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THE GLOBALIZATION OF HUMAN RIGHTS

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Abstract

In this paper, we would like to argue that human rights are also part of the process of globalization. Human rights are defined as socially constructed ideals of freedom and human well-being. Human rights are, by their very nature and in their very language, global rights. In what follows, we would like to outline the process of the globalization of human rights in a variety of ways. First, we will consider the successive development of different conceptions of rights from early modernity to the present. The focus here is in showing how competing definitions of human rights evolved historically so that when we look at the world today we find the major conceptions of human rights, conceptions which, however, are not necessarily commensurate with one another and exist in tension. The second part of this paper examines the globalization of rights as a process that involves the movement of universal ideas of human rights into new cultural locales and spaces. The third and final part of this paper examines the emergence of new institutional and organizational forms that are based on the idea of human rights and that function to foster human rights in a global context. These new forms are often said to constitute something called "global civil society" or "transnational cosmopolitanism." As with the other sections, we will critically examine this concept and raise the question: has globalization led to the emergence of global civil society, and if so, what is the nature of this new entity?

KEYWORDS:
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Introduction

The terms "globalization" and "human rights" enculate two of the most significant areas of concern in the social sciences and humanities, spanning a wide range of fields and views. The term "globalization" refers to the spread of global capitalism, which began with Europe's imperial expansion, intensified with the Industrial Revolution, and took on a number of new forms in the twentieth century, including the transnational company. At its most basic level, globalization can be defined as the rising dispersion of what Max Weber called instrumental rationality over time and space, in terms of both degree and intensity, into nearly every geographical area on the earth. Yet the exact nature of this process and its effects are highly contested, with some seeing globalization as an expansion of freedom and opportunity (Bhagwati, 2014; Akeju, 2019) and others seeing it as an intensification of the more negative aspects of capitalism first diagnosed by Marx and intensified in the process capitalist expansion (Falk, 1999; Nweke, 2015; Harvey, 2016). In general, it's reasonable to say that globalization is nearly always thought of in terms of its human consequences, that is, its impacts on human agency, and, in particular, on human well-being as people experience it.

Globalization cannot be viewed solely in economic terms, despite the fact that the ability to measure specific economic effects makes this easier (see, for instance, Joyce, 2019). Empirical measures of global inequality, for example, allow us to look at the effects of capitalist expansion in various locales and measure the effects of this expansion in terms of the relative economic status of nations to one another, while a sociological approach sees globalization as a collection of other processes. Globalization is characterized by the expansion of media and communication technologies that enhance the interconnectedness of human beings on a global scale, allowing people to communicate and interact instantaneously across time and space on a historically unprecedented scale (Albrow, 2007; Babalakin, 2020). Another central aspect of globalization is the accelerating and expansive migration of peoples across national boundaries and population transfers (including ones that are forced and involuntary). Of course, capitalist labour markets promote transnational migration, but such movements of people also produce new cultural forms when migrants merge their home cultures with their host cultures, resulting in new and hybrid forms of culture (Ahmed, 2018; Levitt, 2021). The phenomenon of global cultural diffusion across national borders is another facet of globalization. Globalization implies the "dislocation" of cultural

meanings from specific locations, resulting in a new, potentially endless universe of cultural interactions "outside" the conventional borders that confined and safeguarded local cultures prior to modernity.

In this paper, we will argue that human rights are also a part of the globalization process. Human rights are ideals of freedom and well-being that are socially formed (Cushman, 2016). According to this definition, all cultures have norms, beliefs, and ideals that shape human behaviour and might be referred to as "human rights". Nonetheless, the phrase is commonly used to represent universal principles of freedom that all humans possess simply by virtue of being human. Human rights are global rights by their very essence and in their language. In what follows, we will outline the process of human rights globalization in a variety of ways. First, we'll look at how diverse views of rights have evolved over time, from early modernity to the present. The emphasis here is on demonstrating how opposing definitions of human rights emerged historically, such that when we look at the world today, we see the major concepts of human rights, which are not always compatible and exist in tension. The second section of this paper looks at rights globalization as a process that entails the transfer of universal human rights principles to new cultural contexts and places. As universal concepts of human freedom and well-being battle with local views of good and evil, this is a process laden with tension and conflict. The third and last part of this paper investigates the formation of new institutional and organizational forms that are based on the idea of human rights and that act to foster human rights in a global environment. These new forms are often suggested to represent something termed "global civic society" or "transnational cosmopolitanism." We will critically evaluate this notion, as we have in the other parts, and ask whether globalization has resulted in the formation of global civil society, and if so, what is the nature of this new entity?

