protection over time and across space of citizenship rights (Foweraker and Landman 1997) and human rights (Landman 2005b).

Studying Human Rights ties together these different strands from my personal experiences and my professional work as a political scientist of human rights and offers students, scholars and practitioners a framework for analysing human rights problems from a non-legal perspective. It draws on key theories and methods from the social sciences to develop a framework for the systematic study of human rights problems. It argues that solid empirical analysis of human rights problems rests on examining the *observable practices* from state and non-state actors that constitute human rights violations, and then applying the theories and methods from the social sciences to provide plausible explanations for their occurrence and provide deeper understanding of their meaning. Such explanation and understanding draws on the theoretical insights from rational, structural, and cultural approaches in the social sciences combined with different kinds of quantitative and qualitative methods. The book outlines the scope of human rights, the terrain of key actors that have an impact on human rights; summarizes dominant social science theories, methods, and measures for studying human rights; and then provides separate treatment and discussion of global comparative studies, truth commissions, and human rights impact assessment. Overall, the book contributes to the literature on human rights by moving beyond the philosophical search for an agreed set of foundations and uses the international law of human rights as a useful way of delineating the core content of those human rights categories and dimensions subject to systematic social scientific analysis.

Introduction

Studying human rights

The field of human rights has long been dominated by the discipline of law (Freeman 2001: 123; 2002b: 77–78), which has been dedicated to studying (and in part advancing) the normative evolution in the promotion and protection of human rights. The public international law of human rights has concentrated on the legal processes that affect the nature of state sovereignty, the degree of state obligations, the structure, function, and scope of the UN and regional systems and mechanisms established to protect human rights, and the justifiability of an increasing number of human rights that have become formally protected through the proliferation of international treaties. Alongside the long history of the commitment of law to study and advance the struggle for human rights, disciplines within the social sciences have overcome their own tendency to marginalize human rights and have grappled with a large variety of human rights problems, puzzles, and contradictions that have characterized the modern struggle for greater protection of human rights. Indeed the political sociology of the struggle for citizenship rights pre-dates work on the modern human rights movement, while political science research has included global, small-*N*, and case-study analysis of the determinants of human rights protection, the analysis of foreign aid and human rights, the effect of globalization on human rights, the transmission of international human rights norms to the domestic level, and the politics of transitional justice in post-authoritarian and post-conflict countries, among many other substantive topics (see Landman 2002, 2005a). Anthropology, long seen to be diametrically opposed to human rights (see Freeman 2002a, 2002b), has re-asserted its commitment to providing deep understanding of human rights problems that overcome its natural aversion to cross-cultural generalizations and the universality of concepts (Messer 1993). Moreover, rights-based approaches to development have brought economics 'back in' to the study of human rights as the international development policy agenda seeks to integrate human rights concerns into large- and small-scale aid and technical assistance programmes (see Human Rights Council of Australia 1995; Chapter 8 this volume).

While the social sciences have not eclipsed law in the field of human rights, there is now more than ever an increasing space and need for systematic social scientific research and analysis to expand our knowledge about the social, economic, and political conditions within which the promotion and protection of human rights is made possible and over which significant struggles for human rights are fought. Much of the international discourse on human rights is replete with declarations and normative claims that many human rights scholars and practitioners translate (un)wittingly into empirical claims, which in many instances may lead to policy decisions that adversely affect the protection of human rights. Such discourse has sought to transcend the historical development of

human rights, which draws on the longer history of citizenship rights and claims that all rights are indivisible, mutually reinforcing, and interdependent. Such language, for example, appears throughout the 1993 Vienna Declaration and Programme of Action, which as Boyle (1995: 81) concedes, sits uncomfortably with many social scientists since much empirical analysis has yet to be done that confirms the existence of 'mutually reinforcing and interdependent' relationships between and among the different types of human rights. Mere declaration and iteration may have a tendency to reify such relationships, but in the absence of systematic analysis on the degree to which these relationships exist, such claims remain largely baseless. Thus, foreign aid, developmental assistance and programmes, and actions by the 'international community' that are often heavily influenced by such claims may be made in haste or at the service of ideological and political agendas, which in the end may have the perverse effect of undermining the promotion and protection of human rights.

