

A Human Rights Life-World?

Politics, Society and Representation at the Start of the Twenty-First Century

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Introduction

Human rights are a pressing issue for global society at the start of the twenty-first century. Gaining increasing popularity since the foundation of the United Nations (1945; hereafter UN), “rights” – human rights – have gained increasing appeal not only to state actors, but NGOs, social activists, the media, academics and “everyday” members of global society as well. 1989 was a watershed year. While rights concepts were marginalized under the Cold War, the victory of liberal capitalism opened the door for raised expectations concerning global adherence to rights standards. Samuel Huntington (1996, 193) argues that “the transition and collapse of the Soviet Union [and satellite states] generated...the belief that a global democratic revolution was underway and that in short order Western concepts of human rights and...forms of political democracy would prevail throughout the world.” Huntington is correct. While Marxist political-economy contributed to the history of human rights via welfare and social rights, human rights’ intellectual roots lay in liberal-democratic traditions dating to the eighteenth century.

Growing literatures (e.g., Slaughter 2007; Madison 2011; Borradori 2012) acknowledge human rights as greater than political philosophy. Rights address conceptions of the self – modern, “centered” concepts of subjectivity (see Slaughter 1994, 411) – ideas of

political utopia (Moyn 2010) and narrative structures binding human origins with human ends (Dorfman 2012). The contemporary social subject is constantly confronted with images and ideas denoting rights. We are also confronted with the articulation of rights on all levels of the social power scale – “hi” to “low.” Given this, there is a need for an analysis of the rights “environment” at the start of the twenty-first century. I.e., how, precisely, are we confronted with rights ideas and images such that they appear “natural” – universal, “human” and ineluctably a part of the “age” (Bobbio 1996) in which we find ourselves?

At least a partial answer to this might be the concept of a human rights “life-world.” “Life-world” (*Lebenswelt*) is borrowed from phenomenological philosophy – specifically from Edmund Husserl (1983; 1970). The life-world involves everything “taken for granted” in human life (Husserl 1970, 123); the life-world encompasses sets of presumptions built-up over historical time. Life-worlds never *appear* as presumptions, or “life-world,” however. This is an important point. Life-world appears as what is “simply there” (*einfach da*) (Husserl 1983, 51). Life-world appears as things registering as “literal” (*wörtlich*) as well as “figurative” (*bildlich*). I.e., representing concepts such as human rights, or providing senses that rights are simply “there,” involves ensconcing social subjects in rights’ literal and figurative representation. This is how rights confront us. In the twenty-first century, rights pertain to the “real.” Rights pertain to the empirical. Rights pertain to “true” historical events – the terrain of the “literal.” However, rights also pertain to entertainment, “virtuality,” commercialism, advertisement and fantasy simulation – movies, video games and fashion. This will be posed as rights “figuration” – a semi-fictionalization, or “fantasticalization,” of rights. Thinking about literality and figuration in a spectrum, what emerges is a liminal effect. Engaging social spaces of fact or fiction, entertainment or “serious” politics, rights “appear” for us. We can’t “avoid” rights, as Kenneth Cmiel (2004, 117) argues. Popular and commercial cultures of rights confront us, as do serious political cultures of rights. In terms of two essential modes of representation – “literality” and “figuration” – rights become an ineludible concept within the confines of contemporary political society and ideas.

In terms of a rights life-world, however, fact and fiction is not the end of the story. Rights representation demands reference to

history. I.e., rights confront us as a matter of not only how they look (are they “entertainment” or “fact?”), but who, socially, speaks rights. Who on the global stage invokes rights ideas? Who claims human rights as important? What are the social positions from which rights are either articulated or advocated? A full understanding of a rights life-world involves not only understanding representations of rights – i.e., problematizing if rights are represented “factually” or “fictionally” – but historiographical arguments contextualizing rights in the political evolution of the twentieth and twenty-first centuries. The point here is to blend phenomenology and historiography to create images of broad-scale tactile and socio-historical spaces in which rights confront us. These are, it will be argued, left-right axes of fact and fiction and up-down axes of social advantage and disadvantage – i.e., rights as spoken from the social “centers” and “margins,” as sociological vocabularies would have it¹. The point here, albeit in broad strokes, is to outline how rights are on either “side” of us in terms of modes of historical and social representation, as well as “above” and “below” us in terms of who speaks rights, or the locales of ideological articulation brought by degrees of social privilege, or the lack thereof.

The first part of this paper will engage rights “factuality” and “fictionality,” or “literality” and “figuration.” The second part of the paper will engage the historiography of rights from the mid-to late twentieth century in the context of the evolution of global politics.

