been grounded, to some degree, on human rights principles. No amount of emphasis on individual responsibility could have overcome the organizational issues associated with apartheid, though, as noted earlier, individual responsibility is not without relevance…

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

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

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

**Human Rights and Democracy**

One other major issue deserves our considered attention: the relationship between democracy and human rights. The spread of democracy around the world during the past fifty years or so, along with the diffusion of the human rights discourse, would suggest that these two phenomena are interconnected, though they are not the same.

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

What is instructive about the elite versus participatory distinction when viewed in historical/comparative perspective is that supporters of both these conceptions of democracy have given little or no attention to rights... Indeed, most supporters of the foregoing perspectives approach the democratic process from a duties, rather than a rights, frame of reference. Theorizing about democracy has, for the most part, failed to develop a rights perspective, be it a societal or human rights one. Not that duties are unimportant, but, in our view, we must institutionalize a set of basic rights if a robust democracy is to be established.[7]...

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

That democracy has reduced suffering in rather concrete ways has been well documented by Amartya Sen's (1999) wide-ranging research on famines, which led him to conclude that famines have been absent in those societies in which democracy has taken hold. To judge by recent historical evidence, famine results not from shortages of food but from the gross maldistribution of this vital resource. It is this maldistribution that can be overcome through the transparency that is associated with a democratic order. In other words, the minimal human right to the basic necessities of life can, in part, be realized through expanding the democratic process, which subjects such matters to searching inquiry.
The central feature of the human rights orientation, as emphasized throughout this essay, is its potential for providing a set of standards for advancing the moral accountability of organizations. We are unable to effectively judge organizations -- be they public or private -- if we employ the system's own dominant criteria for evaluating its activities. The human rights regime, if it comes to be partially institutionalized on the world scene, would provide a set of relatively autonomous standards for critically evaluating the performance of organizations on both the societal and the global levels. These moral standards would lay the foundation for challenging organizational excesses, such as have been displayed in genocide, politicide, and other forms of human degradation, as well as in less extreme situations.

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

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

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

Finally, it should be observed that these human rights principles open up the possibility of challenges to the existing inequalities that prevail both within and across nation-states. The moral system, as
exemplified by the human rights agenda, is one of the few challenges to these political and economic inequalities that holds any likelihood of success. As we observed earlier, the human rights framework today incorporates a broad set of rights, both social and economic, that were lacking in any earlier societal rights-based perspective.

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

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End Notes:

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

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


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

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

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

7. The democratic theorists mentioned above did not envisage such societal rights as those expressed in Miranda v. Arizona and Roe v. Wade, wherein efforts have been made to institutionalize claims against organized power -- the first with respect to the rights of those arrested, the second with respect to pregnant women. The human rights orientation has been even more foreign to most democratic thinkers. Within this framework, we have distinguished among social, political, and economic rights. Illustrative of social rights would be privacy and freedom from torture and bodily coercion, of political rights freedom of association and expression, and of economic rights a minimal standard of economic well-being.

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

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By Gideon Sjoberg, University of Texas at Austin; Elizabeth A. Gill, Randolph-Macon College and Norma Williams, University of Texas at Arlington