It is thus paramount for students of human rights to have the necessary conceptual frameworks and methodological tools to approach problems in the field of human rights in a scholarly and critical fashion, and it is the aim of this volume to provide such a framework for sound social scientific analysis of human rights. In order to realize this aim the volume is designed to (1) map the complex terrain of contemporary human rights, including their overall scope and the ways in which they can be promoted, protected, and defended; (2) provide a social scientific framework for studying human rights, including dominant paradigms of social theory, varieties of social scientific methods, and the ways in which human rights can be measured and compared; and (3) illustrate how social scientific analysis has been and can be applied to a selection of typical problems and research areas confronting the field of human rights, including global comparative analysis on the determinants of rights violations, the social science of truth commissions, and human rights impact assessment. The volume's conclusion ties these different elements of the book together and argues how greater systematic study of human rights can help in the struggle for their continued promotion and greater protection.

Social science and human rights

In 1971, Alisdair MacIntyre asked 'Is a science of comparative politics possible?' Ten years later, John McCamant (1981) asked 'Are the "tools of the trade" of the social scientist appropriate to the study of human rights?' Twenty years after this question was posed, Michael Freeman asked 'Is a political science of human rights possible?' These perennial questions about the scientific nature of social inquiry and its applicability to the study of human rights are the central concerns of this volume. In short, this volume asks, 'Is a social science of human rights possible?' MacIntyre's (1971: 171–172) answer to his own question claims that a general science of political action is not impossible, but faces serious obstacles, particularly in making cross-cultural *law-like generalizations* akin to the 'covering laws' in the natural sciences. In similar fashion, Freeman (2001: 127–128) does not reject out of hand a political science of human rights, but highlights two fundamental problems. On the one hand, he argues that there is an unresolved tension or 'philosophical contradiction' between the positivistic foundations of behavioural social science and normative values of human rights. On the other hand he argues that the rise of social science in the 19th century sought to displace philosophy and political theory with economics and sociology and so rejected any notion of human rights. The solution for MacIntyre (1971) is to lower expectations for making comparative inferences that

seek universal applicability, while the solution for Freeman (2001: 139) is to reject scientific and legal positivism and to pursue a political science of human rights that is 'neither narrow nor rigid'.

This present volume provides an answer to its own question that is much less sceptical than the answers provided by either MacIntyre or Freeman, and is broadly in line with McCamant who argues that there is a great need for social scientific analysis of human rights problems. My own answer is thus a qualified 'yes' and is based on five important assumptions. First, the volume is grounded in the assumption that the goal of empirical social science is *explanation* and *understanding* of observed social phenomena (see also Landman 2000a, 2003). For the substantive focus of this volume, such observable social phenomena comprise a virtually infinite variety of human rights *practices* that provide the evidentiary base upon which social scientific analysis can take place. These human rights practices include both *negative* and *positive* actions of state and non-state actors that have a bearing on the individual and collective enjoyment of all human rights (see Chapter 2). Such a typology of negative and positive dimensions of rights protection and rights provision is crucial to the ways in which human rights can be measured and analysed through qualitative and quantitative means (see Chapter 5; and Landman 2004). Moreover, certain analytical techniques have been developed over the years that can provide reasonable estimates of certain types of *unobservable* human rights practices that can also form the universe of evidence for secondary social scientific analysis (see Chapter 7; and Ball *et al.* 1994; Ball, Spirer and Spirer 2000; Ball, Asher, Sulmont and Manrique 2003). In addition to these observable and unobservable human rights practices, there is an equally infinite variety of events, actors, interests, structures, societal features (e.g. class, gender, race, ethnicity) and outcomes that may have direct and indirect impacts on the promotion and protection of human rights that are equally subject to social scientific analysis.