Rights on “Either Side of Us”: Modes of Rights Representation

We invoke Husserl’s notion of “literal” and “figurative” representation because of the role of literality and figuration, or reality and “phantasy,” as Husserl (1983, 101) phrased it, in world-constitution. The point for Husserl – as well as ranges of his followers (e.g., Gadamer 1998; Schütz 1967) – was that the world always presents itself as a whole. The life-world, one’s “surrounding world” (Husserl 1983, 51), is simply “where I find myself.” This is in all the ways in

¹ At work here is blend of Wallersteinian world-system theory and Pierre Bourdieu’s notion of social capital – i.e., that social power ultimately involves economic accumulation, yet prestige may be an equally important factor in that process to material accumulation and monetary wealth. See Wallerstein (1974); Bourdieu (1984).

which the world presents itself, or the modalities through which one perceives the world. Here, one is disallowed the ability to separate out fact and fiction. Though one might fantasize – have dreams, make “false” or “pretend” representations of a thing, or create “fictions” (*Fiktionen*) of a particular concept (Husserl 1983, 101) – “fictions” are nonetheless real. Fictions “hover before one.” Fictions reflect the modes via which concepts confront us. One might imagine the historical past or present. However, one’s imaginations, or understandings, of the world by which one is confronted involve particular interplays between senses of what is “real” and what is “not.” Fact and fiction, history and imagination, true and fabricated – at least under the Husserlian rubric – function on a continuum. The continuum of fact and fiction – what I am calling the “left-right axis” of fact and fiction, or rights on “either side of us,” provides the swath of modalities via which one relates to particular concepts. This includes ephemeral (and political) concepts such as human rights.

Discussing rights in this way is complex. This is due to confusion over what human rights are. Are rights philosophical expressions about the nature of the individual – that he or she (the individual) is born into “reason and conscience,” as the Universal Declaration of Human Rights (UDHR; United Nations 1948) puts it, or are rights a specific set of protections and obligations accorded to groups and individuals (such as the right to recognition as a person before the law, as the UDHR also states, or the right to a standard of living “adequate for the health and well-being of himself and of his family” [United Nations 1948])? Answers are nebulous. Some see rights as a transcendental assertion about the universality of human individuality (e.g., Morsink 2009). Others see rights as a matter of concrete legal implementation, and politico-administrative orders through which law is enacted (see Weissbrodt and de la Vega 2007). We maintain neither of these understandings of human rights. Rights represent vague, general references to notions of human freedom, individuality, social justice, liberation, resistance to oppression, economic development and idealistic views of international relations. Human rights are a discourse – a term or phrase one uses. Rights discourse nonetheless reflects general, or perhaps vague, awareness that rights regimes (institutions, laws, etc...) exist. The point of departure for this paper is nonetheless that, for most members of the

social body, rights are conceived of in *Gestalt* form. Rights are simply thought of as “there,” intuitively maintained and that, in a general sense, we can all be sure that the ethics and morality to which rights representations refer could be universally maintained.

One might identify two kinds of rights representations: representations comprehended, or classifiable, as involving “truthful,” “concrete” or “historically accurate” references to rights events, or at least truthful representations of rights situations (conflicts, social turmoil, legal institutions, environmental disaster, etc...), and representations of rights or, again, at least rights “situations,” blending fictional elements with varying degrees of “truth.”. While space limits our full exploration of the idea, this in some ways reflects the notion of historical fiction as developed by Georgy Lukács (1962) – i.e., that the use of “real” events helps accentuate the doings of fictional characters by according them levels recognizability (grounding them in areal a social real world). This is where-as the dramatization of “real” events via fictional characterization underscores the importance and gravity of “true” historical events by disembodied them from their native contexts, thus highlighting them in bas relief. Representations of human rights occur with varying levels of fictionalization. Some, e.g., the 2005 film *The Interpreter*, manufacture entire civil conflicts with recognizable yet nonetheless fully fabricated plot lines. The civil strife referred to in a film like *The Interpreter* draws from ranges of post-colonial, sub-Saharan African social conflicts (e.g., the Congo, Zimbabwe and Uganda). Human rights – events such as genocide and political oppression – are “represented” in the form of discussion of an African state which does not exist (“Matobo”). However, representation also refers “reality” – something “literal.” This is the general phenomenon of civil strife in sub-Saharan Africa, problems of decolonization and issues of democracy and recognition in countries recognizable from the African map, yes, but also the role of international institutions such as the UN such conflicts (the UN being the seat of much of the film’s action). Blending these real and fictional elements, *The Interpreter* is historical fiction *par excellence*.