There are undoubtedly many other mechanisms that may be investigated in a study of human rights globalization, but the three we've mentioned here are the most important ones. In general, talks about globalization and human rights revolve around a different set of issues. How do globalization's structural processes—particularly the economic, political, and legal frameworks that make up the process—affect human rights? Is globalization leading to more human freedom, prosperity, and social justice? Is globalization beneficial to human rights? Is globalization a "dark" force, a hypermodern process that has resulted in new forms of dominance and new patterns of social suffering? These are not central

concerns in this paper, but they will be raised in conjunction with the discussion of the major issues surrounding the globalization of human rights. Looking at how human rights have been affected by globalization is not the same as looking at how human rights have been affected by globalization. Only insofar as we must take note of the fact that a major portion of the literature on globalization and human rights strives to analyze the impact of the former on the latter, will the latter subject be investigated. To give you a taste of what we're about to say, we're going to argue that there is no credible empirical or ontological assessment of the consequences of globalization on human rights. The conceptions of human rights are so varied that what constitutes the freedom or the protection afforded by rights for one individual might be seen as subjugation and domination for others.

Generations of Rights

Scholars of human rights have generally considered the emergence of human rights in modernity as the process of the successive development of different ideas of rights as ideals of human freedom and as protections against particular kinds of human vulnerability (Chidiebere, 2019; Turner, 2020). Generally, these are referred to as generations of rights. The first generation of rights began with the American and French Revolutions. The revolutions were based on a conception of human rights as the civil and political rights of individuals over and against forms of state power and tyrannical rule. In both of these revolutions, individual rights were specified primarily as "negative rights", or ideals that aimed to negate the power of the state or the sovereign (in these cases, the King of England and the King of France) over supposedly free individuals. Most of the rights in the American Bill of Rights are specified in this negative language: the First Amendment, for instance, states that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." These rights were specified as "natural and inalienable" and were held to be superior and peremptory to what were considered unjust laws and political practices. They specified ideas about the liberty of individuals from external forms of power. It is especially important to underscore here the fact that the rights which underpinned these revolutions were negative, because later conceptions of human rights—and especially those which are very prevalent in present-day global

world-system—conceived of human rights in terms of the obligations of states to foster human thriving and alleviate vulnerability by specifying what states should or ought to do for individuals, or groups of specifically vulnerable individuals.

The American Revolution was quite limited in its geographic scope, even if the ideals of human rights in which it was grounded were specified in universal language. The French Revolution is generally considered to be the first major revolution which, in addition to redressing intrusions on human freedom in France, aspired to be universal (see Hunt, 2017). The French Revolution was a model for successive revolutionary movements, in that it specified a central body of core "rights of man and the citizen," which presented themselves as sacred ideas that various groups of disenfranchised individuals could then aspire to acquire (Hunt, 2016). In this sense, the French Revolution established citizenship as a kind of status, with human rights as its central cultural capital. Citizenship entailed the recognition that one had certain rights, and many of the struggles of the French Revolution were about which groups of individuals ought to "possess" these rights, and by virtue of this enhance their freedoms and guard against vulnerability.

One way to conceptualize the model of the French Revolution is to imagine human rights as the central normative core of a society. People who are peripheral in the society, and therefore "unprotected" or vulnerable, aspire to move from the periphery to the core. The reason this model is important for the discussion of the globalization of human rights is that it has been followed historically in various struggles for human rights from the time of the French Revolution to the present. Western movements for women's human rights relied fundamentally on this idea that human rights were a sacred core of protection, and the social movements for women's rights aimed to move women into the protective realm of that core. The contemporary movement for the rights of gay and lesbian people to marry has relied on a strategy of claiming that this right is a "human right," which all citizens enjoy and which gay and lesbian people deserve as citizens. The model of the French Revolution, then, is an important benchmark for understanding the more general sociological process of how vulnerable or disenfranchised people seek to achieve the status of citizenship and thereby enjoy the protection of rights.

The French Revolution was important in other ways, since it served as the inspiration for major critiques of human rights, which themselves have inspired critiques of human rights into the present day (Aina, 2020; Waldron, 2021). Jeremy Bentham's vicious critique of the French Revolution became the foundation for

contemporary utilitarian critiques of human rights, which argue that what ought to be done for the good of society should not be measured by some abstract ideal or standard, but by considerations of what is practical for the happiness or good of the many. Edmund Burke's critique of human rights, which focused on the importance of national traditions in determining what is best for societies and individuals, was a template for defenses of national cultures and sovereign traditions over and against the abstract, transnational, universalizing ideas of human rights. Bentham and Burke could be seen as precursor critiques of the "globalization of human rights," Bentham arguing for the universal principle of utility in social planning and Burke arguing against the trumping of national traditions and rights of cultures over and against abstract, universal ideas which would, in his view, sow disorder and chaos in societies. Their basic logic is present in the modern world among those who argue that one can seek improvements to society without any recourse to the language of human rights (see, for instance, Singer, 2014) or that universal human rights are a threat to the national cultures and values that best serve people within their own nation states. Yet in terms of thinking about globalization—and especially the economic aspects of globalization that are so important to modern debates—it was Marx's famous critique of the French Revolution, put forth in his "The Jewish Question," which has been most decisive. Marx argued that the French Revolution, with its model of disenfranchised individuals and groups aspiring to acquire citizenship based on rights, was an illusory form of liberation and freedom. For Marx, the Revolution served mainly to foster the freedom of individuals or members of groups to be granted civil and political rights for themselves. This social movement, then, while appearing quite radical, was merely a half-measure which occluded his utopian dream of abolishing capitalism and unifying people across classes and groups into a whole united by what he referred to as the spirit of "species-being." Marx originated the idea that it is not individuals, per se, who are oppressed, but social classes and groups, and the specific source of this oppression is capitalism. The "real" revolution in human rights would occur only when capitalism had been overthrown.