Second, the volume argues that cross-cultural generalizations are an essential and inherent feature of human rights research since the international law of human rights sets a universal ideal standard against which country performances and cultural contexts are compared (see Landman 2002), and it is entirely possible to make cross-cultural generalizations *if certain basic rules of social science inquiry are observed*. The framework developed throughout the book is based on a general commitment to a 'logic of inference' that drives all good social scientific analysis. Making inferences involves 'using facts we know to learn something about facts we do not know' (King *et al.* 1994: 119 après J. S. Mill; see also Couvalis 1997). There is an inseparable link between evidence and inference, while there is a direct trade-off between the strength of the inferences that are made and the number of observations that are used to make them. Strong and general inferences are made possible from examination of a wide range of observations over space and time, such as individual nation states, regions, sub-national units, or individual human beings. A smaller number of observations limits the explanatory nature of the inferences that are drawn, but may increase our understanding of a particular human rights problem. The choice that a social scientist makes about the number, type, and quality of observations under investigation will necessarily affect the types and strength of inferences that can be drawn about a particular human rights problem (see Chapter 4).

Third, despite such notable examples as the Michels 'iron law of oligarchy' (Michels 1959; see also Zald and Ash 1966; Kriesi 1996: 156), 'Duverger's law' on the correspondence between electoral systems and party systems (Duverger 1951), and the 'dyadic peace' between democracies (Levy 2002), this volume readily concedes that there are few

'laws' in the social sciences and that generalizations will always and everywhere carry with them *varying degrees of uncertainty*. But it is crucial to understand that there are strategies for the proper application of social theories and methods that can *reduce the presence of uncertainty* and so enhance the usefulness of the generalizations that are made (see King, Keohane and Verba 1994). Measurement error, indeterminate research designs, problems of case selection, and misspecification of explanatory models affect the degree to which social scientists can make generalizations in their research (see Chapter 4). And it is the problems with and differences across such factors that explain what may appear to be mixed results of social scientific research on human rights.

Fourth, the whole volume is based on the fundamental assumption that the social scientific analysis of human rights problems can take place in the absence of agreed philosophical foundations for their existence (Landman 2005a). Efforts in philosophy and normative political theory have long sought to establish the definitive foundations for the existence of human rights through various appeals to God, nature, and reason (see e.g. Finnis 1980; Waldron 1984; Ingram 1994; Jones 1994; Donnelly 2003). These traditions in rights theories and their attempts to argue for the existence of human rights have variously been criticized by utilitarians as *nonsense* (Waldron 1987), communitarians as *fantasy* (MacIntyre 1984), Marxists as *bourgeois* (Marx 1978a: 26–52), and (some) postmodernists as *relative* (Rorty 1993), such that there has been a cumulative scepticism that has undermined rather than fortified the quest for foundations (Mendus 1995; Donnelly 2003: 18–21). Human rights are nonsense to utilitarians since any notion of human rights might actually undermine the achievement of the greatest happiness for the greatest number of people within a given context. For MacIntyre (1984: 69), belief in the existence of human rights is like the belief in unicorns and witches. For Marx, human rights were simply legal protections for the further empowerment of the propertied classes. For some postmodernists, fixing human rights is impossible since human rights discourse itself is one of many social constructions and does not enjoy any foundational or hegemonic position, and even within the field of human rights, there is no way to adjudicate among the various contentious foundational claims to their existence.