Especially in a short paper, it’s impossible to refer to all the examples of rights representations invoking varieties of literal and figurative, or “factual” and “fictional,” rights representation as they’re posed here. It’s moreover difficult to point to the *number* of repre-

sentations with which members of global society are confronted, or the multiple media channels through which rights representation takes place. Intertextuality also plays a role. By way of example, one may read, in novel form, John LeCarré's *The Constant Gardner*, dealing with African health, development and the role of private companies in such rights issues (though in a fictional, spy novel context). After reading the novel, however, one might then see the film and watch previews or trailers for the film on the Internet. Regardless of intertextuality, however, we may refer to the multiple *varieties* of representation involving blends of fact and fiction, and the blending of rights "fantasy" with rights "reality." The following are but examples:

- MTV produces an online videogame entitled *Darfur is Dying*. This is based on the 2003-11 Darfur Crisis in which hundreds of thousands were killed and displaced due to civil war in Sudan's Darfur region. In addition to executions, displacement and *ad hoc* killings, human rights violations in this conflict included famine, ethnic discrimination and religious conflict. In MTV's game, one adopts a character attempting to survive in a refugee camp. One's "life" is measured in access to water, the "threat" level one is under, food supply, the general health of the camp and number of days in the camp (measured in cartoon bars and statistics). Obviously, the game involves the adoption of fictional characters and cartoonish depictions of "general" events involved in the crisis (attacks by the Janjaweed militia, foraging for water, dealing with contaminated water, etc...).
- Benetton clothing long ran series of controversial advertisements based on pleas for social reconciliation and justice, yet promoting its clothing brand. Most controversial was the "We, on Death Row" campaign (2001). Here, as a matter of protest against the death penalty – a controversial point under international human rights law (disallowed, e.g., under the European Convention on Human Rights [European Council 2010]; provided for but frowned upon in the International Covenant on Civil and Political Rights [United Nations 1966]) – Benetton provided humanizing portraits of twenty-six death row killers in the United States, suggesting that their humanity demanded recognition as much

as anyone else's under the UDHR's assertion that "everyone has the right to life" (United Nations 1948). This isn't fiction. However, it's rights in the context of appeals to popular consumption and mass cultural commercialization.

- In addition to popular films such as *The Interpreter* – thematizing the UN and its relations with fictional civil strife in "Matobo" – films such as *Blood Diamond* (2006) and *Hotel Rwanda* (2004) achieved extensive box office and critical success based on varying levels of dramatization of civil conflicts in Sierra Leone and Rwanda. This includes accurate, moment to moment accounts such as *Hotel Rwanda* – yet nonetheless featuring Hollywood stars and dramatic background music – as well as accounts featuring fully fictional characters such as those central to *Blood Diamond* (a fictional mercenary and Mende fisherman, played by Leonardo di Caprio and Djimon Hounsou).
- Apple Computers marketed its brand in the late 1990s via a campaign based on free speech imagery – the "Think Different" campaign. Here, rights "heroes" such as Martin Luther King and Gandhi were portrayed with the Apple logo. This suggested that either Apple computers embodied the free spirit of rights activists such as King and Gandhi, or that figures such as King and Gandhi might have approved of the intellectual non-conformity supposedly promoted by Apple's brand (neither Gandhi nor King, of course, had anything to do with high technology, let alone Apple).
- The *Kony 2012* film was an Internet sensation. As of the composition of this article (August 2012), the video had been viewed over 92 million times on the video outlet YouTube. *Kony* is, as are films like *Blood Diamond* or *Hotel Rwanda* – or, indeed, campaigns like Benetton's – a variety of rights "fact." *Kony* refers to a true conflict – the Lord's Resistance Army's (LRA) in the Congo and Uganda. However, *Kony* "spices up" events, interspersing the narrative of LRA and its war criminal leader with the personal ambitions of the video's producer, and the entire creation's presentation with extremely high production values and extensive special effects.

These are but a sample of rights' fictional representation. Readers might be able to generate dozens if not hundreds more examples of portrayals of human rights like those above. Is *Schindler's List*, e.g., a human rights film in its portrayal of the Holocaust? *Rendition*, a successful 2007 film, also picked-up on rights issues depicting the extraordinary rendition of a fictional U.S. resident under new anti-terrorism laws. Videogame production company Serious Games produces "Global Conflicts," dropping players into multiple fictional situations and stories in developing global regions (e.g., Latin America). The point is twofold. First, in terms of broader pictures, one need not be reminded of the multiplicitous "literal" rights representations with which members of contemporary global society are continually confronted; CNN, BBC, national news outlets, major dailies from *The New York Times* to *Frankfurter Allgemeine* and all manner of Internet news outlets and NGOs carry dozens, if not hundreds or thousands of stories on human rights on daily bases. These fit with descriptions of "true" historical information as relying on claims to "having been there" (Barthes 1989, 147) – either witnessing events, or the compilation of documentary evidence so irrefutable that the event in question must have taken place. Undoubtedly, such events are "real": the truth of thousands dying in civil conflict, the denial of civil rights, unjust executions, irregular processes of law and denials of basic health care, housing and education happen. This doesn't prevent "happening" from being a register of experience, however – a mode of expression by which we recognize something as true, or "having been." "Reality" is a mode, or way, of being confronted by the world.