Marx's argument against individual rights and his argument that freedom could only be achieved through the abolition of capitalism is the groundwork of what are called second generation rights. Second generation rights are social and economic rights that are necessary to protect individuals from the particular vulnerabilities inflicted by capitalism. In contrast to first generation rights, social

and economic rights conceive of freedom as fostering and ensuring the physical (and by way of that the mental) well-being of human beings. The aim of these rights is to alleviate human vulnerability through interventions, especially by the state, to provide basic necessities of human life such things as food, shelter, and health care. Historically, this generation of rights proceeded not so much on the exact revolutionary logic of Marx for the complete abolition of capitalism (though the Soviet Union and China, as communist societies, attempted to do so with quite drastic human costs), but on the idea that capitalism was a force which by its very nature (diagnosed so astutely by Marx) violated human dignity and created specific forms of protracted human suffering. Social and economic rights such as "the right to food," or the "right to housing" aim to "tame" capitalism's excesses by specifying that something ought to be done for individuals to alleviate their capitalist-induced vulnerabilities.

The idea of social and economic rights became more and more prominent in Western capitalist societies in the twentieth century in the development of the welfare state and the ideology of democratic socialism. For purposes of discussing the process of the globalization of human rights, it is important to underscore that the idea of social and economic rights exists in tension to the overtly individualistic and libertarian ideals of the first generation of individual rights. Many of the debates about the effects of globalization have to do with what individuals have the right to do in terms of pursuing self-interest in a global capitalist society versus what other individuals, classes, or groups have to suffer as a result of the expansion of capitalism on a global scale.

Contemporary debates on human rights proceed primarily between proponents of first- and second-generation rights, with proponents of individual rights stressing such things as economic freedom and civil and political rights and proponents of social and economic rights arguing for the fundamental necessity to protect against human vulnerability. The process of the globalization of human rights has produced a global situation which is, in fact, quite tense, since the very idea of freedom embodied in different conceptions is highly contested. The tensions between Europe and the United States, for instance, are often about the fact that Europeans have strongly adopted the imperative of social and economic rights as centrally in their societies, while Americans continue to be guided by libertarian ideas of rights (though periodically, the United States has its own tensions between libertarianism and socialist ideals).

Increasingly in the twentieth century, new kinds of rights claims began to emerge in addition to these first two generations of human rights. This so-called third generation of rights is based on the idea that groups and cultures, as collective entities, have specific rights (Kymlicka, 2015). The logic underlying this perspective is similar to the Marxian logic that the proletariat is oppressed as a group by bourgeois capitalists, but extends that logic to include a wider variety of groups such as oppressed minorities or Indigenous cultures. These new kinds of group or cultural rights have been referred to as third generation rights. These rights are based on the conception that people are more or less vulnerable depending on the group or culture to which they belong, or to which they are seen by the dominant society as belonging. Because groups or cultures are made vulnerable as

members of groups or cultures, the alleviation of that vulnerability involves the articulation of the rights of particularly vulnerable groups or cultures. In this conception of rights, mobilization for human rights proceeds not by claiming individual rights, or even social and economic rights (though these claims can be made for members of these groups), but by seeking special protections and rights for groups or cultures that have special kinds vulnerabilities by virtue of their position in the dominant society.

The emergence of third generation rights is important in relation to globalization, since globalization is a process that is seen as having particular consequences (usually negative) for particular vulnerable groups. Thus, while lower class members of a particular society might make claims for social and economic rights in the face of economic vulnerability, these very same members might make a further set of claims for further specific or special rights by virtue of their membership in a minority group or culture. For instance, a member of an Indigenous culture might receive substantial advantage of social and economic rights provided by the state, but might make further claims for special rights such as unlimited land use or fishing, the practice of their religion, or the right to be educated in their own language. Group rights put specific demands on members of groups to follow group norms and thus can be quite at odds with individual rights. A member of a group, for instance, might desire to exercise the right of freedom of association or the right to choose a marital partner, but these acts could violate the central norms of what the group or culture has defined as “right” and “wrong.”

