

Anthropology and Human Rights

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The Universal Declaration of Human Rights, passed by the UN General Assembly in 1948, may well be a universal declaration, but that does not mean, as some might suppose, that human rights are universal. It does not even mean that the definition of ‘rights’ themselves are universally agreed upon. To anthropologists, such multiplicity of perspective makes perfect sense, since what we study are the cultural perspectives that shape a people’s understanding of the world. Culture, a malleable, dynamic construction of the mental processes used by a people to interpret the actions of others and comprehend the world, is variable. Hence, there is very little about human behavior or belief that is universal, eternal, or natural.

Frames for understanding human rights.

To me as an anthropologist, what is fascinating about the 1948 Declaration is its scope. It includes the “first generation” rights that are often enshrined in Enlightenment-based constitutions, such as that of the U.S. But the document goes beyond this, and includes the “second generation” rights that are social and economic. Let’s examine the types of rights the UDHR includes, and where they are more or less successfully protected or promoted.

Political rights (many of the first 21 articles): these appear to be most salient in advanced industrial democracies, where the definition of political involvement is most simply understood as voting (art. 21.3). Absent as guarantees in the U.S., for example, are many of the other types of rights detailed below. Individualism is the order of the day,

and the economic “right” to accumulate and own is paramount (art. 17). Private property has been made nearly sacred in the capitalist democracies.

Social rights (3, 4, 13, 15, 16, 18-20, 24, 26 & 27): these are somewhat more evident in democratic societies, particularly the U.S. and Northern Europe, and are found less frequently in the developing world. I would include such things here as freedom to have a nationality (15), to travel (13), the right to assemble with others of like mind (20), and to participate freely in a religion of one’s choice (18). The right to vote listed under political rights above does not guarantee the presence of these types of rights.

Resource rights (17, 22-27): these have been claimed to be made available in the so-called communist societies as well as in social democratic ones, and include the right to employment (23), to education, to health care, to shelter, to food (25). These sorts of rights are decidedly not guaranteed in the U.S. system, by the way. This set is considered the “second generation” of rights mentioned above. Later, the UN came to recognize closely related “third generation” rights, which are important to anthropologists. These include the rights of indigenous peoples to their lands, to the products of their lands, without state intervention, without limitations to “reservations,” and without the liberal environmentalists’ restrictions on flora and fauna use that has prevented such things as the right of the Northwest U.S. Makah to hunt whale. These second and third generation rights speak to the slow growth to a full understanding of human rights.

Economic rights: these rights can be interpreted in two ways. In one, the right to property and accumulated wealth has been raised to the level of a sacred political principle, as in the U.S. But in the other direction, we would find the redistribution of resources through taxation and other state processes so all members of the state can gain

access to the necessary resources, not only to survive but also to flourish. It is probably very obvious to a reader that these two approaches are the essence of Cold War divisions. While the first is often linked to the areas where political rights (voting) are paramount, the second can be found in the Northern European states, and can be found to varying extent in some of the socialist and communist states.

As was evident during the Cold War period, or the countless years of debates over Cuba, and more recently in the back-and-forth carpings of the U.S. and China about each other's failures in guaranteeing human rights, there is a paucity of shared understandings as to the very meaning of the words 'human rights.' And there is an even greater variation when we consider cultures as the unit of analysis instead of nation-states. And here, anthropologists, whose focus on cultures is the intellectual centerpiece of their discipline, can offer some fascinating insights.

Indigenous people and rights.

One area of particular concern to anthropologists is the rights of indigenous peoples. Frequently these people are among the most powerless, are least effective in using the international system of communications, least able to prevent the depredations of predatory capital, and most isolated in their struggles against the nation-state they did not choose to join.

Indigenous peoples are also present across the world in numbers that may reach 5% of the global population, depending on whose count one accepts. There is a strong connection between these peoples and the environment, since these tribal and band level peoples are frequently the proverbial "canaries in the coal mine" of contemporary environmental destruction. While all have been incorporated into nation-states, though to

different levels of participation, many have refused to accept the fait accompli of this incorporation. The best popular source for learning about the struggles of indigenous peoples is found in *Cultural Survival*, the journal created by the late David Maybury-Lewis, which monitors and assesses the global struggle for indigenous rights. In the most recent issue (Summer 2008), Executive Director Ellen Lutz calls upon the next U.S. president to: 1. make indigenous people's rights a global issue; 2. embrace the United Nations Declaration on the Rights of Indigenous Peoples; 3. protect the planet so that indigenous peoples can continue to thrive on their ancestral homelands; 4. prepare to meet the consequences of global climate change in a just manner that respects the rights of indigenous peoples; and 5. honor your promises to Native Americans.

What is most interesting as someone who teaches about the battles of indigenous people for their rights to their lands, cultural heritages, and political and social autonomy, is the way these people's fight to [re]gain their rights of cultural autonomy is spreading from small-scale societies such as their own to the majority world citizens of nation states. Throughout the world, we find increasingly restricted rights to safe environment, safe and sufficient foods, and potable water. At the same time, more and more people are losing their right NOT to be poisoned by industrial effluents, toxic chemical, biological or nuclear leaks, un- and under-tested genetically modified foods, fertilizer and pesticide run-off, dead zones, etc. The first to feel the effects of these consequences of poor foresight and indifferent ecological consciousness have usually been the indigenous, followed closely by the poorest citizens of nation-states. Today, all of us are becoming indigenous, in a sense. In the same way that the environmental consequences of global warming will affect everyone, but have its initial impact on the poor and least powerful,

similar processes will take place with much of the rest of these terror[ism]s of industrial modernity.

So the question remains: is there anything “universal’ about the various human rights? Or are there ‘natural’ or ‘eternal’ rights? Anthropology allows us to find a multiplicity of perspectives on human rights, and calls us to recognize that the definitions are changing and will continue to change. By calling our focus away from the nation-state level, we remind ourselves of two things: first, we are all members of the same globe (one water system, one atmosphere, and only one planet) regardless of nationality; and second, humans differ by wide margins on what they consider ‘human rights’ to be.

And there is one more piece to the Universal Declaration that I find impressive, given its time. In article 29, it states: “Everyone has duties to the community in which alone the free and full development of [one’s] personality is possible.” Rights do not come without responsibilities to the community. This connection between rights and responsibilities is something indigenous people have known well, and something the industrialized world needs desperately to remember. Our duties to one another underlie all the “rights” we hold so dear. And that fact is far too rarely central to the discussion. Let us make it so.