

HUMAN RIGHTS AND ANTHROPOLOGY

**Theodore E. Downing
and Gilbert Kushner,
editors**

*with Jennifer Schirmer,
Alison Dundes Renteln
and Laurie Wiseberg
of Human Rights Internet*

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Part One | Human Rights and Anthropology

Introduction

Theodore E. Downing
and Gilbert Kushner

What contribution can anthropology make to the study of and struggle for human rights? Discussions between anthropologists and the public have been plagued by mutual misunderstandings. Nonanthropologists often misinterpret the discipline's ethos. They wonder:

- Are anthropologists interested in human rights?
- What contribution can they make to an understanding of human rights?
- Does cultural relativism prevent anthropologists from taking moral positions on human rights issues?
- Are anthropologists trained or prepared to deal with complex moral, legal and political issues at the core of the discussion?
- Can anthropologists hold political or moral commitments?

Conversely, some anthropologists shy away from questions concerning human rights, considering the topic a moral and political mine field. *Human Rights and Anthropology* builds a framework for what we hope will become a bridge between anthropologists and others concerned with human rights.

Anthropologists collect data by direct observation and interviews, as well as other procedures involving field investigations in cultures other than their own. Fieldwork is an intensely personal experience, often involving a prolonged struggle to learn exotic, nonwritten languages. Anthropologists not only study people but they also share with them their lived experiences—eating, sleeping, laughing and crying. From the urban slums of Philadelphia and Bombay to isolated hamlets in Indonesia and Guatemalan highlands, anthropologists personally and intimately know those whose rights are repeatedly abridged or denied.

The resulting anthropological descriptions (ethnography) and theoretical arguments (ethnology) provide invaluable information about how

powerless people go about their daily lives. Anthropologists' concern for precise reporting, replicating observations, preserving linguistic and conceptual clarity and reducing observer bias provides an alternative – if not more accurate – view on the human condition than that obtained from political institutions charged with administering a people, the press and other perspectives.

An anthropological description of a culture often leads to a more encompassing and holistic view than that which many of its members hold. Just as the nineteenth-century French observer Alexis de Tocqueville (1835) provided an invaluable "outsider's" perspective on the people, institutions and problems of the United States, so also have anthropological studies provided others an opportunity to see themselves as others see them.

Professional Ethos

Since its emergence in the nineteenth century, the anthropological ethos has stretched across the natural sciences, humanities and social sciences. The humanistic side is concerned with the description and analysis of value and meaning as experienced by human beings in other cultures; a critical stance regarding ethnography that is not self-conscious, reflexive or inattentive to questions of human rights; an aesthetic view of the pan-human struggle to impose meaning on human experience and on communicating understanding of that experience in ways that evoke both cerebral and visceral reaction.

The scientific side values positivism, methodological rigor and replicability. The ethos is enriched by a broad temporal and spatial vision on humanity; the ethnographic present is but a wink in human history. Formerly isolated peoples are viewed as being progressively enmeshed within an expanding global network of political, economic and other transnational institutions and organizations. Humankind is seen as adaptive, endowed with a malleable capacity for good, evil and indifference. This potential, however, is constrained by biological, environmental and historical circumstances.

Human rights advocates should feel a kinship with the anthropological perspective. Few could struggle to improve human rights of any peoples without accepting a substantial part of the anthropological ethos. Like anthropologists, human rights advocates see human organizations as both the cause and solution to human rights problems. Societies and cultures can be changed.

Avoidance or Disinterest?

Anthropologists have been more ready to express their advocacy for human rights collectively through their professional associations, rather than individually through their research. Resolutions focused on the plight of particular peoples are standard fare at the annual meetings of the American Anthropological Association (AAA). A few years after World War II, optimism about the United Nations' work and the general situation

of oppressed peoples was rampant and, in hindsight, naive and unwarranted. In 1947 and 1949, respectively, both the AAA and the Society for Applied Anthropology (SfAA) promulgated statements on human rights.

Although both statements were probably ignored by the political leaders to whom they were directed, they clearly indicated professional concern for human rights. Neither, however, seems to have been systematically followed up. Individual anthropological research on human rights has been sporadically pursued by a few anthropologists (e.g., Bodley 1982, 1985; SfAA 1958) and most notably in publications of *Cultural Survival*, Inc. If the importance of a topic to a discipline is judged by publications, educational curricula and conferences, then the anthropological concern for human rights must be found wanting.

Most anthropological literature is isolated from the mainstream discussion of human rights. The Human Rights Internet, sponsored by UNESCO, has skillfully compiled the dispersed literature on the anthropology of human rights into a comprehensive bibliography that is essential to anthropologists as well as human rights activists. While the bibliography is limited primarily to works in English, it remains a profound contribution to our understanding of the work so far done on these issues. The bibliography is the largest collection to date of references on anthropology and human rights. Yet, it is only the first step and is intended to stimulate more research on these issues. Much more needs to be done.

The subject matter of anthropology as well as the fate of the cultures that we study compels anthropologists to address the theoretical and practical aspects of human rights. One by one, almost every culture in the world has found itself subjected to a redefinition and constriction of its rights. As Doughty points out in his essay, "the ethical obligation today of anthropologists is not only clear, but demanded by the visceral urgency of human need among the peoples we know best."

Leading social science critics (e.g., Stavenhagen 1971; Hymes 1969; Berreman 1980) have been dissatisfied with the lack of concern for human rights among their colleagues. It is unclear precisely what is going on. Are anthropologists disinterested in or avoiding the topic? Is there some fundamental, unresolved conflict between the anthropological ethos and commitment to human rights research and its related moral questions?

Practical Limitations

There are, to be sure, practical limits leading to the relative paucity of anthropological literature specifically focused on human rights. Chief among these limits are (1) the small number of anthropologists, (2) disciplinary tradition and (3) lack of funding for human rights research.

The public seems unaware that there are very few anthropologists. In the United States, the AAA lists less than 6,000 professionals in its guide, which includes archaeologists, linguists and physical anthropologists. Specialists in these three subdisciplines tend to pursue questions that do not engage

them in human rights problems. For example, although archaeologists often describe and analyze the process of state formation—a process we know to have involved the absorption of formerly self-governing communities into state-level polities, usually by force of arms—human rights violations are not their concern. The SfAA, which has an international membership more explicitly interested in applying its discipline to human problems, numbers fewer than 2,000 professionals and only recently began the process of creating a Committee on Human Rights. Given their many topical and global interests, there are simply too few anthropologists to cover all possible issues.

Disciplinary tradition creates another potent limitation. Like other professionals, anthropologists tend to focus on issues that are likely to attract the interest (and approbation) of colleagues. Cultural anthropologists, those who write ethnographies, often do their fieldwork in communities whose members suffer various kinds of abuse. Frequently, their ethnographies contain at least some recognition of these abuses, such as poor health, poverty and political powerlessness. The *lived experience* of these lifestyles, however, quickly becomes translated into formal abstract models such as “health care delivery systems,” “nutritional status” and the “role of sodalities in mutual help.” The relative absence of human rights research perpetuates this pattern. In brief, past disinterest encourages future indifference.

Lack of funding is another serious obstacle to human rights research. In a small discipline with such extensive interests, relatively small amounts of research funds can easily redefine the research agenda. No foundation or agency has, as yet, developed a program specifically aimed at encouraging anthropological field research on human rights. Until one dares, anthropological research on human rights will remain limited.

Philosophical Problems

Apart from these practical limitations, anthropologists also find it difficult to articulate their perspective on human rights to those who are actively defending the human rights of themselves and others. Part of the problem may be attributed to anthropologists’ rather broad perspective on the topic and serious misunderstandings concerning cultural relativism.

Given their comparative, cross-cultural and long-term perspective on humankind, it should not be surprising that anthropologists also find it difficult to define what is and is not a human rights issue. Downing asserts that there are sets of interrelated propositions found in all societies, which define the rights and duties of members of a society toward one another and outsiders. These rights and duties include behaviors pertinent to human rights.

Human rights propositions vary not only between groups, but also over time within a group. Many of these propositions are uncoded, concealing them from those who are only aware of written traditions and making their description a complex, ethnographic task. Moreover, anthropologists’ interests in determining what rights are shared by all, most, some and few

social groups, may baffle those who do not consider the deeper political value of such findings.

Cultural relativism is a widely recognized element of the anthropological ethos. In its simplest form, it holds that anthropologists should avoid value judgments about cultural practices. In her contribution, Schirmer recognizes that anthropologists do not agree on the meaning of cultural relativity. Their views range from what she calls “radical cultural relativists” to “contextualists.” Barnett, who leans toward the latter interpretation, points out that cultural relativism does not paralyze anthropological judgment. Rather, cultural relativism serves more as a guide than as a dictum for professional conduct. Cultural relativism cautions that before judgment is reached, careful attention should be given to the context of human behavior. In practice, it has not prevented anthropologists from frequently making overt judgments on proposed development programs, new technologies and planned interventions. Barnett concludes:

The principle of cultural relativity does not seem to excuse us from exercising judgment about the function, meaning or utility of a given practice. Rather, it is a warning that this judgment must be made in terms of the cultural context in which it is embedded. Further, it prescribes that the context be carefully considered when we move a culture trait or complex from one cultural setting to another. So long as the context is taken into account any practice can be evaluated or judged against a stated expectation or goal.

Inward and Outward Approaches

The contributors to *Human Rights and Anthropology* approach the topic from two perspectives, which Barnett calls the “outward” and “inward” approaches. The outward approach is concerned with the ways other cultures deal with human rights. It emphasizes a search for principles and concepts useful to understanding human rights. The inward approach examines the anthropological ethos, seeking research findings and understandings that might be used to clarify or form human rights principles. Except for Barnett and Schirmer, all the contributors take an outward approach.

Downing approaches contemporary human rights problems by stepping back into our Western heritage, starting with the Magna Carta. From this vantage, he suggests nine universal dimensions common to all human rights propositions. Next, he links his approach to a popular, nonanthropological theory of human rights (Falk 1980, 1981). Adding a macro-micro dimension to Falk’s ordering logics (statist, imperialist, naturalist, globalist, transnationalist and populist), he argues that the macrologics commonly considered in discussion of human rights originate as micrologics held by particular groups. Anthropologists may observe and analyze micrologics. To assist them in future research, he discusses unresolved ethnographic problems concerning human rights.

Kushner, Doughty and Weaver each focus on rights of groups with respect to the dominant form of territorial-based social organization, the modern nation-state. Doughty surveys the human rights problems of in-

digenous groups within Latin America (excluding Mexico), including the Mapuche (Chile), Amazonian tribal groups, the Shuar Federation (Ecuador), the Miskito (Nicaragua), Andean groups (Peru) and the Mayas (Guatemala). He unequivocally attributes these cultural groups' human rights problems to misguided national policies that are directed toward eliminating cultural pluralism.

Anthropologists do not limit their concern to the problems of aboriginal peoples. Weaver focuses our attention on the rights of what he calls "underworld" populations in general, and undocumented Mexican workers in the United States in particular. Hidden from the public view, underworld peoples are subject to legal and moral sanctions should their identity be revealed. He draws a sharp distinction between their human rights problems and those that citizens and indigenous cultural groups face. Weaver's discussion is timely and his arguments merit formal restatement with regard to the rights of other underground populations currently being widely discussed, such as those suffering from AIDS, homosexuals and other socially stigmatized categories.

Kushner considers the situation of three kinds of territorial-based communities administered by the United States and Israel. He compares the limits that state administration places on the inhabitants of the *moshvoim*, Japanese-American relocation centers and Native American reservations. His work demonstrates the power of the comparative method, a key element of the anthropological approach. Through comparison, he finds that all three communities share a common set of problems, which are weakly related, if at all, to ethnicity. Instead, they concern the self-determination of communities administered by state-level bureaucracies. Based on his comparison, Kushner suggests a descriptive model of a generic type of community, the administered community.

Like Doughty and Weaver, Kushner's work draws attention to the comparability of what might otherwise seem to be unrelated "cases." The concepts of administered communities, indigenous communities and underground populations represent clusters of similar human rights problems. The three anthropologists' work implies the possibility of new political alliances among those who are involved in what might otherwise seem unrelated struggles.

All three anthropologists (Doughty, Weaver and Kushner) are also predominantly concerned with the rights of groups (ethnic, cultural, territorial) rather than of individual citizens. In so doing, they fearlessly tread on dangerous political ground. National politicians seem to enjoy, if not financially support, criticisms of the human rights violations of citizens in rival nations. But such enthusiasm quickly wanes when the criticism concerns the rights of ethnic, cultural and territorial-based groups within the politicians' own nations. Discussions of human rights of undocumented workers, reservations, administered communities and culturally distinctive ethnic groups move precariously close to questions about the legitimacy of

the nation-state's right of governance. Perhaps, for this reason, politicians are hesitant to take a stand on comparable, seemingly intractable problems as are being witnessed in Northern Ireland, Israel, northern Spain and on Native American reservations in the United States.

Doughty's statement could be readily incorporated into the political creed of many groups:

What defines the anthropological human rights genre is not the broad issue *per se* so much as the "sub-context" of *cultural rights*: the right of any self-identified society to live its own style of life, speak its own language, wear its own clothes and pursue its goals in relative harmony with others and to be treated fairly under the laws of a state.

Herein, anthropologists raise an interesting challenge to innovative national politicians: is it not possible that the strength of a nation can be measured in terms of the degree of its internal cultural diversity and local community autonomy?

Unlike the preceding authors, Barnett focuses directly on the anthropological ethos. He asks: Is there a scientific basis in anthropology for the ethics of human rights? Stressing the importance of biological diversity in promoting the adaptability of a species to changing conditions, he develops a parallel argument in support of cultural diversity. His message rings clear. Intercultural and intracultural diversity enhance the potential for the survival of the anthropologists' client, the human species.

The contributions are followed by informative commentaries by Jason Clay, the research director and editor at Cultural Survival, Inc., and Sybil Wolfram, an Oxford philosopher and anthropologist.

On Common Ground

Anthropologists advocate that culturally distinct groups are entitled to fair and unprejudiced treatment before the law. They are committed to maintaining, if not increasing, cultural diversity. In practice, they steadfastly support the right of groups to reproduce their own cultures, a right that they feel (cf., Barnett) is as fundamental as the right to genetic transmission. They support what Holmberg called the "devolution of power" to less powerful people and an increase in human freedom. To deny people these rights threatens not only the particular group, but also the species' ability to survive. Although these rights do not extend to societies that physically threaten the survival of others, they are considered fundamental to maintaining cultural diversity.

Finally, a subtle theme appears in the essays that challenges the tactics of those who are engaged in the struggle for human rights. Anthropological research demonstrates that *processes*, as well as organizations and individuals, may deny human rights. Processes are more elusive and intangible than dictators, transnational corporations, institutions and evil empires. Yet they are significant, since such processes may be deeply embedded in a society's fundamental patterns and institutions. All of us need to develop a

more sophisticated understanding of cultural processes and begin to anticipate the long-term consequences of bureaucratic, institutional and economic processes on human rights. Once the processes are understood, strategies and tactics may be implemented to diminish future abuses of human rights.

Let it be understood that the primary purpose of this volume is to encourage anthropologists, human rights activists and researchers to work in fuller awareness of their mutual efforts. It is offered as a modest beginning.

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Human Rights Research: The Challenge for Anthropologists

Theodore E. Downing

All cultures define moral and ethical principles for proper human interaction.¹ Such logics apply not only to their conduct with respect to one another, but also to those outside their culture. The logics, in their totality, represent a culture's definition of human rights.²

The precise content of human rights logics varies between and within the same culture at different times. Yet, the logics also tend to share critical, perhaps universal dimensions. To help examine how these specific and common dimensions might be investigated, I use a common anthropological technique—I examine a contemporary issue in another culture, time and place. First, I identify eight common dimensions of human rights principles. Next, I describe an insightful typology of the macrologics underlying human rights principles to illustrate a theoretical frontier with which anthropologists might articulate their ethnographic findings on human rights. Finally, I present a cluster of microlevel questions which those who wish to contribute to the search and struggle for human rights might consider.