This brief elaboration of the successive generations of rights is important, because many of the contemporary debates about globalization center around what kinds of rights are primary. We can conceive of the globalization of human rights as a process of the successive emergence of different kinds of normative ideals in modernity, each with its particular origins and logic, but now coexisting at the same moment in dialectical tension with each other. The process of the globalization of human rights might be conceived as a process of the competition of different sets of ideas about what constitutes the main source of domination and vulnerability of human beings and how the latter can be alleviated. For purposes of understanding the central debates about the relation between globalization and human rights, it is the tension between social and economic rights, on the one hand, and individual rights, which is most instructive.

Debates about Globalization and its Consequences

As noted earlier, the main debates about globalization have been about the nature and effects of global capitalism. In globalization studies, these debates are quite protracted and seemingly intractable, with scholars looking at the very same kinds of processes and seeing very different outcomes. In studies of globalization, there is a tendency to consider the effects of globalization in economic terms. This is driven by the fact that there is a firm methodological and empirical basis for measuring such things as economic inequality both between and within nations. Another characteristic of studies of globalization, however, is ideological: in focusing on capitalism's negative effects many analysts of globalization are grounded in a Marxian theoretical logic that vilifies capitalism and stresses the primacy of social and economic rights. Various works attach metaphors to the process of globalization that indicate a negative appraisal of its overall effects. Anthony Giddens (2012) for instance, sees globalization as a juggernaut which destroys everything

in its path. Richard Falk (1999) refers to globalization as "predatory," and outlines its devastating effects. David Harvey (2016) sees globalization in the modern world as the fulfillment of Marx's prediction of the forward march of capitalism and the expansion of capitalist exploitation on a global scale. Blau and Moncada (2016), have simply argued that individual rights are not human rights at all and that the only "authentic" human rights are social and economic rights, and that as a result, the global expansion of capitalism demands the expansion of the social and economic rights in all spheres of social life.

Very often, the process of capitalist globalization is referred to with the ideological label "neoliberalism," which opens up vast new opportunities for capitalist exploitation on a global scale. Oftentimes neoliberalism is conceived of as a dangerous and threatening ideology that is the grounding for a new, and even more potently destructive, form of globalized capitalism (Harvey, 2015). The point here is to stress that discussions of the effects of globalization are often starkly politicized and ideological and that they very often proceed on the basis that the idea of social and economic rights are, in fact, the most important kinds of rights and that the outcomes of globalization must be measured in terms of the advancement of social and economic rights.

Much of the debate about globalization has to do with how globalization is defined and how human rights is seen in relation to the process. Thus Bhagwati (2014), in defining human freedom (and therefore human rights) as the expansion of individual freedom, sees globalization as a process that facilitates individual rights, especially to economic freedom and opportunity that were previously closed off to economically vulnerable individuals. Modern critics of globalization argue that it has increased inequality and social suffering, and have taken a more or less socialist approach in arguing against "neoliberalist capitalism" and in favour of the expansion of state power to provide "positive rights" to vulnerable individuals. In the social science literature, there are very few defenses of globalization as a progressive process: for the most part, nearly all of the major works in the field are highly critical of globalization and consider it a negative and destructive process, much the same as Marx saw capitalism as a force under which "all that is solid melts into air."

Globalization and the Incommensurability of Conceptions of Human Rights

The question of the relationship between globalization and human rights cannot be answered decisively because there is no one standard by which one can measure human rights. Since we have defined human rights as ideas about freedom, the idea of what constitutes freedom is of necessity highly subjective, or at least prone to being defined in ideological terms so that one form of freedom can be seen by someone else as a form of domination or subjugation and vice versa. The freedom of the disenfranchised worker who is able, through the acquisition of capital from some source, to advance his own wellbeing comes at the expense of the subjugation of the person he employs. Heavy taxation and the expropriation of resources to provide for the well-being of others (and therefore

their potential for freedom) violates the idea of freedom of control over one's own property.

The point to be made here is that when we are considering both the process of the globalization of human rights and the effects of globalization of human rights, it is impossible to develop a standard—as so many analysts of globalization have tried to do—as to what constitutes the "best" measure of human rights. That is because the successive generations of rights, in terms of how they understand human vulnerability and freedom, are incommensurate and in tension with each other. The best we can do from a strictly sociological point of view is to understand the globalization of human rights as a process of the evolution of conflicting definitions of vulnerability and freedom and to examine movements in relation to the efforts of actors or institutions to advance this or that conception.

The example of the Soviet Union and Eastern Europe is instructive here. Under the domination of the Soviet Union, Eastern Europeans experienced an almost complete obliteration of individual political and civil rights. The legitimating ideology of the Soviet Union was grounded in rigid ideology of social and economic rights, which argued that the rights of individuals must be abrogated in order to protect the state, which provided social and economic rights. Notwithstanding the actual provision of such rights, it is hard to see the experiences of citizens of these countries as freedom, if we consider freedom in the negative sense, as the absence of state intrusion and the facilitation of civil and political rights, individual liberty, and the free exercise of human agency.