Rights imaginations – and certainly representations – extend beyond "factual" and "historically true" ("literal") reporting, however. This is the second point. Representations of rights delve into fantasy and the *jouissance* of marketing – things for which we "weren't" there, or are taken out of context. Human rights concern Leonardo di Caprio and Djimon Hounsou in *Blood Diamond* bonding across racial and class differences in the midst of a high speed chase through the mountains and jungles of Sierra Leone. Human rights are part of the excitement of choosing a computer or clothing brand, as in the Apple and Benetton campaigns. One can simulate the Darfur crisis – and do so at any computer with an Internet connection. The conflict in Darfur is available in cartoon form. The imagery of

“serious” rights organizations from the UN to Amnesty International to Human Rights Watch is interpolated with the adventure of films and novels and the thrill of “smart” consumerism. We might note that this isn’t to human rights’ disadvantage. Via fiction and marketing, it becomes possible to reach broad audiences with rights messages. This furthers the spread of rights ideas, and broadening beliefs in rights-based society. Aesthetically, however, we gain an image of rights “messages” sitting on all “sides” of us. To our left, we see attempts to tell rights “truths.” These are the “literal” rights reporting of news agencies and serious rights organizations. To the right, truth thins out. Rights simultaneously maintain and lose their gravity. Advertising and at least partially fictional films draw from general senses of the existence of rights events. These are presented in “fantastic” form, however. This includes production values and dramas in rights events which oriented at least as much towards entertainment and consumption as attempts to disseminate the “truth” of rights. Collectively, “literal” and “figurative” rights representations coalesce to form an atmosphere, or “world,” of rights. Looking at the world through any of its essential representational modes – fact or fiction – we see human rights. These form a horizon, or set of expectations, for contemporary political beliefs and imaginations. This is that rights form our world – they are “happening” – yet that they are also our drama, or the stuff of our imaginations.

Rights Historiography and the “Age” of Rights

Here, readers should be encouraged to evoke their experiences and reflect on the multiple ways in which human rights messages enter everyday spaces. Again, this is through “literal” rights reporting: factual information about rights events and issues. Rights factuality slides into rights fiction, however – the dramatization of rights events, and their resetting, or reframing, into fictional and “fantastic” contexts. This includes the realms of rights as entertainment, and rights as a mode of popular, consumer-based advertising.

Such issues, however, beg historiographical questions. Why this late twentieth, early twenty-first century preoccupation with rights? To what mechanisms does the spectrum of rights “literality and figuration” respond? If there is a socio-historical question concerning the prevalence of rights ideas, does this provide us with further means of comprehending the multiplicitous nature of the

locales from which we hear “rights,” or are confronted with human rights concepts as standards for social justice, freedom, personal liberation and the obligations of states to their populations, if not international society at-large?

Answers lie in rough understandings had about human rights history in the literature on human rights’ mid- and late-twentieth century evolution. Human rights maintain deep historical roots. Paul Gordon Lauren (2011, 6) posits that any religious, ethical or philosophical system speaking to “the issue of human responsibility to others” contributes to the legacy of human rights. Here, the start of human rights comes with the consideration of any level of legal justice or ethical human behavior – be it Platonic philosophy, Judeo-Christian ethics or primeval law codes, such as Hammurabi’s. In the literature, it is also the case that human rights are sometimes linked to the evolution of international law. Anthony Pagden (2003) suggests that natural rationalizations of international conquest in the early modern period (the age of European expansion) are the start of international perspectives on legality – that law might have a global reach. Most usual (Hunt 2007; Hunt 1996; Israel 2011) is to equate human rights with the democratic revolutions of the late eighteenth century. This is a powerful move. Modern rights declarations such as the UDHR often take key wordings directly from such movements. That we have “equal and inalienable rights,” as the UDHR phrases it, and that all human beings are “born free and equal in dignity and rights” (as the UDHR also phrases it), directly echoes claims that all men are “endowed by their Creator with certain unalienable rights” – an argument of the American Declaration of Independence (1776) – and that men are “born and remain free and equal in rights,” as the French Declaration of the Rights of Man and Citizen phrases it (1789). As Lynn Hunt (2007, 153) asserts, such documents give us the roots of human rights’ “abstract universality.”

Two points are salient. Firstly, as Samuel Moyn (2010) points out, though claiming abstract universality, late eighteenth century and nineteenth century rights claims were generally nationalistic. Eighteenth and nineteenth century rights claims concerned state formation. Eighteenth and nineteenth century rights claims concerned the formation of citizenries. These claims also concerned state sovereignty – the creation of distinctly governed national communities.

Herein, human rights become distinct from the “rights of man,” as Moyn (2010, 26) poses eighteenth and nineteenth century rights claims. *Human* rights are intended to be just that – global visions of ethical, legal and welfare standards to which the *international* community should conform. This is as opposed to rights formulated on behalf of the nation-state alone.