Another Culture and Another Time

In 1215, at the meadow called Runnymede, between Windsor and Stanes, King John of England begrudgingly signed the Magna Carta. This document, heralded as an early victory in subsequent struggles for human rights, merits close inspection. The concerns of the advocates of the Magna Carta are quite divorced from most contemporary human rights questions. The English clergy and barons were not concerned about securing rights for all

men. The lengthy Great Charter supports a landed aristocracy's rights as opposed to those of the king. It sought to redefine the rules for interaction between the sovereign and significant thirteenth-century English classes. Specifically, it realllocates rights among social groups: the barons, the Church, holders of Crown lands, Welshmen, Jews, freemen, knights and so forth. In fact, if the Magna Carta was the only source of ethnographic information on thirteenth-century England, it would not only indicate the society's salient social groups but also their critical social, economic and political problems.

The values and privileges of that time are evident. Rights are granted for the use of Church property, access to the judiciary system, Crown lands, forest lands and so forth. Likewise, the social problems clearly reflect an agrarian society with a land-based system of political power. Claims relate to issues of guardianship, protection of widows' property, access to royal forest, custom duties, standardization of weights and measures, treatment of Welshmen in England and ownership of Church property. Although statements appear in the document supporting the rights of particular individuals, such idiosyncratic claims may be ignored, as they do not set a precedent for future conduct. Thus, the first dimension of human rights propositions can be identified: human rights propositions invoke claims to specific goods and privileges by specific groups in a specific era.

A caveat, however, is necessary. Although the claimants' rights would obligate others to relinquish theirs, the expression of human rights should never be confused with the act of discrimination. The latter involves differential treatment of members of social groups who face the same situations (Alexis 1976:150) whereas human rights principles express ideological goals, expectations and values of a specific group which may or may not be a reality.

Seven other dimensions of human rights principles merit consideration. Among these is the characteristic that the formalization of rights in documents such as the Magna Carta emerges during periods of extreme social, political or economic transformation and turmoil. Those demanding rights in early thirteenth-century English society were faced with heavy taxation for the Third Crusade and payment for the ransom for Richard I. When King John signed the Magna Carta, the country was under threat of civil war. Likewise, the US Bill of Rights, the French Rights of Men and Citizens, and the United Nations (UN) Declaration of Human Rights emerged from periods of tension, stress and redefinition of social boundaries.

A third dimension of human rights principles concerns formalization of these rights within a specific culture. It would be incorrect to assume that human rights principles only appear in documents such as the US Bill of Rights and similar written doctrines found in Western European history. After a century of ethnographic work, anthropologists believe that all societies have human rights propositions. In most societies, these rights are not formalized in written charters. For example, Zapotec Indians in

southeastern Mexico consider the right of all children to obtain equal shares of their parents' estates and the right of parents to superannuity from their children as two fundamental rights in their society (Downing 1973, 1979). Neither of these rights nor any other basic Zapotec rights are codified in a formal declaration. Yet this lack of formal written documentation does not make the rights any less important to the Zapotecs than formally documented rights are to individuals in other cultures. Such principles are real, meaningful and an intrinsic part of the culture. No social group can survive without a set of normative propositions concerning what is proper interaction among its salient classes or groups.

A fourth dimension of human rights principles involves the option to deny individuals or groups access to certain human rights, as a sanction necessary for social control. From the perspective of the present, the specific denials may appear astonishing. The same Magna Carta which contains precursors of what would eventually become the right to habeas corpus, the petition of right and the rights of those taxed to representation, is blatantly male chauvinistic. It rigidly circumscribes the legal rights of women by declaring that

None shall be taken or imprisoned upon the appeal of a woman, for the death of any other than her husband (Costain 1949:313).

In ancient Greece, homicide was punished by banishment, which is the complete denial of an offender's rights to the comfort, privileges and protection of his own group. Likewise, Rome offered its citizens exile (*exilium*) as an alternative to the death penalty. Institutions may simultaneously protect and deny human rights. This is most notable in institutions charged with protecting and interpreting violations of normative principles, as occurs in the establishment of a Council of 25 Barons, in the Magna Carta or the judiciary systems of complex societies.

Another dimension of human rights principles is that they set standards by which a society may judge its own performance. A culture's evaluations of its moral status is based, in part, on the adherence of its members to moral standards that they hold in common. Considerable social energy is expended on setting and maintaining these standards. In relatively small societies, standards are set through discussion, moral dialogue, rituals and symbolic activities. In complex societies, the task becomes institutionalized and involves complex bureaucracies, legal institutions, juridical procedures and training. In such societies, the social sciences themselves often play an important role in this evaluative process.

A sixth dimension of human rights principles concerns unpredictable behavior, which is an anathema to orderly social reproduction. Consequently, human rights propositions not only set standards of conduct but also increase the predictability and intentionality of human interaction. The Great Charter meticulously delineates the proper conduct for sovereigns and barons at the time of succession, thereby allowing claimants to anticipate and judge one another's actions during the stressful process an intergenerational transfer of wealth creates.

Human rights principles also provide a code of acceptable conduct for nonmembers of a culture, whom I call outsiders. Thus, additional logics guide interorganizational and intersocietal interaction (e.g., diplomatic immunity, taxation codes, etc.). A rudimentary form of such propositions appears in the Magna Carta, defining and limiting the rights of two types of outsiders in thirteenth-century English society, Welshmen and Jews. With respect to the latter, the document explicitly limits the rights of Jews.

If any person have [sic] borrowed money of Jews, more or less, and die before they have paid the debt, the debt shall not grow whilst the heir is under age; and if such debt become due to us, we will take no more than the goods expressed in deed. . . . And if any die, and owe a debt to the Jews, his wife shall have her dower, and shall be charged with no part of the debt; and if the children of the deceased person be within age, their reasonable estovers shall be provided them, according to the value of the estate which their ancestor had; and the debt shall be paid out of the residue, saving the services due to the lord (Costain 1949:307).

As the world has become a global village, the rights of outsiders within another culture have become increasingly important. Not only are more outsiders present within another culture, but their plights are relatively quickly known to members of their own culture as well. For example, in this volume, other authors discuss undocumented Mexican aliens in the United States and new immigrants in Israel. Anthropologists, as well as strangers in the cultures they study, quickly discover their own outsider rights (or lack thereof).

A seventh characteristic of human rights concerns their degree of accretion within the social institutions and customs of a society. In June 1215, the rights granted in the Magna Carta were considered by the grantor to be politically expedient and temporary concessions. However, after the repeated application of these rights and the formation of social institutions specifically concerned with their protection and application, certain of these rights became deeply embedded in English, Commonwealth, United States and international law.

The concept of accretion is important. If the practices that protect or deny the human rights of people are weakly grafted onto a society, representing the product of particular individuals, groups, administrations or weakly articulated institutions, they may be more easily changed. A "Mission Impossible," a paramilitary "A-Team," the Central Intelligence Agency (CIA) or a modification of certain laws may be capable of altering human history, disrupting and destroying weakly articulated rights. But when rights are deeply embedded in an institutional or cultural ethos, changes in human rights require fundamental cultural change, with all the attendant problems that anthropologists have described over the past 40 years.

Recognizing that many human rights issues are ideological expressions of deeper social struggles, class conflicts, organizational and value differences, and economic confrontations within specific social organizations, and that

they often become most volatile under conditions of socioeconomic stress, it follows that the logic of human rights is subject to considerable flux. Thus, the eighth dimension of human rights principles is that they change. Those that actively work on human rights problems have repeatedly recognized this dynamic.

The field of human rights is constantly evolving not only because ideas of what constitutes human dignity change but also because, as society changes, needs arise for new forms of protection (Telsch 1981:3).

As capitalism and industrialization waxed over the past three centuries, human rights issues shifted from the agrarian rights problems appearing in the Magna Carta to problems of equal pay for equal work, protection of workers from arbitrary acts by employers, the rights of workers to organize and the rights of women and ethnic minorities. Most recently, UN declarations, covenants and conventions have focused primarily upon the rights of citizens vis-à-vis the nation-state.

It follows that in the present multicultural, multiethnic and multinational world, varied ideologies coexist and compete at all levels in the hierarchy of human organizations. These levels range from relatively isolated tribal groups in the upper Amazon to nation-states, to nongovernmental associations, to transnational corporations. At every level, people continuously codify and modify, clarify and obscure, adopt and reject, interpret and reinterpret propositions concerning what ought to be proper human interaction. Sorting out the hierarchies of logics concerning human rights proves a formidable task.

Macro-Micro Level Problems

To introduce the vast range of problems involved in the anthropological investigation of human rights, I concentrate on a difficult problem that is closely related to the ethnographic concerns for studying human rights—articulating macrologics with micrologics.

The macro-micro problem appears quite frequently in applied anthropological discussions of human rights and is a product of the aforementioned hierarchical, dynamic nature of human rights propositions. For example, a subordinate group's adoption of a normative proposition advocated by a supraorganization on an issue, such as the rights of women, requires adjustment of broad general issues to a specific set of human interactions. The subordinate organization may choose (or be forced) to incorporate, reject or ignore the proposition. Conversely, supraorganizations often must deal with propositions resulting from the actions or logics of subordinate organizations that are within their sphere of influence. Such microlevel logic may challenge the supraorganization's own logic concerning human rights or other issues. An important part of the problem of applied anthropology consists of analyzing actual or projected interaction between microlevel/macrolevel relationships. To better understand applied anthropologists' contributions to human rights, it is helpful to examine one

of the more powerful macrolevel theories and the problems that arise in an attempt to apply it to practical human rights problems.

Falkian Macro-Theory

One of the outstanding political theorists in the area of human rights, Richard A. Falk at Princeton University, offers considerable assistance by disaggregating various global, "competing normative logics" concerning human rights (Falk 1980). Normative logic refers to "a set of propositions about what ought to happen with respect to relations among basic actors in the world system" (Falk 1980:66). Falk argues that since the Peace of Westphalia, the prevailing logic has been statist. *Statist logic* postulates a world of juridical and political equality among nation-states, wherein human rights issues are seen as domestic problems, the exclusive prerogative of the nation-state. States hold one another responsible for controlling their own domestic affairs and adhere to a policy of nonintervention.

Hegemonial logic, in contrast, recognizes the basic inequality among nation-states. It presumes a correlation between power and virtue, with the powerful holding a moral obligation to protect the internal order of weaker global actors. Under such logic, weaker states may be coerced, remunerated or encouraged to adopt the dominant power's version of human rights. The mechanisms for exercising this logic include diplomatic pressure, withholding of aids and credits, comforting the dissident elements of another nation-state, and, of course, military intervention. Hegemonial logic may be used to support the reestablishment of political authority in situations where a weaker nation appears unwilling or unable to remain under the hegemonic power's protective umbrella.

Thucydides provides us with one of the earliest examples of hegemonial logic. In 460 BC, the Athenians mounted an expedition against the Isle of Melos with

thirty ships of their own, six Chian and two Lesbian vessels, sixteen hundred heavy infantry, three hundred archers, and twenty mounted archers from Athens and about fifteen hundred heavy infantry from the allies and the islanders (Thucydides 1952, XVII:84).

Before the battle, the Athenians sent an envoy to the Melian commissioners and the dialogue is reported to have been as follows:

Melians: . . . we see you come to be judges in your own case and that all we can reasonably expect from this negotiation is war, if we prove to have right on our side and refuse to submit, and in the contrary case, slavery.

Athenians: . . . You know as well as we do that right, as the world goes, is only in question between equals in power; while the strong do what they can and the weak suffer what they must.

Suffer they did, for the Melians were subsequently defeated and all their men put to death, their women and children sold into slavery and their lands inhabited by Athenian colonists. More recently, this logic might be applied to the recent interventions by Syria and Israel in Lebanon, by Russia in Afghanistan and by the US in Grenada. Hegemonial logic is not

limited to superpowers, but may also be used to justify "benevolent interventions" of supranational organizations, such as those the International Monetary Foundation has made in Mexico and Brazil.

Naturalistic logic is based on the idea that "certain rights inhere in human nature and should be respected by all organized societies" (Thucydides 1952:78). Questions concerning human rights are viewed as a basic, common moral force. Naturalistic logic is sometimes appealed to by hegemonial powers wishing popular support for interventions in the affairs of weaker states or justifying their internal human rights policies.

When nation-states share a common interest concerning what they consider to be proper human interaction, yet another form of logic appears which appeals to a set of values and expectations that they share. This form of *supranational logic* defines the "rules of the game" for international behavior. Supranational logic takes on both a regional form, as is the case in the OECD (Organization for Economic Cooperation and Development) or the OAS (Organization of American States), and a functional form, as is the case in OPEC (Organization of Petroleum Exporting States), the "South," "LDCs" (less developed countries), the Non-Aligned Movement and the Group of 77. Supranational logic is most commonly heard in the UN General Assembly, where standards and norms have been set for judging the behavior of nation-states. Nonetheless, the UN has never implemented any of its supranational resolutions, since it is dominated by statist and hegemonial logic.

Falk continues with his macropolitical theory by distinguishing supranational logic from transnational logic. *Transnational logic* refers to an ordering of nongovernmental activities that crosses national boundaries. Transnational corporations are the most visible actors operating at this level, but other organizations use it, such as Amnesty International, the International League for Human Rights, the International Commission of Jurists, the World Council of Churches, Cultural Survival, the National Council of Churches and the Third World Forum.

Finally, Falk identifies the weakest and potentially most subversive of the ordering logics, which he calls "populist." *Populist logic* rejects the 5 previous logics by insisting that governmental and intergovernmental organizations do not hold a monopoly of legitimized authority. It advocates the radical proposition that human rights derive "from the people," rather than through a legitimizing national, transnational or supranational organization. Its expression may be found in activities such as Bertrand Russell's War Crimes Tribunal and the holding of "counterconferences" concurrent with meetings organized along statist and hegemonial lines. Although Falk does not specify the following, populist logic also underlies the widespread reemergence of supranational, fundamentalist religious sects.

Projections of Future Human Rights Issues

Falk employs his six-part typology to project several alternative global

futures of human rights, each based on a different perception of the changing world order. The details of his projections need not concern us, but they range from a mild reordering of the global stage, as American hegemony wanes, to more radical futures, wherein the nation-state system erodes and a new planetary polity emerges with its associated beliefs, values and myths. The latter future has two variants, one a centralized tyranny, the other, a decentralized polity, with the central guidance dedicated to the growth of functional activities. In either case, supranational logic greatly expands at the expense of state and populist logic.

But Falk's macrotheory and projected futures seem rather abstract and remote from the contemporary human rights problems confronting an applied anthropologist analyzing human rights problems in a specific cultural context. Unless anthropologists assume that microlevel ideologies and actions are merely microcosmic representations of macrolevel ideologies and actions that they observe in the field – and I have tried to point out that we cannot so assume – anthropologists face serious theoretical and methodological problems. Falk seems aware of the weakness of his own theory as a tool for projecting possible futures when he approaches the question of micrologics of groups subordinate to the nation-state.

The protection of human rights in a given world order system is not rigidly the exclusive preserve of any one of the ordering logics. It all depends on the value base that animates a given political actor at any level of social organization. As racist and militant movements have demonstrated, repressive intolerance can rise from below (via populist logic) as well as imposed from above (via statist logic) (Falk 1980:107-108).

Moreover, if all social organizations have human rights propositions and if these propositions become increasingly context-specific as one slides closer to the micro side of the macro/micro spectrum, then it follows that political actions anthropologists observe seldom reflect macrolevel logics. As human rights propositions are reexamined within their cultural context, clusters of propositions, kindred to those Falk identified, will undoubtedly appear at subordinate levels.

Moreover, varieties and fragments of the macrologics described by Falk originated as micrologics. In philosophical and political debates, micrologics have been eventually extended into macrolevel propositions. For example, micrologics expounded by such marginal men as Hamilton, Jay, Madison, Engels, Marx and Lenin, have ignited uncontrollable grass fires in favor of two complex, distinct views of human rights. On a far more modest scale, most anthropologists have been fortunate enough to hear nonliterate peoples express equally complex principles concerning their rights as a member of their culture.