The downfall of the Soviet empire opened the way for rapid intrusion of capitalism into these formerly communist societies. Clearly, new forms of capitalism had tremendous influences on these types of societies (as indicated by the use of the term "shock therapy" to describe the process). And clearly, as one would expect in any capitalist society, new forms of inequality and vulnerability emerged within these societies.

Yet, from the point of view of citizens of formerly communist countries, the negative valences of capitalism were not always experienced as forms of domination, but as new forms of opportunity, both for individuals and for the nations in which they lived. Capitalism was clearly a structural force that enhanced individual freedom, especially in the economic sphere, in spite of its negative effects. It also enabled freedom of choice in the political sphere, which enabled the formerly communist countries to enter rather rapidly into the global political and economic world-system. Consider that many of the nations of the former

Soviet bloc are now members, or candidate members, of the European Union, which allows for a hitherto unprecedented degree of financial possibility, freedom of association to create new political parties, and freedom of movement to pursue new economic opportunities. To point out these "positive" outcomes in human rights is not to gloss over the very real effects of capitalism or the fact of new forms of economic exploitation in this area of the world. But is it to note that the downfall of communism and the rise of capitalism offered an unprecedented opportunity for millions of people to claim a set of human rights that were unimaginable under Soviet domination. In most of the social science literature on globalization, such experiences of freedom are generally elided as theorists derive their conceptions of globalization from Marxian conceptions of capitalism, and because of that, capitalism becomes the major source of negative social outcomes. To be sure, to describe the experience of global capitalism purely as "freedom" would be naïve in the extreme; it would surely only parrot the ideologies of capitalists and leaders of capitalist states. Yet on the other hand, to consider globalization as a process that is inherently destructive is to miss the experience of freedom that for many actors is an authentic and valuable experience of freedom.

Globalization as the Intersection Between Global Human Rights and Local Cultures

One of the major issues in the study of the globalization of human rights is the ways in which universal ideas of human rights intersect with particular, or local ideas of rights (Appadurai, 1996; Robertson, 2013; Merry, 2016; Dada, 2020). Because so many rights are specified in universal terms, they have served as templates for actors who wish to assist other vulnerable individuals and groups and as cultural tools for the latter in their own struggles for freedom and well-being. Globalization accelerates the process of cultural diffusion, and one of the central ideas that has been diffused is the idea of human rights. This issue has been conditioned by the long-standing debates in human rights about universalism and relativism. When the Universal Declaration of Human Rights (UDHR) was ratified by the United Nations in 1948, it provoked a sharp critical response by anthropologists, who argued that there could be no conception of human rights that would be valid across the wide diversity of global cultures (Engle, 2018). While not specifically couched in the language of relativism, what many anthropologists were arguing is that there could be no such thing as rights outside of particular

cultures and that Western ideas of human rights represented a form of cultural imperialism. The anthropological critique of rights echoed many of the sentiments that had been expressed in the drafting of the UDHR. The UDHR was a product of a tense and conflictual process of dialogue and debate among representatives of different types of conceptions of rights and religious traditions (Glendon, 2021). Representatives of Western democracies argued for civil and political rights, while communist representatives argued for social and economic rights. Representatives of world religions such as Islam and Confucianism found the freedoms of individual rights contrary and even hostile to the duties specified in their religious traditions. Nonetheless, such differences were put aside and those who drafted and put forth the declaration did so with a certain degree of "bad faith" in the sense that they not only disagreed with many of the rights in it, but knew the Declaration would not challenge the power, say, of the Soviet Union's conceptions of rights, or the obdurate power of Islamic traditions in Muslim societies.

So even though the UDHR emerged as an "objective" set of rights that was valid for all people on a global scale, it did not have the power of authentic, collective agreement and consensus behind it. The problem of the incommensurability of rights noted above is one which is embodied in the UDHR. Though the rights specified in it are presumably universal, it is quite clear that the vast majority of human beings on the planet do not enjoy the full protection of these rights and it is probably safe to say that the majority of human beings do not enjoy many if not most of these rights. Yet many have argued that the document is important, since it serves as a normative template by which the ideas of human rights can proceed and possibly be achieved on a more global scale. The globalization of human rights is based not on the actuality of rights, but on an aspiration that they might be generalized as widely as possible.