Moyn’s distinction gives way to complex views of human rights’ evolution in the second half of the twentieth century – largely from 1945 to 1989. In the wake of the Second World War, most Western powers, as well as emerging global regions such as Latin America, maintained vested interests in promoting rights. Certainly, this concerned reaction to the Holocaust – the demand that ethnically-based genocide should happen “never again” (Ishay 2004, 218). However, the emergence of rights also connected to the publicized goals of the Allied powers and their justifications for war. As advanced in documents such as the Atlantic Charter and Franklin Roosevelt’s famous “Four Freedoms” speech, the goals of the Allies largely concerned political freedom on individual, national as well as cultural scales (see Ishay 2004, 213). Herein, though the precise politics concerning the introduction of human rights into the UN are complex (see Mor-sink 1999; Waltz 2001; Waltz 2002; Normand and Zaidi 2008), it was very much at the insistence of marginalized peoples, represented by “small states” (such as those in Latin America), liberal elements within the American State Department and the activism of NGOs and global rights leaders such as Gandhi, Kwame Nkrumah, Eleanor Roosevelt and (at the time) Ho Chi Minh that human rights emerged as a central part of the new international order. The capstone to this was the publication of the UDHR in 1948.

1948 to 1989, or at least 1975, were nonetheless difficult years for human rights. Cold War ideology was a major factor; political “utopia,” as Moyn (2010) has phrased it, was posed in terms of either socialist collectivism or liberal, democratic-capitalist individualism. As Micheline R. Ishay (2004) notes, both ideologies have a role in human rights. This is via the notion of civil and political rights versus economic, social and cultural rights (i.e., rights defending the individual from the state as well as rights outlining the obligations of the state, or at least society, towards the individual). Civil and political rights and economic, social and cultural rights form the touchstones of international human rights law (see Weissbrodt and

de la Vega 2007). “Human rights” were nonetheless a rare vocabulary to hear under the Cold War. A variety of reasons account for this: Soviet and American interventions in the Third World, suppression of dissent within the United States and Soviet Union (be it in the form of ethnic minorities or free speech dissidents) and the general conduct of *Realpolitik* from South America to the Middle East to Sub-Saharan Africa. I.e., both major Cold War powers were involved ranges of both domestic and foreign human rights violations. This led some, like American diplomat George Kennan, to assert human rights as an “unreal” foreign policy objective. “We need not deceive ourselves that we can afford today the luxury of altruism and world-benefaction,” wrote Kennan in a 1948 State Department document (in Ishay 2004, 227). The point was hard-nosed approaches to containing the advance of world communism (from the capitalist perspective) or spreading socialist practice as an antidote to capitalist exploitation (the socialist perspective).

This leads to two phenomena. Firstly, advocates of human rights tended to come from the social margins as opposed to the halls of global political power. The anti-Apartheid movement, American civil rights movement, dissident voices such as Andrei Sakharov other Soviet free speech dissidents, movements such as Amnesty – originally a prisoners of conscience movement – the women’s liberation movement and ethnic liberation movements were primary advocates of human rights (see Quataert 2009). Human rights were not a “mainstream” discourse. Rights, or human rights claims on a global scale, were counter-cultural. They connected themselves to systemic critiques of American, Soviet, white, male and global power.

Second, until 1989, the rough exception in terms of acknowledging human rights came with the 1975 Helsinki Accords. The Helsinki Accords traded human rights monitoring in the Eastern Bloc for recognition of East German territorial sovereignty. This deepened the global institutionalization of human rights as ranges of human rights “watch” organizations (beginning with Helsinki Watch) sprung up throughout the Soviet Union and its satellite states. In 1989, these would coalesce into Human Rights Watch – along with Amnesty, one of the world’s two major human rights NGOs. Still, as the Reagan administration reinvoked old-school Cold War policies and the Soviet Union alternated between liberalization and reaction-

ary crackdowns, human rights were very much left in the sphere of NGOs and the socially marginalized (see Shestack 1989). At the very least, rights' invocation came as a matter of accusations and counter-accusations in forums such as the UN about the rectitude of the American versus the Soviet systems.

Noticeable in human rights historiography, at least as concerns the mid- to late-twentieth century, is how different the situation was surrounding human rights and their social articulation than it is today. Obviously, as Huntington indicates, 1989-91 were watershed years. Though having socialist outgrowths, human rights maintain intellectually liberal roots. Liberalism's post-1989 global victory was a boon for rights. Increased global democratic practice brought increased rights expectations. This was especially in relation to free speech and political representation. Freedom of movement, representation before the law, the right to property and the right to free expression, all enshrined in the UDHR, were now global expectations. Rights were a transcendent vocabulary. Rights encompassed and were brought within the new global atmosphere of political and economic liberalization.