Anthropologists have struggled with this problem since Redfield's pioneering work on the Great and Little Traditions. They have discovered local-level responses to such global changes which have proven to be quite unpredictable and varied. What has been discovered is that local-level organizations modify, interpret, adapt and incorporate external ideologies to fit their own objectives and constraints. Falk's projective methodology

and global theory fails to consider this anthropological dimension to human rights and, as a result, is wanting. It is within this arena that applied anthropologists are most likely to make significant contributions. Fortunately, these contributions will be made not only to the peoples whom they study, but also to a basic goal of the profession, understanding social and ideological change.

On the Horizon: Unresolved Issues

Multiple problems, which range beyond the issues of specific individual transgressions or a particular group's problems maintaining or defending their human rights, await applied anthropologists working in the area of human rights. Once one steps below the macrolevel considered by Falk, the world becomes, and is still, exceedingly diverse and complex. Important theoretical and practical discoveries lie within the realm of empirical investigations of nested hierarchies of human rights.

The first problem might be called that of "sorting things out." Most of the human rights propositions of the societies that anthropologists study have not been sufficiently described such that those seeking to change or defend them may clearly see what they are. Making them explicit requires careful ethnographic fieldwork and ethnological analysis. The sorting problem becomes urgent as the powerless groups that anthropologists study become more tightly meshed in the world political economy. Their rights may be trampled so quickly that they may never be known or defended.

The scope of this task is staggering. It may well be impossible to sort out all the human rights logics in the multitude of societies, organizations and minority groups of the world since by the time they were catalogued, they would have changed or been lost.

Students interested in human rights may begin work immediately, even before they go to the field, by extracting the propositions from ethnographic literature. This work may be tested and verified by subsequent fieldwork, including discussing the propositions with individuals or panels of individuals in the field. Once in the field, such students must make an extraordinary effort to understand the semantics of the language spoken in the culture. Once this understanding is achieved, certain dimensions of the problem need to be considered. These include answering such questions as:

- What social groups hold human rights propositions?
- What are these propositions?
- What rights do they protect?
- What assumptions underlie them?
- To whom do they apply?
- Under what circumstances may the protections they provide be withdrawn from an individual?
- Which propositions are shared in common with supracordinate social groups? Under what circumstances do the supracordinate groups recognize conflicts between themselves and the subordinate groups?
- What are the rights granted to and withheld from outsiders?

- How do people in the culture discover their rights when they are outsiders in another culture?
- What new social groups are emerging that might challenge the rights of existing groups?
- What are the contradictions between the ideological propositions of subordinate and subordinate groups?
- What institutions define and maintain these codes of conduct?
- What sanctions are applied to a transgression of human rights propositions?

Answering these and related questions may, at long last, offer a theoretical foundation for an anthropology of human rights. If the answers are expressed in a way that nonanthropologists will understand, then an anthropology of human rights might become valuable to those struggling for their human rights and those of others.

An additional problem consists of developing explanations of how and why human rights ideologies change. If the objective is to anticipate changes in the human rights situation of a social group, then a theory that explains ideological change is absolutely necessary. We already have the shreds and patches of such a theory in Wallace's (1961:143-156) theory of revitalization movements, but more work is necessary. This work requires the analyst to step outside an overly narrow preoccupation with ideology and look at the historically specific conditions that might account for these ideologies.

My own preference for a deeper explanation is to be found in the dominant economic trends of an age and peoples, specifically in a theory that considers the importance of the internationalization of capital, the proletarianization of labor, the commodification of human social activity and the importance of the laws of capital accumulation (Downing 1982). I anticipate that a theory of human rights may turn out to be an insightful chapter in a theory of cultural and economic evolution. But other entry points are possible. Whatever framework is chosen, a grasp of the economic processes underlying changes in ideological logics is imperative.

Once the preceding tasks are properly done, one further problem awaits us: projecting or anticipating human rights issues that will have an impact on the groups that we study. Attempting such work may be beyond the grasp of contemporary social theory. It is neither a trivial methodological nor ethical problem, since as anthropologists approach the answers, their own powerful ideological biases will be more fully understood.

Notes

¹This paper is based upon the keynote address presented at the Annual Meeting of the High Plains Regional Section of the Society for Applied Anthropology, February 18, 1984, parts of which were subsequently published in conference proceedings in the Fall 1985 issue of the *High Plains Applied Anthropologist* (HPAA) 5(3):1-7. I wish to express my most sincere appreciation to Carmen Dolney, Rex Hutchens, Sue-Ellen Jacobs, Yuri Downing and the editor of HPAA, Larry Van Horne, for their comments on an earlier draft of this paper.

²In the discussion that follows I do not consider specific, individual transgressions that create particular human rights problems. My concern is to place the issue of human rights within an

anthropological frame of reference. I forewarn that anthropology focuses not on individual behavior, but rather on understanding the structure within which such behavior occurs.

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2

Is There a Scientific Basis in Anthropology for the Ethics of Human Rights?

Clifford R. Barnett

One approach to answering the question raised in the title of this essay is to look outwardly from anthropology to the cultures that anthropologists have studied. This outward looking approach enables one to see what universal concepts and implementations of human rights might exist. This approach, which the other authors of this volume have instructively explored, also reveals what any one culture might contribute to a definition or conception of human rights.

The other possible approach, which I have chosen to take, is to look within anthropology as a scientific discipline to see if the findings and understandings basic to the discipline provide any basis for the formulation of one or more human rights propositions. I have chosen this approach because it is only anthropologists who examine the human condition across time and space; as a group, our studies bridge the humanities, the social sciences and the natural sciences.

To question whether any ethical principle emerges from the data and insights generated by anthropologists who have studied the biological, social and cultural evolution of humankind appears on the surface to contravene two basic tenets: (1) the ethical neutrality of science and (2) the concept of cultural relativity, central to anthropology itself.

Science and Ethics

Science as we define it in our culture is not designed to validate ethical

postulates. Ethical postulates state that a particular action or belief is better (either absolutely or in relationship to some specified criterion) than some other behavior or belief. Ethics deal with issues of good and bad, a domain of discourse that lies outside the domain of science. When ethical judgments of behavior are based on the consequences of that behavior, science can enter this domain obliquely by ascertaining whether the assumed consequences of prescribed or proscribed behavior actually occur.

Some people, for example, oppose the right of a physician to decide jointly with a terminally ill patient and the patient's family not to institute any resuscitation measures should the patient stop breathing, on the grounds that such procedures will lead to the indiscriminate early demise of patients or discourage health professionals from persisting in other cases with life-saving procedures. Whether the practice will actually lead to the presumed outcome is subject, however, to study and verification. Of course, for those who believe that it is absolutely wrong to withhold care no matter what the patient's condition or desires, such research is irrelevant.

Science, clearly, is not value-free. The decision to devote resources to the study of certain problems, at the expense of other problems, is an ethical issue. It is also a political issue, however, since the distribution of scarce resources — whether for scientific research, the general welfare, the military or other purposes — is a significant function of political institutions in our and other cultures. Historically, science has developed within a specific social-cultural context, and that development has been shaped and continues to be shaped by the ethical postulates of the times. For example, research agencies argue regularly before Congress about the social good to be derived from the support of certain research priorities. If we believe that human rights (as applied to individuals and to groups) are important to human welfare, there is no basic conflict between the presumed "objectivity" of science in placing a high priority on research that can be used to provide a basis for human rights or in raising research questions that will influence political decision makers to further that end.

Cultural Relativity

A second possible conflict inherent to this inward-looking approach stems from anthropology's concept of cultural relativism, that is professionally, the anthropologist's role is not to make judgments about cultural practices, but to understand behavior and belief within the social and cultural context in which they occur. Yet the principle of cultural relativism has never stopped anthropologists from making judgments about the utility or worth of a wide range of culturally mediated inventions in technology or social organization. For example, we have actively participated in promulgating new forms of social organization through the development of cooperative organizations in societies and cultures that did not have this form of organization; we have conducted research to modify our medical technology and make its delivery and use more suitable to other cultures;

and we have participated in programs to diffuse this technology to other cultures.

We continue to engage in such activities because we believe that the innovations we can offer may be better — that is, more adaptive to current conditions — than what the recipients now have to resolve their problems. By looking at the consequences of cultural practices, whether those consequences be high infant mortality rates or grinding poverty related to an inability to get products to market when prices are high, we can decide whether what we have to offer will benefit those who adopt or use it. At the same time, we try to assure ourselves that the side-effects of such adoption, or the availability of alternatives, will not create or exacerbate other problems.

Such judgments have been a two-way process. We have both initiated diffusion of culture traits and, much to our benefit, been recipients of diffusion — we need only look at important statistics or note the origins of our standard pharmacopoeia.

In short, the principle of cultural relativity does not seem to excuse us from exercising judgment about the function, meaning or utility of a given practice. Rather, it is a warning that this judgment must be made in terms of the cultural context in which it is embedded. Further, it prescribes that the context be carefully considered when we move a culture trait or complex from one cultural setting to another. As long as the context is taken into account, any practice can be evaluated or judged against a stated expectation or goal. Within our culture, we do this all the time on a professional basis when we evaluate programs; members of other cultures do it as well. Such work is not "prohibited" by the principle of cultural relativity, nor is it contrary to that principle.

Diversity as a Basis for Human Rights

The discipline of anthropology has gone to considerable lengths, for a variety of reasons, to document the incredible diversity of human cultures. Indeed, as individual anthropologists, we can hardly avoid valuing that diversity for its own sake. In terms of biological evolution, however, the great cultural diversity that exists probably comes from the fact that we are the least biologically specialized species in the animal kingdom, for this (comparative) lack of specialization allows for a wide range of adaptive responses to the environments in which we live and travel. Our adaptability comes about through culture, which is the distinguishing capability of our species and, for each population, the means of specialization.

We know that diverse intraspecies variations in traits of both plants and animals come from a variety of circumstances: adaptation to particular local conditions; random mutation that permits survival and later reproduction, that is, mutation followed by natural selection; and genetic drift — a random process particularly characteristic of small, circumscribed populations. On the whole it appears that biological diversity is related to the ability of variants to survive, particularly in changing circumstances.

The survival of intraspecies variants, in turn, means that the species survives.

The congressional report that accompanied the Endangered Species Act (1973) noted that

From the most narrow possible point of view, it is in the best interest of mankind to minimize the losses of genetic variations. The reason is simple: they are potential resources. They are keys to puzzles which we cannot solve, and may provide answers to questions which we have not yet learned to ask....

For this reason, botanists, for example, are going to great lengths to rescue and preserve endangered species and varieties of plants, which are a valuable resource in a number of ways: they may be sources of unrecognized medicinal or other potentially useful chemicals; they may also be resistant to the onslaught of plant diseases that may appear some time in the future; or they may be adapted to critical changes, man-made or natural origin, which may radically change our environment.

The point is that the maintenance and facilitation of population diversity—in plants, animals and humans in particular—increases the probability of species survival in the face of changing conditions. This is not to imply in any way that there is an underlying biological “drive” or process that moves either plants or the human species toward diversity. Our relatively unspecialized biological makeup allows for and facilitates the development of a diversity of adaptations that are mediated through and manifested in a diversity of cultures. Existing cultures constitute data banks of evolving adaptive solutions and maladaptive responses. The loss of cultures, either through loss of the populations that carry and transmit the culture or through cultural imperialism and forced cultural change, means a loss to future generations of potentially adaptive mechanisms and reduces the probability of survival for all.

Preservation of Diversity Promotes Survival

A number of postulates follow from the finding that cultural diversity is linked to cultural and species survival. First, intercultural and intracultural diversity must be promoted, facilitated and protected. This means that whole cultures and diverging subunits of cultures have a right to pursue their divergent ways, without threat or actuality of death, or economic or political reprisal. Second, the right of cultural transmission must also be guaranteed, since it is the analog of genetic transmission.

Rights are sometimes stated as unqualified absolutes, but in practice they must always be qualified, just as the exhortation “Thou shalt not kill” has been modified in practice by implicit and explicit understandings regarding the situations in which it does not apply. Similar limits apply to the promotion, facilitation and protection of intercultural diversity. Cultures and subcultures, that set out to destroy the right of other cultures to exist threaten the diversity protection clause. At the very least, such cultures must be modified or placed in situations where they cannot harm other groups.

Additional, more difficult problems arise in applying this principle on an intracultural basis, but fortunately, a number of them are amenable to research. For instance, how much diversity is possible within cultural groups or societies of a given size? The size of a population and the complexity or relative lack of complexity in a society may place limits on the amount of diversity that can be tolerated if the unit is to remain viable. A culturally distinct population of 3,000 people, for example, may need the participation of a certain number of people in order to maintain its ritual calendar.

Should we endeavor to slow or limit cultural change or diversity so that the culture can be maintained? How much choice in behavior and belief is possible if a society is to maintain a common cultural core? We continuously face this issue on political grounds in our own society. We have a national language, English, which we teach in our schools. We have made some progress in permitting and encouraging language diversity by recognizing that non-English-speaking students' native language can be used as a base to teach the common, required language. Most school districts no longer prohibit students from speaking their own language; Native American students may now freely use their own language in mainland schools as may Spanish-speaking students in Puerto Rican schools. On the other hand, Californians voted overwhelmingly in favor of a proposition in 1983 which called for printing ballots only in English, rather than in English, Spanish and Cantonese. Some supporters of this proposition argued that in order to knowledgeably participate in communal political process, voters should have sufficient facility in the national language—a cause-effect relationship that has yet to be tested.

Many cultural and subcultural groups and tribes believe that they cannot survive if they allow or foster internal groups that oppose the core values of the majority group. Such beliefs result in attempts at suppression, expulsion, or both. It might not be possible in some cultures represented by small-scale societies to keep the majority culture intact while ensuring the minority's right to diversity. However, given the overarching need to promote and facilitate diversity, responsibility then devolves upon cultures and societies to open their borders to expelled and culturally oppressed groups. Freedom of movement as an important right related to the promotion, protection and freedom of diversity means that cultural dissidents must have the right not only to leave the cultural units they find inimical to them, but also to find sanctuary in other units.

Although discussion has focused on the rights of groups—whether they are cultural, social, religious, political or of some other type—it is important to recognize that the rights of individuals in groups who create, invent, maintain and transmit cultures, or the discriminatory admission of immigrants from other societies on the basis of their special skills or knowledge, we clearly recognize that the individual who has internalized the culture can transmit the culture and thus is important to that culture's survival as well as our own. What is not well recognized is that the judg-

ment about the contribution to be made by the particular individual or the group is being made within a short time frame. We must expand the time frame and recognize that the contribution may not be evident in one lifetime, and that the protection of individual and group life provides a resource for the future of all.

Conclusion

In summary, the answer to the question posed by the title of this chapter is that there is a scientific basis in anthropology for the ethics of human rights. The base for human rights rests upon the simple value of human survival. Survival requires that we promote, facilitate and maintain human diversity in all of its forms – individual and group, physical and cultural. Like any ethical precept there are qualifications that go with it, and as yet we have a very imperfect understanding of the limits of diversity. For a given population size and economic base, for example, how much diversity in belief and behavior is possible before a culture is unable to maintain itself? What are the methods and costs of maintaining diversity in complex societies that tend toward standardization in their educational, medical and other institutions? Attention to the questions that derive from a focus on the need for diversity has great heuristic value in directing our research to significant questions that might otherwise be ignored.

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3 Powerless People: The Administered Community

Gilbert Kushner

Human rights include considerations of political participation and the illusive, if not ambiguous, notions of self-government or self-determination.¹ For example, Alfredson (1982) suggests that there are at least five different meanings of self-determination to be found in international law and the charters, conventions, covenants and declarations of such international organizations as the United Nations (UN), the Organization of American States (OAS), the International Labor Organization (ILO) and the International Commission of Jurists (ICJ):

- 1) The right of a people to determine its international status, including the right to independence, sometimes referred to as external self-determination;
- 2) The right of a state population to determine the form of government and to participate in government, sometimes extended to include democratization or majority rule and is sometimes called internal self-determination;
- 3) The right of a state to territorial integrity and non-violation of its boundaries, and to govern its internal affairs without external interference;
- 4) The right of a minority within or even across state boundaries to special rights – not only protection and non-discrimination, but possibly the right to cultural, educational, social and economic autonomy for the preservation of group identities. Indigenous peoples might want to have the right to their land added to this list of special rights; and
- 5) The right of a state, especially claimed by the developing countries, to cultural, social and economic development (Ortiz 1984:114).