A popular response to such scepticism has been to take a pragmatic turn by sidestepping the need for philosophical foundations for human rights and making legal and political claims about their existence and the need for their protection. Legal claims focus on the proliferation of human rights norms since the 1948 Universal Declaration (see Chapters 1 and 2) and emphasize the global consensus on the content of human rights that has been achieved within dominant international fora, such as the various regular and special meetings within the United Nations system for the promotion and protection of human rights. Such a claim cites the participation of over a hundred nation states in such fora, which in many cases has led to the promulgation of formal declarations and the setting of international standards, as clear evidence of this global consensus on the core content of human rights (McCamant 1981: 534; Freeman 2001: 132). Such formal declarations offer a 'language of commitment' about human rights that can be used to carry out advocacy strategies for their further promotion and protection (Boyle 1995: 81), but for a social science of human rights the language of commitment establishes a useful baseline from which to operationalize human rights concepts for systematic analysis (see McCamant 1981: 546, 551; Adcock and Collier 2001; Landman and Häusermann 2003; see also Chapter 1 this volume).

The second pragmatic response to the absence of agreed foundations for human rights involves making political claims about how rights may both constrain and facilitate

human behaviour. Some scholars see human rights as important means to achieving certain ends, such as social claims for institutionalized protection (Turner 1993), as bulwarks against the permanent threat of human evil (Mendus 1995: 23–24), as necessary legal guarantees for the exercise of human agency (Ignatieff 2001), or as an important political lever for the realization of global justice (Falk 2000). In this way, human rights are not held in some metaphysical suspended animation, but are practical tools used to limit the worst forms of human behaviour while creating conditions for the protection of human dignity. For empirical social scientists interested in studying human rights problems, such a pragmatic turn represented by these legal and political claims has allowed scholars to bypass the quest for foundations and to use the content found in the international law of human rights as a useful starting point for their research.

Finally, the volume argues that the positivistic heritage of modern social science is less problematic for studying human rights than Freeman contends. While strict positivists may eschew making ethical judgements and may well want to pursue 'value-free' scientific research, social scientists of human rights, consistent with Max Weber (1991b: 143–149), can carry out research on topics that have been *influenced* by values but the research process itself should not have been so influenced. In contrast to Galtung (1977), this approach is not to conflate the normative and empirical, but to use the tools of empirical analysis to research real-world problems that have normative importance (McCamant 1981: 534). Moreover, to ignore the actual practice of human rights violations carried out by state and non-state actors for some notion of objective scientific purism would have precluded a large body of research in social science carried out since the 1960s, such as the comparative work on political violence (e.g. Gurr 1968, 1970; Hibbs 1973), social protest and social mobilization (e.g. Marshall 1963; Tilly 1978; Piven and Cloward 1977; Foweraker and Landman 1997), and state repression (see Lichbach 1987; Davenport 2000).

There are numerous analogous areas of research in the social sciences where there have not been agreed philosophical foundations about a particular object of inquiry. For example, there are no agreed foundations for the existence of democracy, yet political scientists have studied democracy and democratic performance since the days of Aristotle. There are no agreed philosophical foundations for the existence of the market, yet economists have developed theories and methods to analyse and predict individual and collective economic behaviour. It is also the case that new legal developments may add dimensions to existing understandings and categories of human rights (such as rape as a war crime or domestic violence as a human rights violation), which can then lead to further empirical research on such practices. Such research efforts may define the scope of human rights that is to be studied, but will not make larger appeals to the philosophical foundations for their existence.

In sum, this book is grounded in an ontology of human rights that moves beyond definitive and agreed philosophical foundations and focuses on human rights practices delineated by reference to the extant international law of human rights, which is itself a product of the history of the struggle for human rights. Epistemologically, the book is grounded in the general understanding that such observable human rights practices and related social phenomena are subject to robust analysis and empirical testing that allow scholars to make reasoned, informed, and intelligent analytical statements useful for the promotion and protection of human rights. Methodologically, the book is committed to providing the necessary tools for maximizing inferences about particular human rights problems and puzzles that have been subjected to systematic social scientific

analysis. In this way, the framework developed in this book makes possible progressive and incremental gains in knowledge about the promotion and protection of human rights in the world.