Human rights nonetheless trumped liberalism in a particular way. While liberalism's victory in the Cold War provided for a singular ideology in the new global cultural economy – that of liberal capitalism – the general lack of alternative ideologies (the traditional role of socialism) allowed for a forgetting of ideology itself. Slavoj Žižek (1989, 153) argues that ideology is about “splits” – ideas in opposition. He may be correct. Without an ideological threat – encroaching communism or, alternatively, capitalist imperialism – it becomes possible to point towards base concepts which are supposed to transcend ideology. Herein, hegemonic ideologies might be equated with a supposed non-ideological “defense of individual people,” as Sakharov put it (in Moyn 2010, 139), or basic ethical visions of the “good” society. Both politically and socially, or within institutions, on the part of specific, central global political actors as well as in everyday discourse and among advocates of the globally disadvantaged, “human rights” became, or at least could become, an amorphous conceptual reference point for individual liberation. “Human rights” might be the catchword for social protection, justice and freedom of mind. Human rights might resonate in the space of those denied them. However, they might also resonate in

the spaces of those who have the power to grant them (rights), or at least institutionalize their (rights') existence.

In terms of a human rights life-world, engagement with the historiography of human rights in the mid- and late-twentieth century yields two results. Firstly, while it may resonate that human rights – representations of justice, liberation, fairness, human ethics and concepts of universal humanity – gain both “literal” and “figurative” representations, or that we find ourselves confronted by both “factual” and “fictional” human rights representations, that is but a part of the broader picture of the manner in which we come into contact with rights ideals, or rights “discourses.” We won’t here venture into discourse theory. However, NGOs, protest groups (see Madison 2011) and the globally marginalized continue to invoke human rights discourses. This is how it has always been. Human rights are “counter-hegemonic” (see, e.g., Ishay 2004, 343), or strikes against overweening uses of institutionalized (state) or social majority power (e.g., legal, ethnic, gender or economic oppression). However, human rights are part of the panoply of vocabularies invoked by “hegemons” – those sitting in the most powerful of global socio-political locales. This trend began almost immediately with the end of the Cold War. In his famous speech on the “new world order” (1991), George H.W. Bush asked if ours wouldn’t be a world where “the United Nations, free from Cold War stalemate” would “fulfill the historic mission of its founders.” Would this not be, Bush asked, a world in which “freedom and respect for human rights” would “find a home among all nations” (Miller Center 2012)? Such vocabularies continued into the 1990s and the early twenty-first century. NGOs, activist groups met with world leaders in 1993 at the World Conference on Human Rights to reaffirm global commitments to human rights in the wake of the Cold War. Human rights fit centrally on agendas for meetings between the two *new* global superpowers – China and the U.S. (see, e.g., Liang-Fenton 2004; Meys 2009). Human rights are debated between “legitimate” states (such as the U.S.) and “rogue” states (such as Iran) in terms of who has the better human rights record (e.g., Hunter, 2010) (Ahmed Ahmadinejad famously declared in an interview with the Internet broadcaster Democracy Now that he thought Iran’s human rights record compared favorably with that of the U.S.). From campaigns such as NATO’s bombing of Kosovo (1999) to the UN sanc-

tioned of bombing in Libya (2011), significant international institutions are making increased numbers of foreign interventions in the name of human rights (see United Nations Security Council 2011). Using a socio-historical vocabulary, human rights continue to be spoken “below” us – by the socially marginalized and politically disadvantaged. However, perhaps more than ever before, they – “human rights” – are spoken by those “above” us as well. This includes the globally powerful, and those who sit at the center of significant political, economic and social decision making processes.

Conclusion: A Human Rights Life-World?

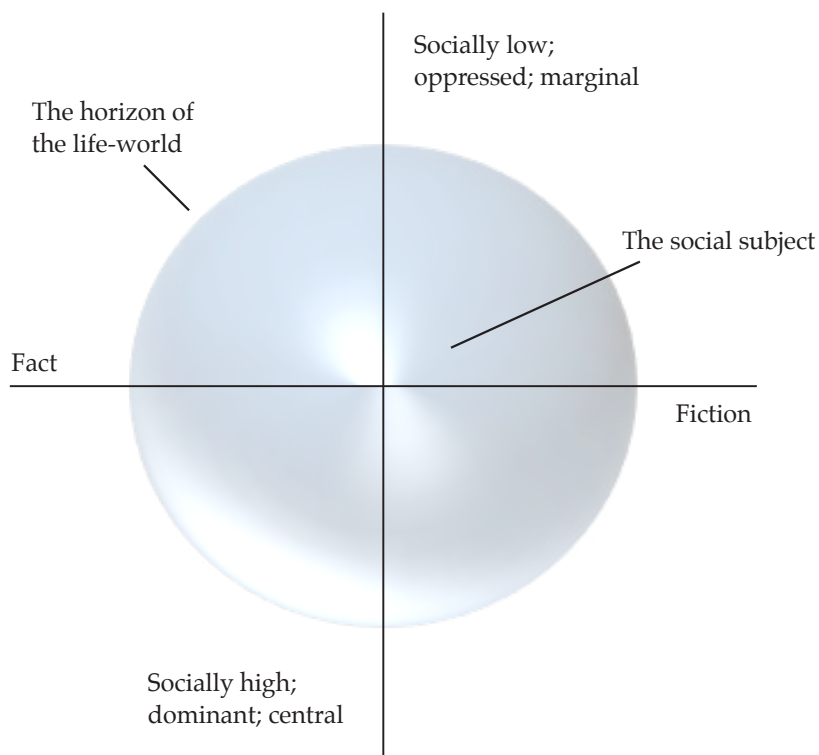
What has been presented here is, by some standards, an unusual mode of life-world analysis. Though the life-world, and our “world-horizons” – our perceptive spaces – are undoubtedly described as “literal” and “figurative” in the work of Husserl, the emphasis by phenomenologists tends to be on fundamental questions. How do we perceive? How do we know that others are around us? What is the character of the material world – the “objects” – which surrounds us? Are there connections between the nature of consciousness and the perception of others and things that demonstrates a universal nature to subjectivity? How do social bonds, if they exist at all, become formed? Is there a way to see past the presumptions of the life-world so that its basic “structure” becomes revealed (Husserl 1970, 139)?