As in the case of all law, the precise meaning of such statements depends on the adjudication of specific cases.

The question of how human beings may be governed in such fashion as to guarantee the maintenance and enhancement of human dignity and participation in governance is, of course, an ancient one still far from resolution by philosophers and lawyers, let alone governments. Social scientists have, in different ways, attempted to address the issue.

Lasswell (1968:113) suggests that the provisions of the UN Universal Declaration of Human Rights may be interpreted to define seven values relative to the maintenance of human dignity, among which is a commitment to "shared power . . . [the] authoritative and controlling participation in the making of important decisions."

The absence of shared power is the subject of Ortiz (1984) indictment (supported by abundant evidence) of the abrogation of human rights and self-determination of indigenous peoples by North and South American governments in the context of international human rights literature. Particularly depressing for US citizens is her section on this country (Ortiz 1984:127-189). Focusing on Native American reservation administration in the US, Thomas (1966a, 1966b) distinguishes between "classic" and "internal" colonialism and illustrates the former in reservations, where one can readily observe the workings of "bureaucracies set up to administer to the colonial people. . . ." (1966a:38). The internal type is less readily observable, but is nevertheless one in which "one people . . . specifically administers another . . . by institutional relationships" (Thomas 1966a:38). "More and more of the US," he suggests, "is coming to resemble an American Indian reservation in terms of social problems and the relationship of the local community to the federal government" (Thomas 1966b:45).

In the context of dependency theory (e.g., Frank 1972), Hechter (1975) argues that his detailed model of internal colonialism accounts for the present situation of the Welsh, Irish and Scots in the United Kingdom. A political system of "stable unrepresentation" such that ethnic minorities are essentially unrepresented in political fora is linked to economic, occupational, cultural and other characteristics to preserve the power of the state relative to ethnic enclave communities (and provides testable hypotheses pertinent to the persistence of ethnic or "peripheral" cultures). Lewis (1984) explores Hechter's views in a comparative study of Wales and Appalachia. She shows that in both cases the dominant and predatory larger society attempts to incorporate and exploit not only the cultural energies of indigenous peoples, but also the sources of minerals and other energy in the physical environments in which they live. Her comparison supports Hechter's suggestion

that industrialization of peripheral areas results in a process of exploitation and underdevelopment that encourages the continuation (or invention) of distinct cultures and a regional consciousness (Lewis 1984:50).

A similar hypothesis is persuasively argued by Spicer (1971, 1980).

Furnivall's (1956) brilliant comparative study of Burma and the Netherlands India focuses on the consequences of direct and indirect rule in the context of his earlier work on plural society. Like the other authors cited

previously (and many others), he finds that colonialism, whether through direct or indirect rule, "operates merely to further economic progress" for the colonial power and that the same "economic development hinders the attainment of self-government" (Furnivall 1956:459). "The chief obstacle [to self-government], Furnivall (1956:550) argues, "is the reluctance . . . of colonial powers to seek an effective solution." He suggests that

Only before some supernational tribunal can the moral aspects of colonial rule be sifted, and only by constructing international machinery to supervise colonial relations can we fortify ourselves against temptation to maintain practical control over dependent people even when announcing that the goal of policy is to set them free (Furnivall 1956:523).

This brief review suggests that in the absence of radical changes in the structure and policies of contemporary governments, even "supernational tribunals" can do no more than to state what *should be* the case. Recent experience with such tribunals seems to show that they do not perform that moral function very well. Short of war or revolution, what means are there to enable change in the direction of self-determination of dependent peoples in colonial situations, be they internal or other?

The Administered Community

A cross-cultural type of human community which appears to be widespread at the present time is a type of community in which the degree of self-government is regrettably low. This unhappy view results in part because many of these communities, ironically, tend to be created and established by planners for the expressed purpose of creating autonomous self-governing communities in the future. Weingrod (1962) calls these "administered communities." While some, such as Catalonia under the Franco regime, may have different origins, they stand in essentially the same relationship to some bureaucratic organization. In all such cases, there is little, if any, freedom from administrative restraint and direction.

Three different kinds of communities, the Israeli *moshvei olim* (new immigrants' villages), Native American reservations and Japanese-American relocation centers of World War II (Kushner 1973), can be viewed as variants of a single general class, the administered community:

a human community which does not effectively control its own affairs . . . (to the maximum extent possible in the modern world where no community is truly autonomous) . . . and in which a feeling of powerlessness is pervasive.

The commonality of features and their relationships constitute a descriptive model that may be used to guide the description and analysis of any community in which development and daily life are directed by an extrinsic bureaucratic administration. The members of such communities possess little effective power to control their own lives. They participate in insubstantial ways in determining the policy and action decisions that affect them and they are often informally co-opted into the agencies that administer them.

The problem addressed is hardly novel. It is not a new problem at all, because it has existed from the time of the first centralized administration in

Mesopotamia and other prehistoric urban centers ... [namely] how big state organization with fine plans ... may thwart the growth of local initiative, in spite of strong policy emphasis on the importance of the local community (Spicer 1973:ix).

The problem, however, has become exacerbated in recent decades "as a result of tremendously accelerated specialization in city, regional and economic planning and development programs of all kinds" (Spicer 1973:ix). All of this activity is being conducted under the auspices of the "state" and its bureaucratic appendages, a now universal form of human social organization which has only in the past one hundred years "come to envelop everyone on earth ... " (Spicer 1973:x). In the course of its evolution, the state has dramatically increased its influence over local autonomy.

No human community is entirely free of various restraints and constraints. Nor is any community autonomous in the sense of being completely independent of external forces and agencies, whether from the human or nonhuman contexts in which communities are embedded. Different communities, however, possess varying degrees of autonomy. Questions of human rights with regard to self-determination become particularly important in these local level contexts, as may be seen by the following discussions of three forms of administered communities.

Israeli Moshvei Olim

During 1961-1962, I was a resident in a moshav olim that was one of approximately 300 such villages. It, like all the moshvei olim, was established by an interlocking network of governmental and quasi-governmental agencies in order to provide places where some of the post-1948 immigrants could be settled; where they and their children could live and support themselves, contribute economically and otherwise to the development of Israel and become Israelis. The moshav olim form of village was modeled after the earlier *moshav ovdim* (workers' cooperative village), one of several types of cooperative communities developed during the prestate period by groups of pioneer socialist volunteers who chose to live as agriculturalists.

All the different forms of cooperative and collective settlements founded during prestate times shared many features. Their members were self-selected and self-screened and had often trained together for some time before setting up their own village. Consequently, a socially and ideologically homogeneous and compatible membership formed. In addition, although the settlers depended upon outside agencies for their initial financing, land and technical advice, in most other ways a village was autonomous. Further, the settlers themselves often occupied prominent positions in those national and regional bureaucracies that impinged on the village. This meant that they were subject to policies which they themselves had directly framed. Although each family worked its own allotted land in ways it saw fit and occupied its own house, purchasing and marketing of supplies and produce was organized cooperatively in the moshav. The

village as a corporate entity arranged for all family cash loans, supplies and the use of heavy equipment. A village council (*vaad*), through its secretary, acted as the executive arm of the general assembly, which was composed of all adult members of the community. The *vaad* was responsible for managing daily affairs, representing the village to outside agencies, and, in concert with the general assembly, planning future development.

For reasons that are still not entirely clear, the planning authorities selected the moshav ovdim as both the model for the immigrants' village and the goal community which the moshav olim was to become. The planners' decisions were apparently made with the immigrants' interests in mind, based on the planners' conceptions of the kinds of people the immigrants were. Many, during these early years, had formerly been residents in neighboring Arab countries. The thinking was that in such a community, the immigrants' transformation to economically self-sufficient Israelis would be enhanced. What happened then was that the representatives of the agencies responsible for immigrant absorption and settlement placed immigrants in moshvei olim as well as in other settlement contexts. Because the immigrants generally lacked prior knowledge of farming and the cooperative aspects of moshav life—as well as of Israeli life in general, including the Hebrew language—the relevant agencies, governmental, quasi-governmental and voluntary, developed new structures and functions aimed at dealing with the immigrants; the kind of growth not untypical of successful bureaucracies. In view of the political and military conditions of those years, there seemed to be no other way of handling the mass immigration that occurred.

The Land Settlement Department of the Jewish Agency, an organization founded in prestate times, had been responsible for colonization prior to 1948 and now changed its role from providing technical assistance and capital investment when asked to do so to:

almost complete control of the settlement process ... in addition to investment and technical planning, the Department guided the social development of each new immigrant community. Instructors were assigned to each village, and these local officials were, in turn, supervised by regional and national authorities. In a brief period of years the Department acquired new personnel—bookkeepers, clerks, drivers, engineers, cattle specialists—as it assumed primary responsibility for the massive colonization project (Weingrod 1966:46).

From 1948 to 1952, the moshvei olim were internally structured in much the same way as the moshvei ovdim, and the relationship of moshvei olim with the Settlement Department, in certain respects, remained the same. By 1952, however, the many deviations from the ideal moshav ovdim model which manifested themselves in the immigrant villages (e.g., the uncontrolled departure of villagers with outstanding debts to the village and settlers ignoring the cooperative selling arrangements, thereby making village record-keeping almost impossible) necessitated a new alignment of power and authority. Through contractual and other means, "the Department in-

creasingly assumed the position of landlord, and the settlers the position of tenants" (Weingrod 1966:161). The department also "saw its role as directing the settlers' daily work, thereby guaranteeing its agricultural investments" (Weingrod 1966:162-163). What the settler produced, how much was produced and at what times of the year, were determined not by the settler or by the village, but by outside agencies. Instructors were not guides helping the newcomers to develop skills and knowledge in pioneering, socialism and Zionism, as the literal translation of their Hebrew identification, *madrichim*, suggests; instead, they became overseers, though they were overseers with the kindest of motivations. As Willner (1969:250) put it:

The village is not the settlers' domain . . . it is a trust held by the Land Settlement Department. The instructors . . . administered the trust, receiving and transmitting directives. Not until the settlers achieve role socialization will the village be granted to them. . . .

Whereas formerly it was thought that after a period of seven or eight years a village could evolve into an autonomous moshav ovdim and be granted "consolidation" status, signifying "economic and administrative autonomy reflected in (a) productive investment, and (b) the withdrawal of the resident team of instructors" (Weintraub 1971:18), now "there are no assumptions as to how soon this will take place" (Willner 1969:251).

The moshav olim became something other than what it was in 1948 as a consequence of changes in the planners' program necessitated by differential settler response to it. It became an administered community, viewed as a transitional community on the path to autonomy. Recent studies such as those of Goldberg (1982), Shokeid (1971a, 1971b) and Weintraub (1971) indicate that the situation continued into the 1970s to be one in which settlers had no effective voice in their own governance and decision making. For example, Goldberg notes that no outside instructor was posted to the village he studied. Instead, a villager was appointed secretary and in that role performed the functions of instructor. This villager, although a member of the community he helps administer,

claims that democracy is the ideal political arrangement but that "primitive," uneducated people need a dictatorship until such time as they gradually attain the knowledge necessary for democratic rule. At the present . . . he knows better than the villagers what their own interests are (Goldberg 1972:93).

Shokeid (1971a:172) suggests that his work and others have "pointed out the many inevitable general difficulties and the improvisations which took place when the model of the moshav was imposed on immigrants for whom it formed a compulsory administrative act." It is also true that few anthropological studies have focused on the administrative context of village life, choosing instead to examine such traditional issues as cultural change and kinship.²

Native American Reservations

Readers familiar with Indian reservations in Canada and the US can no

doubt think of ways in which the Israeli and North American situations are similar. Reservations were administratively (and militarily) imposed by external authorities, frequently on lands far from the places where the people came. Forms of internal governance and liaison with external agencies were similarly imposed under the guise of democratic election, itself an alien political process to the people, although the planners were said to be "doing good" (Gaylin et al. 1978).

Embree (1949:11-12) said of the Bureau of Indian Affairs that it is a form of government managed by a bureaucracy not responsible to the people governed . . . a protective administrative system in which all important policy decisions come from above is scarcely a good breeding ground for democratic self-reliance.

Many studies have demonstrated that the area of independent action by tribal councils is sharply proscribed, since officials must approve any action taken (e.g., Collier 1963; Deloria 1969; Gearing 1970; Jorgensen 1972; Kimball 1952; MacGregor 1946, 1962; Spicer 1962; Tax 1959). Like the moshav olim, government policy has made the reservations into communities ideally transitional toward representative government. The establishment of tribal councils and constitutions was a pattern "in the image of the conqueror's nation" (Spicer 1962:412) in much the same way that the moshav form of organization is a pattern in the Israeli image. Both the internal and classic modes of colonialism come together, I would suggest, when members of administered communities (those I would identify as a marginal elite class), are co-opted into administrative structures such as councils and committees and administer their own people under the supervision of external authorities. Jorgensen (1972:11-12), writing in the context of Ule and Shoshone reservations, is very direct:

Their tribal governments have only modest amounts of control over tribal resources and tribal affairs. The House Committee on Interior and Insular Affairs controls the disposition of tribal funds. Ultimate authority is invested in the Secretary of the Interior and lesser authority over scores of aspects of the personal lives of the Indians—such as disposition of funds in their individual Indian Monies accounts—is invested in Bureau of Indian Affairs employees. These special relationships of federal authority (and the special relationships of federal authority to the powerful corporations) provide the cutting edge for neocolonialism. The metropolis-satellite political economy and racist behavior coalesce to maintain neocolonialism.

MacGregor observes that the government has . . . become the victim of its own methods for "civilizing" the Indian; it is now responsible for wards who resent wardship . . . and yet . . . are not fully willing to assume greater responsibility for themselves (1946:120).

In a later publication, MacGregor notes that poverty, dependency, apathy and aimlessness are seen in the majority of reservation populations; and they signify that whatever adaptation has been made has been accompanied by tremendous mental and physical suffering (1962:238).

What is necessary to change the situation, MacGregor argues, is a radical change in the relationship of the

Bureau of Indian Affairs and its face-to-face approach to the Indian. . . . Progressive transfer of real authority, devoid of the threat of possibility or an overriding veto, and full autonomy of action and responsibility are among the minimum requirements (1962:240-241).

Writing in summary fashion of reservations in southwestern US in 1960, Spicer (1962:418) said

Under the reservation system Indians were isolated politically and socially from Anglo-Americans and learned to adjust themselves to living under a form of administrative dictatorship, in the course of which a strong attitude of dependency on the United States federal government developed — from the 1870s until the present.

A recent perspective on reservation conditions can be observed in a statement adopted by three traditional Indian governments, the Navajo, Sioux and Iroquois.

Our people are often subjected to such extensive bureaucratic control and manipulation that the process amounts to the denial of even the slightest amount of real self-government. Although there are laws and policies that give the appearance of participation in the processes that affect our land and peoples, the reality is that we have no power over the bureaucracies or laws and policies which affect our lives. Indeed, the practices of the United States have the impact of foreign control over our affairs. The official US position states that there exists on our lands a significant measure of self-determination. This is an illusion created to confuse the people of the US and the world. Our people possess the least self-determination of any communities in North America (*Akwesasne Notes* 1978:13).

If it is reasonable to argue that some 100 years of Indian administration in the US has thus far led to apathy, continued dependency, little participation by marginal elites and increasing heterogeneity with respect to individual assimilation, then what can the future hold?

Japanese-American Relocation Centers

The Japanese-American relocation centers created during World War II were in many ways similar to the moshvei olim and the Native American Indian reservation. People were arbitrarily selected and forcibly moved into communities set up by the government. Forms of internal organization foreign to their members were imposed on them. Daily life and future development were controlled by external administrators, and even at Poston, where a form of self-government emerged as a consequence of a general strike, the administration retained ultimate power and therefore the authority to direct events (Spicer et al. 1969). Although the administrative framework "was composed for the most part of evacuees," the evacuees collectively "had no sense of having built it and sponsored it. . . ." (Spicer et al. 1969:49). The framework for administration was also imposed, and those evacuees who worked in various roles in the administrative structure were like other members of administered communities who occupy ad-

ministrative offices: marginal elites. They tended to be younger people and fluent in English; people who more closely resembled the external administrators, the sort of people that the administrators hoped the remainder of the evacuees would become.