Human rights culture has diffused into local contexts some actors (to be discussed below) who have perceived or defined "violations" of human rights. Detecting such violations, however, means that there is some ontologically valid standard by which violations can be measured. Generally, that standard has been the various ideas of human rights that can be found in the UDHR or some conception of freedom and vulnerability derived from philosophical principles of justice and rights (usually of Western origin). Yet these conceptions often conflict with the norms and values in various locales, and so the fundamental character of the intersection of a universalizing human rights culture and local culture is one of

tension. Outside elites who come into a society with human rights language threaten traditional order and the position of elites who justify their power through the language of tradition. Human rights culture offers the possibility of freedom and agency to people who live in societies in which freedom and agency are deliberately suppressed in the name of tradition and order. The globalization of human rights has often been seen as a form of cultural imperialism, since it represents an alternative model of existence which often stands in stark contrast to many enduring and obdurate cultural traditions (Mutua, 2018). Human rights are clearly "from away" and clearly are "out of place" in local cultures, and clearly threaten the autonomous culture of societies. Regardless of whether or not the globalization of human rights represents "imperialism", however, the fact is that the world is now characterized by the presence of human rights culture in virtually every geographical locale around the globe. The question is thus not so much whether human rights are present in the globalized world, but how rights and local cultures interact with each other.

Scholars and practitioners of human rights have tried to escape the dualism of the universalism–relativism dichotomy by recreating the project of human rights as a dialogic one (see, for instance, Cowan et al., 2011). A dialogic approach is one in which advocates of universal human rights recognize the social constructedness of their own conceptions of human rights as they attempt to assist vulnerable individuals in other locales. Human rights are not seen as a naturalized, essentialized forms of truth, but as a conception that offer alternatives to damaging cultural practices. Human rights are seen by those who believe in them as forms of culture not to be imposed on others, but to be introduced to them in a way that respects local customs and tries to "work within" cultures to effect changes that reduce harm and foster well-being.

One example of this dialogic process might be illustrated with the case of female genital circumcision, often referred to as female genital mutilation. The very use of the term mutilation conceives of the process of clitorectomy in negative terms, naming a specific kind of vulnerability inflicted on young women as part of their normal socialization in the cultures in which they live. There are a variety of forms and degrees of female circumcision, but there is some sense in which, from the standpoint of universal human rights, the practice is a fundamental violation of the bodily integrity of women and their rights to exercise control over their own sexuality. Yet, as Billet (2017) notes, the practice serves a variety of social functions in the societies in which it occurs. It serves as a marker of status, representing the

transition into adulthood. It has utility in marriage markets where circumcised women are more valuable to men, and where uncircumcised women have less value, thus profoundly affecting the life chances of women. To forego the process is to risk social marginalization and enhance economic risk: circumcision is a necessary part of maximizing women's chances in a society that values this social practice.

The idea of the right of a woman to choose what happens to her body is thus threatening to women, on the one hand, and to the social order in which the practice has value, on the other. A dialogic perspective would approach the problem as a "negotiation" in which, say, the human rights advocate would suggest that an alternative, less invasive, and less harmful practice could be substituted for the original practice. One might suggest, for instance, a ritual circumcision, in which a ceremony occurs and a symbolic act is performed on the genitalia that involves perhaps a slight drawing of blood that leaves no permanent damage. The ritual would serve the dual function of maintaining this important symbolic marker of womanhood, but alleviate the marked vulnerability of women to a dangerous procedure. This solution would not be easy, since one would have to negotiate with and persuade the members of the culture that this new practice would have the authenticity and sacred meaning of the actual practice.

This dialogic practice of human rights, or human rights as a negotiation with local cultures, is a significant new facet of the contemporary globalization of human rights. It proceeds with an understanding on the part of the human rights practitioner of the power and limitations of her own cultural ideals, a respect for the ideals of others, and the possibility of protecting the vulnerable by producing new hybrid practices. It also recognizes, as Dembour (2021) has argued, that pure relativism—in this case simply deciding that the practice of female circumcision is valid on its own terms in the cultures in which it exists—leads to indifference and acquiescence. From a purely relativistic position, one would not be in a position to do anything, since any action would be considered an intrusion on other peoples' cultures. The real quandary of the globalization of human rights is how to avoid imposing human rights as a form of cultural imperialism, on the one hand, and how to avoid the indifference that would result if one simply decided that all cultures are valid. In the former case, human rights become domination, in the latter case, there simply is no basis for arguing that human rights have any special value, and therefore, there can be no universalizing project of human rights on a global scale.

It is hard to know the extent to which such dialogic practices are at work in the world today, or how effective they are, although it is clear that human rights practitioners are aware of the dangerousness of an unchecked human rights universalism. Dialogic approaches represent a new facet of the process of globalization in which the advocates of human rights denaturalize their own conceptions of rights and accept the validity of other culture practices. Also, for those advocates of human rights, the idea is not to colonize local cultures, but to enhance the thriving of individuals by offering them alternatives. In many cases, this simply means establishing a presence in another society and through that presence, to make vulnerable individuals aware of other options for self-reclamation should they choose (or be able to choose) to avail themselves of them. This dialogic practice is also at work in the attempts by people in other cultures who wish to mobilize in order to alleviate their own vulnerability. Activists in Indigenous movements for rights, for instance, are in increasing contact with global representatives of human rights culture, and learn how to frame their causes in the language of human rights and get assistance from the variety of human rights activists increasingly present in the world (Bob, 2015).