We have partially deployed such levels of life-world analysis. That we have emphasized the “literality” and “figuration,” or at least “literality” and “figuration” in human rights representation, is true to phenomenological pursuits. Such emphases accentuate the subjectivity of perception – that “we” (social subjects) see wide ranges of things in our daily lives. What we “see” occupies multiple modalities – everything from “fact” to fictional “fantasies.” However, the analysis has here been specific. We have concerned ourselves with relations to a single concept: human rights. That has moreover been in a vague sense. I.e., we have worked on the idea that we may have specific senses that rights laws and institutions exist. However, for most of us, our relations with rights ideas are more intuitive. Rights represent vague senses of the self, ambitions for political liberation and multiplicitous notions of individual “freedom.” We get these, or are least communicated these, through factual and fictional content.

This paper has also taken a historical approach. About the historian, Husserl (1970, 147) wrote that his or her task was to “reconstruct the changing, surrounding life-worlds of the peoples and periods with which they deal.” This is complex. This is because reconstruction involves departing from the life-world in which one finds oneself and using one’s own presumptions in order to describe them (one’s own presumptions). This gives way to a kind of *Gestalt* picture of global cultural life – how do we view our times? History becomes a kind of artistic endeavor in self-reflection.

We have accepted the charge that historians work in “broad strokes” and the painting of *Gestalt* pictures is their goal. This paper has approached the life-world as something real – a “surrounding” environment. However, we have also used “life-world” metaphorically – when we think about a concept such as human rights, where do we find ourselves? How do we have such concepts “at hand,” and what are the ways in which the presentation of rights ideas is so rich – “thick” might be another term – that it seems natural they’re there?

I proffer the following model:



Intended here is a broad sense of where stand, or “find ourselves,” in relation to human rights – how, in our “times,” we gain sense of human rights as part of a necessary historical condition in which we find ourselves. À la the notion of life-world, the idea is outlining a conceptual and tactile space in which human rights appear “everywhere.” Human rights sit to the left and right of us, occupying the sinews of fact and fiction. Human rights come into a “halo” of reality in which fact and fiction merge, and concepts are tied to both modes of representation – historically “true” and not, or at least “less” than true (commercialized and fictionalized). Human rights occupy also the vocabularies of the socially most powerful, and the least as well. This is the life-world’s “above and below” – discursive locales from which articulation of rights emerge, and we orient ourselves towards the social body. This is a sociological point. However, it’s also a historical point to the extent that it’s comprehensible via longer term histories of rights – the constitution of rights in ancient or early modern history, yes, but also via the concrete institution of human rights vocabularies in the 1940s. Human rights were once an inclusive discourse, spoken by the powerful and the not. The “inclusiveness” of rights dissipated in the mid-twentieth century, however. Here, capitalism and communism vied to occupy the seat of the “end” of politics, or its final “utopia.” In the late twentieth and early twenty-first century, however, the situation has changed. Rights permeate us on all sides – the claims of the powerful, the petitions of the not, and the multiple representational channels and modes through which those claims are made and rights ideas disseminated, often intentionally and sometimes not. It’s in this way, claims this paper, that human rights become something one can’t “avoid.” Rights are borne by our essential modes of world constitution – fact and fiction – and become a social concept difficult to see beyond as there are few who don’t speak their vocabulary. It’s in this way that we might argue we live in a “life-world” of rights – an age of rights in which rights, *human* rights, are ineluctably ours and become difficult to see past, or “avoid.”

References

Barthes, R. 1989. *The Rustle of Language*. Translated by Richard Howard. Berkeley: University of California Press.