The Administered Community: A Model

One characteristic of the administered community as a cross-cultural type is a tendency for the structure and content of relations between administrators and the administered to change over time. This is likely to occur as a consequence of shifting administrative goals and differential response to administrative directives.

Together with these changes, changes in the internal structure and content of relations within the community constitute a second characteristic. For example, factionalism is likely to develop as different administered people contend for the favor of planners and other authorities and for their symbols of rank and prestige. A condition underlying these variations is a third distinctive feature. That is the typical conception of planners that the community is a temporary, transitional community designed to accomplish certain ends. Among these ends is a kind of community, a goal community, which the planners envisage the administered community will become. It is toward the achievement of this goal community that the planners' efforts are ostensibly directed. In some cases, another goal of planners may be the assimilation of community members into the dominant culture and society, the transformation of sociocultural identities.

Artificiality is another component. This fourth feature is evidenced in the very formation of the community in the first place, in the imposed internal organization (often consisting of councils, "representative" spokespersons, committees, elections, all mechanisms that may not be indigenous) and, indeed, by all those details of community life, including its ecology, which are consequent to planners' directives rather than community volition.

A fifth feature is dependence for economic support and for directives which, however beneficently couched, govern day-to-day matters as well as future development. The juxtaposition of an authoritarian punishment-centered bureaucracy and its pattern of formal co-optation is a sixth component. Gouldner (1954, 1965) proposes a distinction between "representative" and "punishment-centered" types of bureaucracies. The former type is characterized by authority based on knowledge and expertise and especially by the collaboration of bureaucrat and client. Both define the rules and roles of the organization. It is in this sense that we speak of representative government in the US. In punishment-centered bureaucracies, on the other hand, there is a dissension in ends, and authority comes to be "based on incumbency in office and by the unilateral initiation . . . of rules and roles which are enforced through punishments" (Gouldner 1965:403). Here clients do not have an active role in the enactment and administration of policy. The administered community becomes, therefore, in Wallace's (1971:7-8) terms, the "type case" of an administrative form of social organization in

which the target population, the one designated to receive the services of the administrative organization, is also the client population. Selznick (1949), in his pessimistic consideration of democracy as viewed through the prism of the TVA (Tennessee Valley Authority), suggests that there are two forms of participation in governance, or, as he puts it, co-optation, available to members of organizations. Formal co-optation, he notes, is the most common. "Participation by the people," he believes, "may range from mere involvement by means of devices established and controlled by the administrative apparatus . . . to actual participation, informal co-optation in his terms, in the control of the sources and disbursement of power (Selznick 1949:64). The distinction is essentially one between participation in administration and in policy making; between mere administrative involvement, and "substantive participation, involving an actual role in the determination of policy . . ." (Selznick 1949:220). The prevalence of formal co-optation (or mere involvement in administration) makes Selznick morosely conclude that it casts "doubts upon the possibility of a complete democratic achievement" (1949:265). He argues further:

Formal co-optation ostensibly shares authority, but in doing so is involved in a dilemma. The point is the sharing of the public symbols or administrative burdens of authority, and consequently, public responsibility, without the transfer of substantive power; it therefore becomes necessary to insure that the co-opted elements do not get out of hand, do not take advantage of their formal position to encroach upon the actual arena of decision. Consequently, formal co-optation requires informal control over the co-opted elements lest the unity of command and decision be imperiled. This paradox is one of the sources of persistent tension between theory and practice in organizational behavior. The leadership, by the very nature of its position, is committed to two conflicting goals: if it ignores the need for participation, the goal of cooperation may be jeopardized; if participation is allowed to go too far, the continuity of leadership and policy may be threatened (Selznick 1949:261).

It is this dilemma, which is especially characteristic of the administered community, and which makes me think the juxtaposition of an authoritarian punishment-centered bureaucracy and its pattern of formal co-optation together with the goal of community democracy and autonomy is self-defeating.

A seventh and last component of the administered community is that it is a contact community in which directed sociocultural change occurs. Thus it is an appropriate location for the exploration of a host of issues pertinent to change and stability. A significant practical issue that can be explored in this context is participation and manipulation in directed change and their consequences (e.g., Kushner 1968).³

Conclusions and Recommendations

The major problems addressed here, the right of self-determination and of substantive participation in governance, and the relations of the state and local communities, are by no means new. They have received intensive attention for many years by many people in many disciplines. Yet they are

still with us. In a world filled with those who provide care and those who are cared for, with those who do the planning and those for whom the plans are made, with those who administer and those they administer, with states and transnational organizations concerned with expanding their arenas of control and with the "eclipse of community" (Stein 1961), the problems seem to admit of no solution short of revolution or war.

Gaylin and his associates (1978) specifically focus on a related issue, the limits of benevolence. They realize that the claim to be acting benevolently, to be "doing good" for others is suspect; that it is "the exercise of power in disguise . . ." (Rothman 1978:x). But as Rothman questions, "Where should the authority of the caretaker leave off and the rights of the cared for begin?" (Rothman 1978:xi-xii). What is this question but another form of the dialogue between God and Cain? Or, as a Hasidic saying notes: "One who thinks he can live without others is mistaken. One who thinks others cannot live without him is even more mistaken."

Spicer (1973:x) suggests that we need to assess the extent to which "a state can and cannot accomplish . . . the satisfaction of human needs." He asks, with Radin (1971) and Diamond (1974), "What needs have been served by the small scale units in which men have lived for millenniums? Do such needs persist as the large scale units have rapidly engulfed us during the past hundred years?" (Spicer 1973:x). The method of deliberation in the local communities was not one that emphasized

finding the most efficient solution of, in the modern sense, "problems." It was rather on the process of working together in the definition of the most desirable course to follow, in short on relating action to the moral order which had meaning in terms of the locally defined values (Spicer 1973:xi).

One of anthropology's most profound thinkers, Ernest Becker, argues that the central problem of anthropology is not so much how to explain human differences, but rather "What are the differences in *human freedom* in societies . . . ?" (Becker 1971:120). In this fashion, the moral task of anthropology becomes one that aims at "the maximization of both personal freedom and social community" (Becker 1971:153). In a similar vein, Peattie (1958:7), noting that applied anthropology will necessarily raise questions of ethics, asks

What is the good life for man? . . . To what extent has one man or group of men a right to exert power over others, even in their own interest? To what extent may men ever be said to have free choice, and in what circumstances?

The editors of *Human Organization*, in the context of recent UN decisions regarding former Italian colonies (1949:3) said that "the applied anthropologist should play an important role" in the formulation of criteria for the independence of former colonies. Citing the Society for Applied Anthropology's code of ethics regarding the maintenance of a "system of human relationships in a state of dynamic equilibrium . . . as to achieve a greater degree of well-being for the constituent individuals," the editors assert that "No applied anthropologist can properly condone perpetual colonialism." The task of the applied anthropologist, the editors continue, is

"to aid in the formulation of policies . . . which will preserve the potentialities of a people for self-government so as to achieve greater well-being" (*Human Organization* 1949:4). Leighton (1945:366-367) wrestled with the question in the context of the Japanese relocation centers and came to the conclusion that the responsibility for a just and humane government "rests as much with the public as with the administrators, because in the long run it is the governed who determine the governing of man." In the same context, Spicer (1969:18-19) observed

A community of human beings seeks constantly to take part in planning its own future, or, at the very least, in maintaining the feeling that it is participating in the working out of its own destiny. . . . Public policy involving the future of human communities *must be made by those communities*, or the destruction of some of the most important human qualities is certain to take place, resulting in frustration, apathy and dependence.

To complicate matters even further, we are often engaged in situations in which the dominant actors are not always and necessarily evil, uncaring and bent on crass exploitation. The creation of administered communities may be an artifact of a period of crisis during which decisions are made hurriedly, without malice and, in hindsight, full of errors of commission and omission.

It is not only in Israeli new immigrant villages, Native American Indian reservations and Japanese-American relocation centers that we find specifically and identifiably the human context of the administered community with its components and their interrelations and the relations between the community and external administrators responsible for daily affairs and future development. Nor is it rare in the world to find members of communities occupying social positions invested with the form, but not the substance, of power and authority. It is clear that the dependency, frustration and apathy bred by life in an administered community may result not only in individual mental turmoil, but also in internal, external and terrible conflict. Means must be found by the external administration for turning over control and the disbursement of power to the community's representative organizations, whatever forms they may take; for the "devolution of power," to use Holmberg's (1965) phrase. People must be enabled to do something other than respond to outside initiatives, and to do so in satisfying and rewarding ways. Only thus can the members of a community develop a sense of self-reliance, a feeling of freedom and the capacity to deal with the world as they define it.

After the critical and primary mutual decision by administrators to relinquish their power and authority to the administered, steps will have to be taken, again mutually, to recreate a "true" community from what has been transformed during the period of administration into a mere aggregate of people. It is necessary to create an organization of people who share needs and wants and common understandings, who are dependent upon one another for their mutual satisfactions and who are intact with their total environment in ways that are meaningful and rewarding to them.

Holmberg (1960, 1965) has recounted the various steps involved in transferring power to the community of Vicos hacienda, and they commend emulation in all administered communities, especially where no true community seems to exist. It is necessary to define and identify some local group "as representative as possible, with which . . . [to] share the power of making decisions" (Holmberg 1960:87). The group might well profit from a systematic program of education and training. Others may be designated to assume leadership positions with regard to such issues "as economic development, nutrition and health, education and political affairs" (Holmberg 1960:88). In this fashion a sense of community solidarity and leadership can be generated. A key procedure is

to broaden the number and functions of positions of leadership. . . . This can help the people to see that authority is the responsibility and right of all, not the privilege of a small group representing special interests (Holmberg 1960:88).

If there is a need for economic subsidy, this subsidy should be kept apart from administrative direction and interference. Such procedures as these can provide a starting point for significant change in the direction of autonomy and for local communities to meaningfully participate in the processes that govern the lives of their members.

Notes

¹Portions of this chapter appeared in Kushner 1980 and are reprinted here by permission of the publisher.

²Although colleagues have told me that some of the moshvei olim are now (1986) "self-determining," I am unaware of studies that show that to be the case and delineate the events and processes by which that change in governance has occurred.

³For more discussion of the model, see Kushner 1973, 1976, 1980.

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4

Crossroads for Anthropology: Human Rights in Latin America

Paul L. Doughty

Throughout the Western hemisphere, anthropological studies have focused on Native Americans. If there is any topic about which the discipline can claim full, authoritative legitimacy, this should be it. However, anthropologists have yet to systematically address the most vital issues that unequivocally have deeply affected all Native Americans relentlessly since European conquest: threatened extinction by disease, massacre and war; social and cultural disorientation by displacement, discrimination, forced removal, imprisonment, reeducation and religious conversion; psychological and physical abuse through culture shock, disease, alcoholism and denigration; and economic and political impoverishment, disenfranchisement, corruption and deception. Practically all of these tragic circumstances have resulted from national government policies, which have led to four centuries of deprivation across the breadth of the New World. Today, human and cultural rights of Native Americans throughout the Americas are still debated vigorously.

People and State

All that transpires under the rubric of human rights is related directly to the creation and internal operations of nation-states and the relationships of one state to another. In virtually all contexts of discussion, human rights refers to the benefits, protection, privileges and entitlements provided

citizens (sometimes with their consent) by their states. The condition of peoples living under a state system or within the declared territory of a state, who for whatever reason are not considered citizens, is often ignored under international human rights agreements and by particular nations. Consequently, two literatures on the subject of human rights somewhat overlap, but unfortunately remain discrete. One deals primarily with the conditions of citizens in national (or international) contexts, the other with persons whose status in nations is ill-defined or disputed. One is of a political, historical and general sociological character, the other is tacitly defined as anthropological. The traditional subjects of anthropological research are cultural and linguistic groups which are popularly regarded as inconsequential and exotic, archaic minorities or tribal societies whose place in the modern world is at best, residual. Indeed, this attitude permeates the nonanthropological literature and denigrates not only the people concerned, but the importance of anthropology as well. In an anthropological perspective, the dichotomy is false.

In the first genre of literature on human rights, one finds the frequently cited and widely read material, the stuff of headlines and news editorials, relating to the major acts of government, including the leading institutions and sectors of society. These events are at times so appalling as to challenge comprehension and analysis (Nelson and Green 1980, Committee on Foreign Affairs 1984; Hilberg 1967; Timmerman 1981; Bunster-Burotto 1985). The gamut of violence encompasses execution, massacre, terrorism and torture administered by a state against selected internal populations who comprise part of its erstwhile citizenry (Fein 1984).¹ As Fein points out, the process by which the state acts against a defined collectivity, whether it be a social class, religious, racial or ethnic group involves in part, a repudiation of that group's legal position in the state context. By removing a group of people from regular status as citizens, the state or its agents are empowered to treat them outside the norms of conduct applied to the citizenry at large.²

The same exclusionary maneuvers accompany the relations between warring groups when the enemy is arbitrarily assigned to a "less than human" class such as "gooks," savages, "brute animals" and uncivilized barbarians. Designated to such classifications, the enemy is not entitled to civilized treatment and thus can be dealt with through killing, massacring, enslavement, rape, scorched earth annihilation, forcible relocation, arbitrary imprisonment, torture and any other way that one in theory would not be allowed to treat fellow citizens.³ Paraphrasing Durkheim, Fein (1984:5) concludes that such heinous acts are not classified as criminal because they are not applied to the privileged class of citizens. Indeed, there is an obligation to act against such enemies, those noncitizens and nonmembers within one's spacial or social domain, thus: "genocide is the apotheosis of collective violence, the annihilation of the other" (Fein 1984:5).

There are, of course, avenues of more benign intergroup relations in-

cluding expulsion and exile, whereby nonmembers are banished to a foreign or other undesirable location. Examples of this method of handling divergent groups and persons abound: the expulsion of the Moors and Jews of Spain in 1492; the removal of Native Americans and the "Trail of Tears" from the eastern United States in 1830-1843; and the Muslims from India after independence. The option open to some nonmembers of state collectivities is to change one's identity, traits and allegiances to conform to the state culture and society. In some cases, acculturative adjustments suffice: learning the approved language, wearing the right clothing, professing the proper beliefs and demonstrating a willingness to adhere to state laws, while at the same time retaining a discernible, different cultural status apart from the homogeneous national model. In other instances, nothing less than complete assimilation, the total renunciation of cultural variance in favor of the ideal state culture, is acceptable to the state.

Most of the time, states seem willing to accept the first of these two alternatives or variations on the basis that the remaining differences do not threaten the polity or its ideology. It would be wrong to impute uniformity or consistency to state behavior, however, other than to say that the principles remain the same. Policies may change with the moment, in line with new interpretations of the state interest, leaving subordinate groups dangling in uncertainty like the Native Americans of the United States or the Mapuche in Chile.

Latin Americanist discussions of human rights tend to deal with the state policy, politics and economics that arbitrate human conditions within national boundaries as attributes of socioeconomic structure and the national culture (Crahan 1982; Black 1984). By simply ignoring the issue, many social scientists eschew serious consideration of cultural and racial minorities as important or viable collectivities of people who are discriminated against or whose citizen rights are violated. In other words, the cultural behaviors that characterize populations tend to go unrecognized as variables in human rights policy determination. Cultural differences instead are subsumed under such conceptually dominant categories as masses, workers, lower class, the bourgeoisie, the proletariat and the peasants. The weighing of various ethnic groups into preferred and non-preferred ranks according to schemes of national values determined by elite power groups is ignored, given short shrift or downplayed in importance.

Thus, for example, in an otherwise definitive treatment of the human rights issue (Crahan 1982) that deals with poverty, injustice, hunger, local populations, the poor, peasants and a variety of social indicators in the context of wealth distribution, power and development policy, not one page of the book discusses the treatment of cultural minorities.⁴ The avoidance of the "Indian problem" by nonanthropological scholars is commonplace (Ladman 1982; Black 1984; Stepan 1978).⁵ Whatever their other merits, such works gravely mislead readers about basic human rights issues.