Structure of the book

Against this background defence of the possibility of a social science of human rights, the book is structured to develop the necessary theoretical and methodological tools to carry out social scientific analysis of human rights problems. Chapter 1 outlines the scope of human rights, including their different categories (civil, political, economic, social, cultural, and solidarity) and dimensions (positive and negative). While charting the genealogy of human rights, one accepts that there have been chronological generations of rights, but that in their current manifestation, such a history does not privilege one set of rights over another. Moreover, the chapter makes clear that all sets of rights have positive and negative dimensions such that in some way the realization of human rights will always be in part dependent on the fiscal capacity of states. Chapter 2 reviews the main international, regional, and domestic key actors that have a direct and indirect bearing on human rights. Using the notion of 'organizational field' (Di Maggio and Powell 1983), the chapter maps out these different actors, comprising public, private non-profit, and private for-profit organizations at the domestic and international levels of analysis.

The next three chapters move beyond these general exercises in mapping the scope and organizational terrain of human rights to consider theories, methods, and measures for studying human rights problems. Chapter 3 examines rationalist, structuralist, and culturalist empirical theories at the domestic and international levels and considers how they apply to the study of human rights. It evaluates them through an examination of their assumptions, explanatory logic, and the types of testable propositions they make about the protection of human rights. Chapter 4 outlines the main social scientific methods available for studying human rights, including qualitative, quantitative and mixed methods. The discussion includes the examination of an epistemological continuum in the social science that ranges from deep hermeneutic and 'thickly descriptive' (Geertz 1973) approaches to formal nomothetic and deductive approaches, as well as across the degree to which these different approaches privilege evidence over inference (see Almond 1996; Landman 2003). Chapter 5 illustrates how and why to measure human rights, including measures of rights in principle (*de jure*), rights in practice (*de facto*), and as outcomes of public policies designed to enhance or realize the protection of human rights. The chapter identifies serious lacunae in our efforts to measure human rights and over-reliance on standards-based scales of civil and political rights.

Chapters 6 to 8 show how the theories and methods of the social sciences can be applied to human rights problems. Chapter 6 shows how global comparative studies have tried to identify a series of explanations for the global variation in human rights protection and to examine a number of important related factors, including foreign aid, the presence of multinational capital, and the impact of international human rights law. The chapter also discusses the limitations of this kind of analysis, including a narrow focus on civil and political rights, a fairly high level of abstraction and generality of findings, and an over-reliance on crude measures of human rights. Chapter 7 shows how social science methods have been used to enhance the work of truth commissions established after periods of conflict, authoritarian rule, and foreign occupations. The chapter argues that

one of the main tasks of truth commissions represents a classic social scientific problem, namely estimating and explaining an elusive but finite number of human rights violations for a given context during a given period of time. Chapter 8 shows how the logic of inference that forms the basis of all good social scientific research is useful in developing a framework for human rights impact assessment. The chapter develops a typology of human rights impact assessment based on the intersection of their different forms (i.e. direct and indirect) and timing (i.e. *ex ante* and *ex post*) and then shows the complexity of determining the impact of specific policies of governments or programmes of organizations on a particular human rights situation. It concludes by examining the ways in which quantitative and qualitative analysis can be used to estimate the different *contribution* and *attribution* of human rights policies and programmes on the human rights situation.

Finally, Chapter 9 concludes the book with a main summary of the key insights and main contributions that the book makes to furthering our knowledge about human rights problems and how greater application of systematic social scientific analysis is vital for their ultimate realization in the world. It is recommended that the book be read in the order in which it has been presented even though many of the chapters can serve as 'stand-alone' contributions to particular debates in the field. Every effort has been made to provide useful cross-referencing between chapters where appropriate. Each chapter contains a list for further reading, while Chapter 5 contains a list of web sites for accessing and downloading popular forms of human rights data. It is hoped that the book presents a useful framework for analysing human rights problems from a social scientific perspective.