- Bobbio, N. 1996. *The Age of Rights*. Translated by Alan Cameron. London: Polity.
- Bourdieu, P. 1984. *Distinction: A Social Critique of the Judgment of Taste*. Translated by Richard Nice. London: Routledge.
- Borradori, G. 2012. "Tiny Sparks of Contingency: On the Aesthetics of Human Rights." In *Philosophical Dimensions of Human Rights: Some Contemporary Views*, edited by Claudio Corradetti, 157-72. Dordrecht: Springer.
- Dorfman, B. 2012. "The Way of Alienation: The Problem of Philosophy of History and Historical Change in Human Rights." *Ideas in History* 6 (1): pagination forthcoming.
- European Council. 2010. "European Convention on Human Rights." Accessed September 20, 2012. http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf
- Gadamer, H.G. 1998. *Truth and Method*. Translated by Joel Weinsheimer. New York: Continuum.
- Hunt, L. 2007. *Inventing Human Rights: A History*. New York: W.W. Norton.
- Hunt, L, ed. 1996. *The French Revolution and Human Rights: A Brief Documentary History*. New York: Bedford/St. Martins.
- Hunter, S.T. 2010. *Iran's Foreign Policy in the Post-Soviet Era: Resisting the New International Order*. Santa Barbara: ABC-Clio.
- Huntington, S. 1996. *The Clash of Civilizations and the Remaking of the World Order*. New York: Free Press.
- Husserl, E. 1983. *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy, First Book*. Translated by F. Kersten. Dordrecht: Kluwer.
- Husserl, E. 1970. *The Crisis of the European Sciences and Transcendental Phenomenology*. Translated by David Carr. Evanston: Northwestern University Press.
- Ishay, M.R. 2004. *The History of Human Rights: From Ancient Times to the Globalization Era*. Berkeley: University of California Press.
- Israel, J.I. 2011. *Democratic Enlightenment: Philosophy, Revolution, and Human Rights 1750-90*. Oxford: Oxford University Press.
- Lauren, P.G. 2011. *The Evolution of International Human Rights: Visions Seen*. 3rd ed. Philadelphia: University of Pennsylvania Press.

- Liang-Fenton, D., ed. 2004. *Implementing U.S. Human Rights Policy*. Washington, DC: United States Institute of Peace.
- Lukács, G. 1962. *The Historical Novel*. Translated by Hannah and Stanley Mitchell. London: Merlin.
- Madison, D.S. 2011. *Acts of Activism: Human Rights as Radical Performance*. Cambridge: Cambridge University Press.
- Meys, B. 2002. *The Role of Human Rights in Contemporary U.S. Foreign Policy towards China*. Norderstedt: Grin.
- Miller Center. 2012. "Address before a Joint Session of Congress on the End of the Gulf War (March 6, 1991)." Accessed May 24, 2012. <http://millercenter.org/president/speeches/detail/3430>.
- Morsink, J. 2009. *Inherent Human Rights: Philosophical Foundations of the Universal Declaration*. Philadelphia: University of Pennsylvania Press.
- Morsink, J. 1999. *The Universal Declaration of Human Rights: Origins, Drafting & Intent*. Philadelphia: University of Pennsylvania Press.
- Moyn, S. 2010. *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard Bellknap.
- Normand, R. and S. Zaidi. *Human Rights at the UN: The Politics of Universal Justice*. Bloomington: Indiana University Press.
- Pagden, A. 2003. "Human Rights, Natural Rights, and Europe's Imperial Legacy." *Political Theory* 31 (2): 171-99.
- Quataert, J.H. 2010. *Advocating Dignity: Human Rights Mobilizations in Global Politics*. Philadelphia: University of Pennsylvania Press.
- Schütz, A. 1967. *The Phenomenology of the Social World*. Translated by George Walsch and Fredrick Lehnart. Evanston: Northwestern University Press.
- Shestack, J. J. 1989. "Human Rights, the National Interest, and U.S. Foreign Policy." *Annals of the American Academy of Political and Social Science* 506: 17-29.
- Slaughter, J.R. 2007. *Human Rights Inc.: The World Novel, Narrative Form, and International Law*. New York: Fordham University Press.
- Slaughter, J.R. 1994. "A Question of Narrative: The Voice in International Human Rights Law." *Human Rights Quarterly* 19 (2): 406-30.

- United Nations. 1966. "International Covenant on Civil and Political Rights." Accessed September 20, 2012. <http://www2.ohchr.org/english/law/ccpr.htm>
- United Nations. 1948. "The Universal Declaration of Human Rights." Accessed May 23, 2012. <http://www.un.org/en/documents/udhr/index.shtml>.
- Wallerstein, I. 1974. *The Modern World-System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*. San Diego: Academic.
- Waltz, S. 2002. "Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights." *Third World Quarterly* 23 (3): 437-48.
- Waltz, S. 2001. "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights." *Human Rights Quarterly* 23 (1): 44-72.
- Weissbrodt, D. and C. de la Vega. 2007. *International Human Rights Law: An Introduction*. Philadelphia: University of Pennsylvania Press.
- Žižek, S. 1989. *The Sublime Object of Ideology*. London: Verso.