If one analyzes the impacts of state policy on the human condition, the

variables of poverty, disease, mortality, massacres, illiteracy, disenfranchisement and all manner of abuse take on new meaning when balanced on the fulcrum of cultural and racial identity in Latin America. Review of the basic social indicators in population statistics (see Tables 1 and 2) reveal the potential for such analysis, and the need to face the issues mentioned with respect to cultural and racial factors as dependent variables. There is a strong proclivity outside of anthropology to relegate Indians to the past, as a primitive residual social phenomenon with little but esoteric meaning for modern societies. When Indians are concerned, human rights are always a function of something else, subordinate to higher priorities such as the needs of the nation, revolutionary goals, anticommunist strategies and goals, or development priorities. This is a major issue in the anthropology of human rights in the Americas. It is not that the repression, cruelty and injustice meted out to a wide spectrum of individuals other than Indians is not of anthropological interest, but these events have captured greater attention. The problem for anthropology is to unite these two areas, for ultimately they are one and the same problem. In a brilliant essay, Silvert

Table 1
Population and Social Composition of Selected Nations*

Nation	Population (000)	Percent of Race and Ethnic Group				
		Nat.Am.	Mixed	White	Black	Other
Belize	149	19	33	3	11	35
Bolivia	5,600	55	35	6	1	4
Brazil	120,507	-1	30	60	8	
Chile	11,292	7	63	30	0	0
Colombia	26,425	4	58	20	18	0
Ecuador	8,605	34	46	10	10	0
El Salvador	5,087	4	95	1	0	0
Guatemala	7,477	55	45	0	0	0
Guyana	796	4	0	1	43	52**
Honduras	3,818	2	95	1	1	1
Mexico	71,215	26	55	16	0	3
Nicaragua	2,777	5	69	17	9	0
Panama	1,877	7	70	8	14	1
Paraguay	3,057	4	95	1	0	0
Peru	17,031	35	47	15	1	2
Saint Vincent	115	2	1	4	86	6
Suriname	356	3	0	1	31	65**
Venezuela	16,500	2	67	21	10	
TOTAL	302,684	12.5	42.4	35.5	6.6	2.4

*This includes all the nations with significant Native American populations, that is those with more than 1 percent of the national population. Estimates of persons in each group vary: Native American populations for Ecuador range from 25 to 38 percent; for Guatemala, from 42 to 60 percent; and for Mexico, from 18 to 32 percent. Based on the *World Development Report 1984* and Mayer and Masferrer 1979.

**Includes East Indians and Chinese.

Table 2
General Demographic and Basic Life Conditions in Selected Nations*

Nation	GNP US \$1985	Urban (%)	Primacy Rate(%)**	Birth Rate	Death Rate	Life Expt(%)	Literacy (%)
Belize	1,140	54	21	41	5	67	90
Bolivia	510	45	50	42	16	51	63
Brazil	1,890	68	91	30	8	64	76
Chile	1,870	81	35	25	7	68	90
Colombia	1,410	64	89	29	8	63	81
Ecuador	1,430	45	85	40	9	62	81
El Salvador	710	41	21	40	8	63	62
Guatemala	1,120	39	10	39	10	59	47
Guyana	465	34	22	29	7	61	85
Honduras	670	36	83	44	11	59	60
Jamaica	1,285	42	16	29	6	71	90
Mexico	2,240	67	23	36	7	66	83
Nicaragua	900	54	34	44	11	57	90
Panama	2,070	55	19	30	5	71	85
Paraguay	1,410	40	16	32	7	65	84
Peru	1,040	66	15	36	11	58	80
Saint Vincent	880	—	—	31	10	60	95
Suriname	3,497	40	7	29	7	69	65
Venezuela	4,110	84	35	35	6	68	82
AVERAGE	1,507	53	32	30	8	65	79

*Based on the *World Development Report 1984* and *Encyclopaedia Britannica Book of the Year 1985*.

**The primacy rate (P) compares the largest city (L) with the combined sizes (A+B) of the next two largest cities: $P = A + B \div L \times 100$. The smaller the P, the greater the demographic dominance of the largest city (Doughy 1979).

†Birth and death rates per 1,000 persons.

(1977:55-66) observes that anthropology, alone among the social sciences in dealing with Latin America, is intellectually capable of addressing the full array of human rights issues. He reasons that all the philosophical underpinnings of Western thought in the development of social theory lack the openness — the relativity — of anthropology to engage in a truly scientific and equal treatment of all human conditions. Without this kind of consideration, worries over violation of human rights are not only spotty but also tend toward sentimentality (Silvert 1977:66).⁶

Thus it is the traditional subject matter of anthropology in Latin America that distinguishes the human rights literature of anthropology from the larger body of works in the social sciences and humanities dealing with the subject. What defines the anthropological human rights genre is not the broad issue per se,⁷ so much as the "subcontext" of *cultural rights*: the right of any self-identified society to live its own style of life, speak its own language, wear its own clothes and pursue its goals in relative harmony

with others and to be treated fairly under the laws of states. With the exception of the Amazon groups, we deal with nonautonomous ethnic groups within state boundaries in Latin America today. States, however, are universally intolerant of groups seen to compete too directly with the ideal mode of state culture or that the dominant cultural group cannot easily control. Persuasive current evidence establishes the fact that policies affecting cultural plurality in states are so vacillating that any progress towards cultural harmony is uncertain at best (Maybury-Lewis 1984).

Anthropological understanding of such behavior is only now coming of age, forced by the urgency of demands and the contextual methodology of the discipline. Although the hallmark of anthropology as an interpretive discipline is cultural relativity, to avoid or limit the bias of one's own values in research, this methodological instrument should neither imply nor oblige a position that is unresponding to need. Nevertheless, this seems to be the understanding of many anthropologists who, in their efforts to avoid culture-bound interpretations of life, were also willing to "let the chips fall where they may" with regards to the fate of the peoples they studied. In this area, the awareness of cultural relativity provides an important caveat to action, but how it may apply to the establishment of priorities or judgments about right and wrong in particular cases is difficult to assess. As one Latin American colleague remarked to me, "cultural relativity is all right for US professors of anthropology", but it doesn't help settle peasant land disputes or achieve the reforms our people desire and need" (Anonymous personal communication, 1985).

Anthropology has only recently assumed an aggressive stance of advocacy on behalf of research populations and issues affecting them (see, e.g., Hymes 1969). A consequence of such advocacy was (and still is) the mixed reception the pioneering Cornell-Peru Project at Vicos received (Doughty 1987). Indeed, the traditional unconcern for advocacy in research and application was angrily pointed out by a Mexican anthropologist (Bonfil Batalla 1966) who in effect accused the discipline of its own ethnocentric bias when considering problems of change and development in the Third World.

Cultures vs States

Despite the interplay of forces within each state which strongly encourages the assimilation of foreigners, cultural pluralism survives in an extracultural manner. The survivors of the preexisting native societies continue to manifest symptoms of colonial domination and repression; throughout the hemisphere, whether in the vast Amazonia or in mountain hamlets, all are vulnerably positioned in the respective states occupying "regions of refuge" (Aguirre Beltrán 1979) or other precarious niches in the national system. They live as foreigners on their own soil.

The consistently disadvantageous relationships of native sociocultural groups to the nation-states have often produced serious localized conflicts.

The Mexican Revolution attempted to change this tradition by developing a strong, official Indianist movement that eventually inspired the organization of the Inter-American Indian Institute and affiliated institutions in most countries in the hemisphere.⁸ Nevertheless, Mexico's strident post-revolution nationalism is part of an aggressive mestizo cultural florescence. Four and a half centuries after Cortes, Indian policy is still debated, although Indian societies maintain their visibility. One-fourth of all Mexicans are identified with one of the 45 different ethnolinguistic groups. Indians are the exalted ethnographic symbols of Mexican uniqueness and soul, showcased in the magnificent anthropological national museum (Ramirez Vazquez et al. 1968). At the same time, their status is seen as the "Indian problem," a dilemma of identity, condition and social value (Stavenhagen 1968). Others view Indian groups as the residual byproducts of colonial society, subject to abuse and exploitation by a capitalist system in which they are neither protected nor respected. In this view, their cultural uniqueness must become incorporated and one with social class and sectorial consciousness at the national level in the exercise of power (Gonzalez Casanova 1968). Despite such differing views and fluctuating policies, Mexico is virtually unique in its approach to Native Americans. Although Indian conditions and levels of living vary considerably in Mexico and there have been numerous instances where Indians have been abused through state policies and operations, their human rights as a function of their cultural rights are and can be defended. This is rarely the case elsewhere in Latin America.

In a state not generally considered as having a significant Native American population, Chile has a long and dubious history of systematically repressing the rights of its autochthonous inhabitants and abusing them. The Mapuche people today total an estimated 7 percent of Chile's population. About 450,000 Mapuches live on reserved lands in Cautin and neighboring provinces,⁹ and an estimated 250,000 have migrated to Santiago and other urban centers. The Mapuche have been locked in unheralded battle with external forces since the Incas' invasion in the reign of Topa Inca (1471-1493). The march of the Tahuantinsuyu Empire was stopped at the Bio Bio and Maule rivers, boundaries that subsequently marked the frontier region between the Mapuche and the Spanish colonial and Chilean governments. After fighting fierce intermittent wars to maintain their independence, the Mapuche, in a manner reminiscent of the settlement of the North American west, were forced onto reservations by 1890. Since that time, Chilean encroachment has relentlessly taken land from the Mapuche by subtler means.

Following their own religion, with a different family and kinship system, separate sociopolitical organization and speaking their own language, the Mapuche vigorously retain their independent identity (Faron 1961). After 300 years of struggle, the Mapuche are grudgingly respected if not admired by other Chileans who consider them a "backward, cantankerous and

unredeemable' lot. For a decade or more prior to the Pinochet dictatorship, Mapuche fortunes vis-à-vis the Chilean state had slowly risen with education, agrarian reforms and other changes. But they did not come easily: centuries of segregation and abuse from Chileans, as well as the institutional racism faced by these Indian campesinos, could not be quickly eliminated through legislation, no matter how benign (Loveman 1976:330).

With the imposition of the military dictatorship of Augusto Pinochet in 1973, the most conservative, antireformist elites came to power and the advances were dramatically rolled back. The military rulers established a legal process in 1979, making the dissolution of reservation lands a possibility and opening the way to weakening the Mapuche's social and economic organization. In essence, the new laws threaten the Mapuche existence (Inter-Church Committee 1980; Survival International 1982). Mapuche fears are substantiated by the comparative experiences of other Chilean peasants whose struggle for land has been equally arduous (Loveman 1971, 1976). The continuation of the Pinochet regime's repressive policies bodes ill for all Chileans and the Mapuche in particular.

Other surviving heirs of preconquest societies have resisted extinction along the frontiers of "civilization" by becoming acculturated, being pushed into refuge areas and forced onto reservations. There has never been a uniform census of the tribal societies in any state, indicative of their relative independence of the nations in which they live. Nevertheless, a few tribes have been able to establish their legal rights over the lands they traditionally occupy. Peru's laws governing the protection of native communities, written by anthropologists during the years of the Velasco government, are perhaps the most advanced among South American countries, although the process of establishing group recognition and territorial ownership is bureaucratically difficult (Stocks 1976; Uriarte Lopez 1976). Of the 67 tribal groups reported in Peru, only 11 had legal titles (*Cultural Survival Newsletter* 1981).

Throughout the Amazon basin, colonists, oil companies, lumbering and ranching interests vie for control of tropical forest considered unoccupied and in the national domain, affecting virtually every tribal society whose members are rarely considered as having citizens' rights. In fact, asocial, frontier behavior has long characterized the area (Hardenburg 1912) and prevails today, a convenience permitting the uncontrolled exploitation of native peoples (Martinez 1977; Pi-Sunyer 1982; Vickers 1981; Stearnman 1987). The history of government attempts to manage the tropical frontier and nationalize state-tribe relationships is well represented in the Brazilian case. Serious problems surround the effects of the Amazon highway developments: hydroelectric projects, colonization, national parks, tribal reserves, gold rush fever, the fluctuating effectiveness of the government's National Indian Foundation (FUNAI) and above all, the struggle over use and ownership of traditional Indian land.

Some tribal groups have organized effectively and are beginning to

change the structural relationship between themselves and their parent states. Although such arrangements are difficult to develop and maintain, the San Blas Kuna of Panama and the Shuar of Ecuador have mounted effective political action that represents a major break with past Indian-state relations in Latin America. In both instances, the change involves the tribal group's ability to control its own political organization, direct efforts towards clarifying their legal status and gain cultural respect while serving their society's needs.

The San Blas Kuna's political organization includes local and general congresses that deal with the Panamanian government and run Kuna affairs (Moore 1984). Since the US construction of the Panama Canal, the Kuna learned to play national and international interests off against each other for their own benefit. Many Kuna are well educated and Kuna chiefs maintain representatives in Panama City to keep track of tribal interests. At their home on the gulf coast islands, they continuously fend off unwanted developers and usurpers while keeping hordes of tourists under control (Howe 1982).

The Shuar Federation (Salazar 1981) operates differently. Formerly known to outsiders by the derogatory term *jivaro* (meaning rustic, savage), the *Shuar* (meaning people) are internationally famous for their intertribe warfare and former practice of shrinking their enemies' heads (Flanner 1972). Shuar became their official name at the time the federation was founded. This political and cultural organization emerged partly as the result of Salesian and Franciscan missionary efforts to prepare the Shuar to manage their affairs as Ecuadorians. Alert to both their problems and their options, the Shuar used the opportunity to develop a network of intercommunity ties and a unifying organization. A series of community centers unite the people and permit the delivery of various services. Seventeen thousand Shuar pay dues to the federation which receives government support as well as foreign donations. Although many problems persist, the federation operates a radio station and 138 radio schools, has made considerable headway in titling native lands through the Ecuadorian agrarian reform and colonization institute (IERAC), encourages various economic projects under Shuar control, and is seeking to institutionalize its presence within the Ecuadorian state (Salazar 1981).

Miskito Politics

A comparative instance of such an autonomous relationship of an ethnic or tribal group with a state has recently emerged under extremely difficult conditions in Nicaragua. In a country trying to recover from almost a century of foreign control and repressive dictatorship while developing extensive revolutionary reforms and organizations, the Miskito Indians have been caught between conflicting interests while trying to defend their own. The Miskito, who represent a truly "American" society, are a mixture of Black Maroons and others drawn from the Caribbean Islands and native

Miskitos whose interesting history has always placed them at the edge of national interests (Helms 1971, Bourgois 1982). Speaking a mixture of English and Miskito, the people of the Atlantic Coast of Nicaragua occupy the estuarial littoral where they earn a subsistence as tropical farmers, fishermen, turtle hunters and wage laborers as the opportunity arises. Buffering between various external forces, the Miskito served as buffer between competing British and Nicaraguan interests in the nineteenth century and supplied the labor for banana plantations in the present one.

Throughout their history, however, the Miskito were never a part of the Nicaraguan population whose mestizo culture and language traditions they did not share and from whom they were physically separated by the wide expanse of undeveloped rain forest, swamp and wasteland. Their socioeconomic and political ties to Nicaragua therefore were traditionally weak, a condition negative racial attitudes held by the Hispanic Nicaraguans towards the "Black Indians" of the coast reinforced.¹⁰ Thus, with the Sandinista Revolution in 1979, new forces attempted to draw the Mosquitia region into the web of national life. But the Sandinistas' nationalistic and ethnocentric assumptions about the willingness of the people to participate were mistaken because the Miskito thought of the revolution as "just another power struggle between two equally dangerous armed factions of Spaniards" (Bourgois 1982:312). Not understanding the local language, history or culture of these "Nicaraguans" and much less, any reasons for their alienation, the Sandinistas committed a number of blunders which in turn produced

a series of local crises ... exacerbating the mutual misconception the ethnic minorities and the Sandinistas had of each other. To many Miskito, it did not appear that the Revolution was changing fundamentally the local structures of inequality (Bourgois 1982:312).

This led to the founding of several dissident groups and pro-Sandinista organizations which subsequently have been engaged in a complex round of agreements and conflicts as a struggle for the region's loyalty ensued (Brown and Field 1985).¹¹ Were this not sufficiently confusing to everyone, the US government seized the opportunity to encourage the schism between the Miskito and the Sandinistas by supporting the rebellious MISURA Miskito faction and aiding its members' initial flight into neighboring Honduras. This involved the Miskito people directly in the *contra* insurgency seeking to overthrow the Nicaraguan government and allied them in Sandinista minds with "traitors" and hated ex-Somoza supporters. MISURA groups and the Democratic National Front (FDN), a *contra* faction supported by the US, attacked settlements along the Honduran border, killing about 60 persons.