Among certain writers on human rights (Walzer, 2014; Ignatieff, 2021), the quest to foster a wide body of rights across cultures has been abandoned. The focus here is on developing a body of the most fundamental, basic rights—a "minimal morality"—on which a large number of societies can agree. This movement represents a scaling back of the aspirations of universal human rights, a humility in the face of recognition that some types of cultural practices, while violating the norms of universal human rights, are not as bad as others. In this view, the focus is on the most egregious violations of human rights such as torture, genocide, infanticide, or sex trafficking. Such dialogic and consensual approaches to human rights represent a significant scaling back of the imperial aspirations sometimes attributed to the Western project of human rights and are a recognition of the limitations of Western ideas outside of their Western contexts.

The dialogic approach has not solved the problem of relativism, nor does it completely exculpate human rights advocates from the charge of cultural imperialism. By their very nature, universalized notions of human rights exert force in locales simply by their mere presence. The reality of globalization means that human rights are "here to stay." They are borne into other cultures by human rights activists, and people who are vulnerable seek them out as models for the alleviation of vulnerability.

Globalization and The Rise of Global Civil Society

We have spoken so far of the globalization of human rights primarily in terms of cultural diffusion of human rights and the intersections of universalizing conceptions of rights and local cultures. The last question to address in this globalization process is the organizational and institutional forms by which human rights culture is spread on a global scale. For the most part, attention here has been paid to the rise of non-governmental organizations, consisting of human rights activists, which have human right agendas in various areas of the world. Keck and Sikkink (2018) have referred to this movement as one of "activists beyond borders."

It is hard to characterize NGOs in terms of any one overall project; they range from those that are primarily autarkic in dealing with problems within their own societies, to those that are purposely global in their aspirations. Some NGOs, such as Human Rights Watch or Amnesty International, aim to document human rights violations around the globe and to call attention to these as a way to provide the impetus for political action on the part of other NGOs. Other NGOs are advocacy organizations that focus on mobilizing to prevent and amelioriate human rights violations that occur around the world. Often, these NGOs are "that drive NGOs might be the various organizations that emerge to respond to particularly egregious violations of human rights such as genocide in Darfur, or the banning of landmines on a global scale.

In spite of the diversity of types of NGOS, they can, as a whole, be conceptualized as a very important new structural force in modernity. Their significance lies in the fact that they challenge the traditional Westphalian idea that what states do within their own borders is their own business and that "outsiders" have no right to intervene. The globalization of NGOs represents a movement toward considering human beings as having universal rights outside of their states and conceiving of state borders as artificial and, in most cases, detrimental to the advancement of human rights on a global scale. In this sense, the collective of global NGOs poses a considerable challenge to the traditional idea of state sovereignty in global affairs. Human rights activists, especially those with considerable resources and political connections, have considerable potential to force states to comply with various human rights treaties and in many cases, pose significant challenges to those states that violate human rights under the protection of state boundaries and the principle of non-intervention.

One paradox of the current system of global governance represented by the United Nations is that the Universal Declaration of Human Rights articulates a very clear and powerful objective set of substantive human rights, rights that all humans regardless of their geographical location have by virtue of being human, while at the same time, specifies in its charter the principle of non-intervention in the affairs of other states (at least for the purposes of redressing human rights violations). Thus, the globalization of human rights, as a system of ethics, is challenged by the limitations of what is allowable under international law. For purposes of understanding the reality of the global system of human rights and international law, it is useful to stress that human rights and international law are not necessarily the same thing (Cushman, 2015). What can be completely legitimate in terms of the UDHR—ensuring that all people enjoy human rights—can be completely illegitimate according to international law. An example of this is the United Nations Convention Against Genocide, ratified in 1948. This treaty specifies that in situations where genocide is present, states have an obligation to intervene to stop it. Yet, because of the enduring power of the principle of non-intervention, which is specified in the United Nations Charter as being only allowed in cases of self-defense, the treaty has never been invoked and there have been no specific cases in which states have intervened to stop genocide (with the possible exception of the NATO intervention in Kosovo, though that intervention was grounded in the logic of security, rather than the international law against genocide or the advancement of human rights). The major point here is the intervention by states in the name of stopping human rights violations is not a major aspect of the process of the globalization of human rights. Indeed, one of the central questions in discussions of human rights is whether and when states should intervene to prevent gross violations of human rights and the debate on this issue is tense and unresolved.