As the Nicaraguan troops responded, many Miskito fled into Honduras and the rest (some 9,000 persons from 39 communities along the Rio Coco) were moved under Nicaraguan policy to emergency settlements near Puerto Cabezas (Nolan 1986). This subsequently produced a series of problems,

not the least of which was the Miskito's general unhappiness under these conditions: the complete disruption of community life, dispersment of the population, loss of family members, politicization, factionalism and economic losses. These problems were quickly exploited by various parties such as the US State Department, which condemned the events as violations of human rights. Amnesty International (1983:159-163, 1984:181-183) and Americas Watch (1984b) reported several instances of brutality, in addition to an atmosphere of political repression against the Miskito population during this period, apparently by both Nicaraguan troops and attacking FDN guerrillas. To further complicate affairs, various North American Indian interests became actively engaged in these events as self-appointed advisors to Miskito factions, as did the organization Cultural Survival.

At present, a rapprochement between the elected FSLN-led government and various Miskito factions appears to be a reality as the two sides have come together in diplomatic meetings and developed a new constitutional article guaranteeing the cultural and sociopolitical autonomy for the Atlantic Coast region. At stake is an effective arrangement that would recognize and protect Miskito cultural autonomy while at the same time include the Miskito as full citizens in the national context of Nicaragua. There are, however, Miskito, *contra*, government and US Native American interests that view such developments with hostility or skepticism. How these parties will ultimately relate to the best interests of the Miskito people at large remains to be seen. As things now stand, the issue of Miskito human and cultural rights in Nicaragua is a unique international embroilment that differs dramatically from the ethnic dilemmas of neighboring Guatemala. The constitutional solution now at hand also bids to become a unique and positive advance in national-ethnic relations in the hemisphere.

The Peruvian "Indian Problem"

The human rights conditions of Peru and the succeeding case of Guatemala differ from the others reviewed in several ways. In these two countries, the cultural groups concerned not only represent a far greater percentage of the population but constitute more homogeneous, ethnic blocks. These facts present greater problems of cultural management and political control than the smaller, more diverse groups do. Here the nature of human rights abuses encompasses even more varied social terrain, involving patterns of daily discrimination, denigration and exploitation. These abuses are the seeds of far greater societal conflict.

The racial attitudes and values that rationalized colonial rule also justified the massacre of thousands of Indians over the centuries in Peru and Guatemala in the cause of nationalistic objectives. This in turn led to the conditions of peonage and servitude throughout the "high culture" areas of the New World. Indian life was and remains today a cheap commodity. During the present decade, territories native populations occupy in Peru's central highlands are the scenes of vicious and often fratricidal combat be-

tween groups of insurgents and government forces. Although thousands of Indian families are involved, it should be emphasized that the political leaders of the insurgents and the military officers are not Indians, but rather whites and mestizos. The soldier-pawns in this struggle are of direct Indian background, recruited from the alienated ranks of urban migrants taken in to the army as draftees, or are Indian villagers.

From a sociocultural perspective, the Andean region of Peru is characterized most frequently as divided into antagonistic groups: the privileged urban classes (including rural landlords and businessmen) who identify themselves as white or mestizo, and express an open aversion to Indians both personally and as a group. The latter distinguish themselves by language, dress, occupations, public behavior, residence and self-ascription as *Indios*. Such persons are arbitrarily treated as inferior and subordinate by the non-Indians. The Indians are conscious of this vast and systematic discrimination and similarly are fully aware that under the right circumstances one may achieve a change in status through the acquisition of education, the Spanish language, migration and other attributes that alter the public identity they present. The paths traveled by tens of thousands are now well known (Adams 1953; Dobyns and Vazquez 1963; Doughty 1972; Isbell 1985; Millones 1985; Altamirano 1984).¹²

Accompanying this massive, individually instituted attempt at socio-cultural reorientation has been a series of reforms, political movements, the partial mobilization of rural peoples and an intensification of capitalist economic enterprise centered in Lima (Doughty 1976, 1979). Thus, although most of the socioeconomic changes have concentrated in Lima and a few of the largest cities, the highlands and Amazonic regions, all rhetoric to the contrary, remain *abandonados* in relative terms. The regions are dramatically varied in their "development." With respect to education, for example, the sine qua non of personal achievement, the primary schools that are found in virtually every hamlet, the high schools and even the universities located in the principal departmental capitals such as those of Huancayo, Huamanga and Cuzco, are but poor reflections of their coastal and Lima counterparts. Their achievements are gained against a background of deficient equipment, lack of trained staffs and abysmal budgets that worsen with remoteness. The thousands of Indian students who so hopefully flocked to these institutions (Palmer 1965; Romero 1962) received an inferior education that systematically left them at a disadvantage to those who attended the favored centers. Although the educational content from primary through university levels available to provincial students was measurably inferior to that offered urban students in Lima, Arequipa and Trujillo, it did serve to stimulate their wants and ultimately their demands for equity and progress on personal and community levels but rarely to fulfill them.¹³

By contrast, the traditional social groups in Peru labeled white, mestizo, decent, civilized or cultured today, as in the past, view the striving of Indian

people with condescending skepticism at best. The fear that the Indians are taking over is palpable among urban socioeconomic elites now that highlanders numerically outnumber the creole classes in the coastal cities. The exclusionary attitude of Peruvian national culture regarding Indians (romanticized Indianist rhetoric to the contrary) has always militated for the "disappearance" of Indianness. Consequently, according to Ortega (1978:69):

In our country, the . . . dominant class based its hegemony on the ideology of the legitimate state. Similarly it identified its dependent hierarchy with the dominant national subculture. Accordingly, any social project for the native subcultures not aiming at ethnocidal integration had to be denied.¹⁴

Whatever the case, government programs have fostered intense frustration. The efforts of the Agrarian Reform of the 1960s and early 1970s produced enormous expectations among the landless farm workers and peasant small holders but left thousands disillusioned (Montoya 1980:319-323), some because there were insufficient lands, and others because they lost the lands they had gained in the 1969-1976 period. Between 1977 and 1985, hundreds of landlords managed to recuperate part or all of their expropriated estates that had been awarded the tenants and serfs during the Velasco administration years. In the reform period from 1969 to 1976, government promoters as well as political activists (especially the radical left) manipulated the peasants for the interests they represented. All of this was as though designed to maximize the "dissociation . . . between culturally defined aspirations and social structural means," the vital cause of profound alienation (Merton 1957:674).

Further exacerbating difficulties faced at both regional and national levels were several unanticipated events: the Nixon administration's cutoff of regular support for development activities;¹⁵ the catastrophic earthquake of 1970;¹⁶ the double disaster of a three-year drought in the Andes (1978-1981); and the reappearance of the El Niño current (1982-1983), which produced damaging coastal rains, floods and interrupted the already suffering fishing industry. These difficulties deeply affected local economies, which in turn led to the overwhelming economic crisis of the past six years, sharpening rural poverty and further encouraging the flow of thousands to the largest urban centers. Throughout the squatter districts and 432 "young towns" of greater Lima, Private Voluntary Organizations using US PL 480 Title II foods are providing direct feeding to a quarter of a million persons, with even more persons receiving benefits from Peruvian government-subsidized Title I food sales in the urban areas (Doughty, Burleigh and Painter 1984; Johnson et al. 1983).

The increasingly acute socioeconomic problems fell heavily in highland regions by 1980, especially in the oft-neglected Ayacucho region, and favored the emergence of insurrection. Ayacucho is one of the poorest, least developed areas of the nation whose social statistics include: (1) a low percent of the population defined as urban, (2) a high percent of the population

defined traditionally as Indians, (3) a high rate of migration to the coast and Lima, (4) a very large number of urban migrant associations closely connected with highland homelands (Doughty 1972; Isbell 1978:220-246; Altamirano 1984; Arguedas 1985) and (5) a long history of participation in regional protests and rebellions (Kapsoli 1977).

The insurrection of Ayacucho emerging from this milieu is directed by a group of radical leftists known as the Sendero Luminoso (Shining Path) or the Peruvian Communist Party, and self-identified as Marxist, Leninist and Maoist (McClintock 1985:50-57). With utopian yet ambiguous goals, their actions from the onset were extremely violent and cruel vis-à-vis the Indian population and selected non-Indians as well (Degregori 1985; Gonzalez 1985). Their actions are also unmistakably antiurban and anti-Lima. Calculated acts designed to provoke established authority, they create severe stress among the nonmobilized Indian and *cholo*¹⁷ peasantries. Nevertheless, it was the Sendero's attacks on Lima and the representatives of creole culture that aroused national passion. They assaulted political headquarters with machine guns and dynamited electric powerlines. On 27 January 1983, eight Peruvian journalists from Lima were killed by peasants in Uchuraccay who feared both the Sendero Luminoso and government forces (Vargas Llosa 1983; Bennett 1984).¹⁸ What really got the government's attention was the blackout of Lima at precisely midnight, New Year's Eve.¹⁹ Whereas provincial deaths of Indians and others were lamentable, discomfort in Lima was intolerable. Sendero Luminoso's political and military actions led the government to conduct a sweep of the 432 *pueblos jóvenes*²⁰ to round up the "subversives" and declare a state of emergency in the Ayacucho region, suspending individual rights and guarantees of the constitution.

The question for many is why should a movement like Sendero Luminoso act with terrifying vehemence against the vulnerable population everyone assumes to be the intended beneficiaries of protest? There are many possible answers that stem from political philosophy and strategy. Whatever the political reasons underlying the capricious killing of defenseless peasants, they are rooted in an ethnocentric racist attitude that devalues Indian life on another scale of priorities. The majority of the national leadership of Sendero Luminoso was employed as university teachers in Ayacucho and belonged to the social group identified as whites or *mestizos* (Bennett 1984:30). Their principal supporters include those whose frustration is greatest and whose personal hopes for progress were at one time the highest: they are persons from the region's villages and towns of the social category of acculturated "ex-Indians" known as *cholos*.²¹ In the countryside cadres of Senderistas attempt to play off community against community, person against person, taking advantage of old factions, hatreds and conflicts: a record of bitter intercommunity conflict that plagues Andean social relations in a contradictory milieu of promise and betrayal (Dobyns 1970:49-68; CIDA 1966; Isbell 1978). There is little doubt that the

Senderistas have succeeded in winning widespread support by tapping the veins of alienation that reach every hamlet. Thus the Indians are converted into the guinea pigs of revolutionary experimentation.

The armed forces charged with holding the line against rebellion is led by the highly mobile military middle class, possessed of values that support the dominant strata of society and accept anti-Indian and ethnocentric attitudes. Negative views of Indians as inferiors permit a policy that finds no inherent difficulty in massacring the ethnic peasantry. To explain the behavior of the lower ranks of the armed forces—either police, army or special forces—one must see these men as self-selected participants in Peru's pervasive, nationalistic military culture that offers enormous advantages to those who use it for socioeconomic advancement while accepting orders in unquestioning fashion.²² On the other hand, the program of military conscription is explicitly aimed at immersing naive Indian youths into the steamy cauldron of radical nationalistic military culture which is thoroughly anti-Indian.

Another dimension to Peru's military culture is the notoriety and awe the public holds in regards to the various special force units such as the *sinchis* whose supremacho image as a fearsome counterinsurgency force owes much to the Green Berets tradition taught in the Inter-American Military School in Panama under US sponsorship. It is an elite force with special license to act beyond the range of normal units. In Ayacucho it was grossly uninformed about the region to which it had been sent, and disrespectful of its peoples (Vargas Llosa 1983:22-23; Bennett 1984:29).²³ The draftees, on the other hand, are largely urban poor and provincial youth, of whom large numbers would be considered as Indians or *cholos* whose traditional servile and unquestioning acceptance of authority makes them ideal, unsophisticated footsoldiers. Their provinciality of outlook and lack of any sense of pan-Indian, social class or highland cultural solidarity, lends itself to a certain freedom from constraint when assigned elsewhere.²⁴

In the emergency zone Sendero forces have "liberated" several districts and, de facto, govern them. Caught between the lines, Indian and *mestizo* villagers are subjected to capricious imprisonments, massacres, searches, murder and general abuse as both sides seek to win their erstwhile support or obedience (Amnesty International 1984:3-10). Although total figures for the numbers of persons affected by these acts cannot be known, it is probable that most of the victims have fallen at the hands of the armed forces whose actions have, despite attempts to cover up details, become public information. Over 1,500 women, men and children have disappeared (Amnesty International 1985). Approximately 6,000 persons have been killed outright. Sendero Luminoso is believed to be responsible for about 2,000 of these deaths and the army for the rest, leaving over 4,000 orphans behind with little prospect of support.²⁵ Thousands of families have lost access to their fields, had crops and animals destroyed and houses sacked, generating a massive migration of Indian peasants to Huancayo, Ica and Lima. The number of refugees as of August 1985 was estimated at 24,000.

The discontent and cynicism bred of three decades of insincere political promises, inept regimes and disaster well serves those who champion the theory of blaming the victim for the ills of society. Indians and highlanders in general have long been singled out as a primary drag on national development, constituting for many a *mancha india* (Indian blot) on the nation even from radically different political perspectives (Bejar 1966:38; Webb 1975:79-111). For the urban-based intellectual middle and upper class leadership, the Indians pose a constant problem, just as they have since the conquest; they must be brought into line to conform with the metropolitan ideas of the state and, in effect, disappear as a unique cultural group. Thus a former guerrilla leader can advocate a policy for the future advance of revolution through instrumental tactics to make the guerrilla cause and method "one with those of the peasantry" (Bejar 1969:118). Later, with proper leadership, one can "carry the peasant[s] on towards [their] higher objectives" (Bejar 1969:117) in order to "assure national integration based on the community of interest of the entire people" (Bejar 1969:127). The other less lofty method of solving the "Indian problem" is to eliminate those who culturally and racially differ from the ideal national model for the persona and behavior of citizens.²⁶

The premise of both sides is the ethnoracist assumption that Indians as such are not only expendable, but indeed, as culturally discrete populations they are not part of anyone's national model society. The issue of ethnocide can therefore be subsumed under higher priorities. The experience of cultural minorities in nations around the world confirms this conclusion (Maybury-Lewis 1984). Indeed, the Peruvian situation, like that of Guatemala, has taken the Indian people from the shadows of oppressive neglect and general disrespect and cast them as the enemies of state interests and integrity. As the objects of such attention, the Andean peoples will not be permitted the protection of their remote valleys. Human rights and peaceful solutions to the "Indian problem" are not on the protagonists' agendas.

Guatemala

In the case of Guatemala, where the Mayan peoples constitute a majority of the national population (see Table 1), the issue of cultural rights and survival is raised to an even more lethal degree. For the past three decades the Mayans have suffered increasing levels of active persecution by conservative ruling forces who view Indians at best as a cultural embarrassment and an impediment, if not a threat to national unity. The Mayan peoples of Guatemala are divided into numerous ethnolinguistic subgroups²⁷ who occupy hundreds of villages throughout the *municipios*²⁸ along with the Spanish-speaking Ladino Guatemalans who live among them. The Mayans and the Ladinos remain segregated, however, and each Mayan group within its area dresses, speaks, worships and lives in distinct ways. The colorful and ancient village traditions so prominently exploited by tourist advertising are tightly organized communities whose citizens owe allegiance first to

their municipal leaders and culture (Wagley 1941; Gillin 1951; Reina 1966; Moore 1973; Hinshaw 1975; Warren 1978; Sexton 1981). Their social and political segregation, although encouraged by the national system, also represents a continuing response to the original conquest and domination, a mechanism of protection in a state that offered none. Despite their subordination and exploitation by the Guatemalan national system, the Mayans are in many ways the system's most critical part (Adams 1970).