Because of the dominance of the principle of non-intervention, much of the work of intervention in the name of human rights has fallen to NGOS. Their prevalence in the global landscape is so widespread that many scholars have come to refer to them collectively as constituting a global civil society. Kaldor, Anheler, and Glasius (2015) have defined global civil society as a "sphere of ideas, values, institutions, organizations, networks, and individuals located between the family, the state, and the market and operating cause driven" and reactive, that is, they are oriented toward a beyond the confines of national societies, polities and economics." This rather amorphous definition contains a virtual infinitude of human action, but

suggests that globalization has brought on a discernible new social formation that consists of both culture and forms that stand outside of the state and aim, as a whole, to advance the agenda of human rights. Unlike most definitions of society, which rely on some idea of geographical boundaries and borders, this definition locates global civil society as existing somewhere outside of the time and space of the "normal" configuration of states and societies. In the terms of this definition, it is hard to conceive of limitations as to who or what might be a "member" of global civil society. An organization can specify that it is part of this entity and once many organizations do this, one does see a new social formation that the actors involved consider to be part of global civil society. It is harder to imagine what it might mean for a person to say, "I am a member of global civil society," except if we define

membership as normative action outside of traditional boundaries of politics of national societies, polities, and economics. Such a person, however, would still be a citizen of a specific country and enjoy the rights and privileges of such citizenship, even though they are a new type of actor in the global world-system. In many ways, the concept of global civil society is a reified one which aims to describe the very real new global patterns of normative, organizational engagement in the world. It is at once an analytical construct, but also a highly idealized and utopian idea. It might be said that global civil society is a social imaginary, or in Benedict Anderson's (2021) terms, an imagined community, an idealized conception that describes what citizens of global civil society think they are doing, rather than what they actually are doing.

This conception of civil society has been subject to a rather pointed critique by Rieff and Anderson (2015), which does not accept the idealized image of global civil society as either a useful analytical concept or a utopian ideal. Rieff and Anderson argue that "the global civil society movement might better be understood as imagining itself as the bearer of universal values, both operating in the teeth of globalization and yet simultaneously using globalization as its vehicle for disseminating universal values. It may be seen better understood as a movement seeking to universalize the ultimately parochial model of European Union Integration." Rieff and Anderson go on to say that global civil society is a collection of undemocratic and unaccountable "social movement missionaries". While this is a rather caustic view, it does articulate a salient sociological critique of the idea of global civil society. NGOs are, first and foremost, social organizations, and,

as such, they have their own interests, values, norms, procedures, and social hierarchies. They are not, in a sense, democratic institutions, since in general they rely on hierarchies of administration and membership that are not elected by a polity. A human rights representative to another from the United States government would be a representative of an elected government and accountable to that government, while an NGO actor would be a representative of his or her organization, and accountable solely to that organization.

In this sense, it is important to throw into relief the idea that, while the NGOs that constitute this supposed global civil society are to be oriented toward the protection of the vulnerable, this global civil society, if it exists at all, is a new constellation of power. It is beyond the scope of this paper to consider the implications of this observation in the manner which they deserve. The important point is that in speaking about the globalization of human rights, one has to be very careful in confusing analytical concepts with idealistic and utopian ones. There is no doubt that a formidable phalanx of global NGOs exists in the global world-system, and there is no doubt that they have made significant advances in fostering their conceptions of human rights. Yet at the same time, as part of the process of globalization, global civil society, either as an idealized conception needs to be considered critically in the same way that we would consider other processes of globalization such as capitalism.

Conclusion

The topic of the globalization of human rights is a broad one, and in this paper, we have attempted to summarize the entire process in terms of three important subprocesses. These are far from the limit of what the term "globalization of human rights" can imply. Human rights must be viewed as a type of culture because it continuously reminds us that they are social constructs. Conceiving of human rights as socially constructed ideas about what constitutes freedom and human vulnerability and how to alleviate that vulnerability and promote freedom is an important new analytical strategy for understanding what we mean by human rights in the modern world. By understanding human rights as generations of rights that are incommensurate, we can understand the process of advancing human rights as a conflictual one, not only in terms of conflicts between human rights activists and states who violate human rights, but also among human rights proponents with different conceptions of what human rights ideas are. By understanding the reality of the present day situation of human rights as an

intersection between the universal and the particular, we can understand both the limitations and the possibilities of human rights that are inherent in the dialogic approach to human rights, which, in our opinion, is one of the more positive aspects of human rights.

Finally, we emphasize the globalization of human rights by understanding the constructions that human rights activists use to describe and conceptualize what they are doing. This includes not only looking at how human rights have progressed (or not), but also reflexively examining the actors and institutions who act in the name of human rights. The idealism that has always underpinned human rights must be tempered by the need to reconsider what it means to act in the world on behalf of others, as well as the limitations of such action in the face of the terrible realities that still exist in most of the world.

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