Since the interventionist coup d'état engineered by the Central Intelligence Agency in 1954 (Lateber 1983; Immerman 1982),²⁹ the Guatemalan government has faced an intermittent civil war among the Spanish-speaking Ladino population. This struggle has involved different factions of the army, the oligarchy and several factious guerrilla organizations such as the Rebel Armed Forces (FAR), Guerrilla Army of the Poor (EGP) and others operating in different areas of the country. In 1982 the four guerrilla movements formed the Guatemalan National Revolutionary Unity coalition together with various exiled groups to jointly oppose the government (Fried et al 1983:326-333).³⁰ For the most part, the guerrillas have operated alternately in urban and rural areas attacking government forces and installations, and hiding in the remote areas. They have also attempted to use Indian populations for support and whenever possible to mobilize them. The government response to this pattern in the last seven years is marked by severe and cruel actions by the army in an attempt to coerce Mayan villagers' support or to remove them physically from guerrilla influence. The Mayans have either been captured for political use or eliminated from contention. The cost is the disruption of Mayan cultural and economic life which threatens the survival of many ethnic groups themselves (Cultural Survival 1983). Only the Spanish conquest equalled this devastation of holocaust proportions. Expert attempts (Krueger and Enge 1985; Americas Watch 1984a, 1984b; *Guatemala Church in Exile* 1985) to document this calamity estimate:

- As many as 70,000 persons killed or "disappeared" (1 percent of the national population)
- Over 50,000 Mayans forcibly relocated in "model" villages (.007 percent of the national population)
- 900,000 men required to serve in a government "civil patrol" system to enforce political control (12 percent of the national population)³¹
- Approximately 500,000 Mayans displaced from their communities within Guatemala, or in exile in Mexico and the US (6 percent of the national population)³²
- Between 100,000 and 200,000 children who have lost one or both parents (1.3 to 2.6 percent of the national population)

Compared to similar experiences elsewhere, the extent of the impact of these statistics are inordinately tragic.³³ For example, casualties in the more publicized civil war in El Salvador do not approach those of Guatemala in numbers. This calls attention to the fact that Indian deaths do not "make

good copy" in the media (personal communication, wire service reporter in Nicaragua 1984).³⁴

The documentation of impact on specific villages, cultures and peoples is now well established. Paul and Demarest (1984) have shown how local factionalism and jealousy were incorporated into death squad activity in San Pedro La Laguna; Falla (1983) reported the massacre of 302 women, children and men on San Francisco farm in Nenton, Huehuetenango, in 1982. Extensive detailed regional compilations listing events, deaths and reactions are to be found in Krueger and Enge (1985). The global effect of this literature is depressing on many counts, but several aspects seem to distinguish it from other areas.

The far-reaching impact of delocalization on the Mayan peoples, apart from the fact that so many thousands have left the country or migrated to Guatemala City to live in squatter settlements, also includes the ongoing army program to reorganize village life. The surviving populations of the ravaged Mayan settlements are regrouped into new, military camp-like hamlets where they can easily fall under the surveillance of the army and police. The decree that sets forth the "Law of the National System of Interinstitutional Coordination for Reconstruction and Development" establishes new settlements under military command to promote "development" (*Guatemala Church in Exile* 1985:14-23). These "model villages" are intended to serve as development poles or centers of regions from which development activity would emanate as directed by the army and cooperating government and international agencies.³⁵

The erstwhile model villages are temporary camp-like affairs that cluster together the survivors and remnants of decimated communities on an uncertain land base for agriculture (Krueger and Enge 1985).³⁶ Added dimensions of cultural stress in the development poles are the deliberate attempts to alter the symbolic foundations of Mayan life as expressed in religious belief and to abet the practice of traditional agriculture by creating a dependence upon food assistance allotments administered through the World Food Program and the government. The general conditions, capricious military management, coercive atmosphere and weak technical assistance seem designed to promote the kind of social stress and cultural breakdown documented in disasters and refugee situations elsewhere (Hansen and Oliver-Smith 1982) and calculated to promote the initial steps of a revitalization process (Wallace 1956) rather than to resolve cultural disorientation.

As in early colonial times, Mayan society is again being tested. As the collective foundations of its cultural integrity are being purposefully destroyed, ethnocentric ideological policies are being implemented by conflicting political forces. In this struggle between the conservative elites and military on the one side, and Marxist revolutionaries on the other, the Mayan peoples are caught as pawns on the frontline. How as a people they fit into the future visions of Guatemala held by either side is unclear.

Conclusions

The ethical obligation today of anthropologists is not only clear, but also demanded by the visceral urgency of human need among the peoples we know best. What is the role of anthropology vis-à-vis human rights issues in the Americas? The application of anthropology in this regard needs to start with active commitment to priorities that are significant to our research populations. Anything else is crassly self-serving and cannot, in my view, produce a vital and responsible contribution in either scientific terms or practical ones.

As virtually the only scholars who consistently work in the field with tribal and ethnic peoples and among the peasants and urban poor, our contributions are critical to (1) understanding their cultural systems, including economic, political and social relations; (2) documenting the conflicts and problems that involve them; (3) analyzing the broad systematic processes that affect them; (4) serving as a voice, broker, consultant and advocate where requested, useful and necessary (especially to pertinent state authorities and decision makers); and (5) providing public information about situations normally bypassed by the media.³⁷

The issue of human rights in Latin America is much broader than the specific cases discussed earlier: portray of course, because the disputes over political persecution, freedom of speech, unjust incarceration and torture may affect other sectors as well. The central concern of anthropological interest unfortunately is all too often downgraded to the point of oblivion by the other social sciences. The ethnocentric stance of governments and strident nationalists seems to be shared by epistemocentric disciplines when the rights and conditions of Native Americans arise. Apparently the academic abstract character of traditional anthropology has not succeeded in conceptually raising the human worth of natives to the same levels with which we regard ourselves and our "civilized" kind.

The cases presented without exception involve the struggle of native peoples to gain a footing in their respective countries that entitles them to fair and unprejudiced treatment before the law as members of culturally distinct groups. Until this issue is resolved, Native American societies will continue to exist as "Indian Gulags" in each state, and more generalized aspects of political and religious persecution, personal abuse by state authority and other infringements of human dignity and life that inevitably arise as political and economic tides change, cannot be fully addressed. The cultural rights of people in much of Latin America are more profound and complex than even the heinous torture of social and political protesters.

If there is an anthropological role in addressing the issue of human rights in Latin America, it is where human rights (or their abuses) are a function of cultural status. The preceding cases demonstrate the levels to which cultural discrimination may go, and how this is translated into ideological conflict that denies the importance of cultural differences by viewing them as artifacts of political economy alone. Resolutions to these perpetual conflicts

must be found in the acceptance of a culturally pluralistic model of the state that sets human well-being above a particular ideological or cultural conformity as defined by the state. This is a first step in developing peaceful institutional mechanisms that can replace traditions of violence and abuse of human rights. Achieving this goal is a transdisciplinary task, but one in which anthropology must be engaged.

Notes

¹When such acts occur between members of different states acting in the name of the state, they are called war. Analytical discussions such as Fein's review of the *Scenarios of Genocide* place them in a useful theoretical construction for understanding collective repressions and annihilations.

²The *Oxford English Dictionary* (1971:421) defines citizen as "inhabitant of a city or often a town; esp. one possessing civic rights and privileges . . . a member of a state . . . entitled to full protection in the exercise of private rights."

The value of citizens' rights and privileges of course has been a conscious factor in state theory and policy from the earliest times and intimately part of Western culture since the emergence of Mesopotamian states. Classical Greece and the Roman Empire, whose mantle of citizenship was perhaps the most coveted status attribute of its era.

³This rationale is classically expressed in the common view, "It's the only thing they understand."

⁴State policies toward Indian populations as major human rights issues for some of the principal countries they discuss, Peru, Mexico, Nicaragua, Chile and Venezuela, are never broached in the treatment of human rights.

⁵A contemporary review, *Modern Day Bolivia* (Ladman 1982), attempts a serious analysis of that embattled, pluralistic nation with virtually no mention of the Quechua and Aymara peoples who constitute about one half the population. Scattered throughout the book are but eight (partial) pages of often ill-informed discussion of change-resistant Indians. Language issues, cultural variations in economic practices, social values or anything else cultural that influence national unity or effectiveness are not mentioned.

⁶The dominant positions in social science according to Silvert derive from Utilitarianism and Marxism, which do not accept the neo-Kantian premises of cultural theory associated with anthropology (Silvert 1977:61-62). It is interesting to note the present trends in anthropological Marxism, which have striven to emulate those of Latin American scholars (Silvert 1977:62), now attempt to reconcile traditional Marxist viewpoints with cultural anthropology (Kosenberry 1984; Worsley 1985; Wolf 1984).

⁷Despite the fevered character of motions and resolutions annually passed at the American Anthropological Association business meeting, we have made it abundantly clear over the years that the discipline is against torture, "disappearances," murder and all forms of human abuse. In contrast, the Society for Applied Anthropology rarely, if ever, makes public pronouncements on human rights subjects but has through letters of protest and liaisons pressured governments in specific cases.

⁸See the various publications of the Institute and its journals, *América Indígena* and *Boletín Indigenista* as well as the concomitant publications in Peru, Guatemala, Venezuela and elsewhere. For Mexico, see the many writings of Gamio, Saignes, Caso and Aguirre Beltrán. Marzal (1981) has published a useful review and comparison of the Indianist movement for Mexico and Peru.

⁹Only those Mapuche living on the reservations are included in the census.

¹⁰Strong racial biases against blacks were commonplace in Central American countries that controlled the movements of blacks within their borders (as did Costa Rica until 1948) or limited their access internationally (as did El Salvador through the 1950s).

¹¹There have been several Miskito political organizations. In 1973, ALPROMISO (Alliance for Progress of Miskitos and Sumus) was formed to be replaced later by MISURASATA (Miskitos, Sumus, Ramas and Sandinistas working together) in 1979-1980. This group subsequently divided by an antigovernment faction called MISURA (Miskitos, Sumus and Ramas) headed by Brooklyn Rivera and Stedman Forth, merging with the main *contra* force, the FDN (the Democratic National Front) funded by the CIA. In 1983-1984, a new, more widely based organization was formed, MISUTAN (Organization of Nicaraguan Miskitos) which began a rapprochement with the Nicaraguan government. In 1985, the CIA assisted in reorganizing MISURA under the name KISAN, which became affiliated with the United Nicaraguan Opposition (UNO), the new overarching *contra* organization guided by the US State Department. KISAN, however, was divided into two groups: "KISAN for War" and "KISAN for Peace," the latter being the larger and working to end the strife. KISAN for Peace reached an agreement with the Nicaraguan government on 15 May 1986 (Butler 1986:23-25).

¹²There are many analytical and descriptive works on Peruvian migration and related patterns of social mobility affecting the Andean peoples. Those indicated here cover a wide spectrum of situations and processes over time.

¹³Since the mid-1950s many programs and projects aimed at development have been established in Peru. These in turn feed the demand for change. Many highland communities wanted to "do something like Vicos or Kuyo Chico" (Holmberg 1960; Núñez del Prado 1973; Dougherty 1987), the government-university-backed applied projects that they had read and heard about through news bulletins sent by the Indian Affairs section of the Ministry of Labor. The Indian Affairs section operated the National Program for the Integration of the Aboriginal Population (PNIPA) sponsoring the Kuyo Chico project in Cuzco and others in Puno, Pasco and Ayacucho in the late 1950s and early 1960s. In the latter two areas PNIPA community projects were unsuccessful.

¹⁴Authors' translation.

¹⁵Although Peru turned elsewhere for foreign assistance, the loss of US support was a severe blow, both in direct financial terms and symbolically. Peruvians widely interpreted it as the definitive display of imperialistic sour grapes and the true color of US interest in Peruvian development.

¹⁶This devastated the Department of Ancash and surrounding areas, killing almost 70,000 and leaving over a half a million persons homeless. This remains the largest natural disaster in western hemisphere history. The correlation of such disasters to major national changes must not be overlooked as the cases of Nicaragua and Guatemala reveal. International assistance was massive but the impact on Peruvian government operations, personnel assignments, infrastructure investment and general organizational stress was enormous. US aid was renewed to assist relief and recovery, but remained focused on the disaster zone.

¹⁷A social category normally used to define persons of mixed Indian and mestizo identity.

¹⁸What really happened and why is extensively debated, but for our purposes here, the fact that it occurred is the critical matter.

¹⁹According to Rodrigo Montoya, it was "revolution by blackout" (*apagón*) ("The Sendero Luminoso," public lecture at the University of Florida, April 1985).

²⁰The euphemism for *barrada* or squatter settlement introduced by the Velasco regime (1968-1975) to upgrade the image of two thirds of Lima.

²¹See McClintock's (1985) summation of the movement's growth from classroom to village.

²²The military system of Peru includes numerous perquisites unavailable to nonmilitary peers, such as schooling for one's children, special hospitals and medical care, well-endowed consumers' cooperatives, educational opportunities and early retirement schemes. None entail any real risk of going into serious warfare. It is a quasi-socialism that guarantees well-being for the membership while, in effect, denies such opportunity to others. In some ways the military is itself an ethnicity, a nation within the nation, with its own values, and sense of identity and goals.

²³Eyewitnesses to sinchi behavior in the city of Ayacucho recounted tall, muscular soldiers wearing t-shirts emblazoned with the totems of their units, bullying people in the streets for no apparent reason, pushing Indians to the ground and against walls for rough "searches" (personal communication, José Sabogal W., Luis Deusula).

²⁴One Indian conscript I knew rose to the rank of sergeant in the army and was assigned to a detachment in Huancayo to protect a presidential candidate, Gen. Manuel Odría. During events there, rioting occurred. He won a medal for ordering his squad to fire on unarmed, protesting peasants. When asked why he did it, he said that protecting the General was simple loyalty and he felt no attachment to the peasants whose complaints were essentially identical to those of his own community.

²⁵This situation approximates the pattern found in Guatemala (Krueger and Engle 1985).

²⁶Undesirable can of course be used before being discarded. In the colonial era, the infamous *mita de mitas* (draft labor for mine work) accomplished this goal, significantly depleting the native population over wide areas of the Andes, especially that which supplied forced labor to the "mine of death" at Huancavelica in the area that today is in the midst of the terror zone. There are numerous contemporary examples such as in Guatemala where Indians are employed in the cotton fields.

²⁷These subgroups include the Mam, Ixil, CachiKel, Quiche, Kanjibol, Pocomam, Tzutujil and Kekchi speakers. There are, however, some 23 different Mayan groups in Guatemala.

²⁸Municipios are political and cultural districts with appointed and elected local authorities. This well-documented event staged on the premise of saving the hemisphere from communism by the Dulles brothers and the Eisenhower administration was little more than a crass return to the old practices of classic gunboat diplomacy long practiced in Central America by the US. The chief beneficiary of this act was the United Fruit Company whose vast land holdings in Guatemala had been partially affected by what in retrospect was a rather mild land reform instituted by the elected Arbenz government.

²⁹Fried et al.'s work provides a useful chronology of recent events. Although rebel strategies change over the years and concrete information about their actual activity is sketchy, the complex history of the guerrilla movements and the various government regimes can be gleaned from the extensive recent literature that includes helpful newsletters such as the *Central America Writers Bulletin*, *Guatemala Church in Exile*, *Update* and others.

³¹All men between the ages of 18 and 60 in designated areas are required to participate. Failure to "volunteer" for patrol duty may lead to being classified as a "subversive" and subject to harassment, "disappearing" or incarceration. Such punishment guarantees high levels of participation.

³²Some estimates double this figure.

³³The German Jews slaughtered by the Nazis in the Holocaust were about 3 percent of Germany's population. The 57,000 US soldiers who died in Vietnam comprised less than .0002 percent of the population. All US dead and wounded in World War II constituted .005 percent of the population. The Guatemalan Mayan victims far exceed these proportional rates. The equivalents in 1980 US population terms would show 2.2 million citizens dead, 1.5 million relocated, 27.1 million conscripted into civilian patrols and 13.5 million refugees.

³⁴According to the same source, at least five Indian deaths equal one white death in Latin America, while one US journalist's death is worth about 1,000 local deaths in terms of media interest.

³⁵In this plan one hears echoes of the United States' "strategic hamlet" policies in Vietnam. Finance, planning and technical support for this program comes in part from the Israeli and Taiwanese governments and USAID (*Central America Report* 1984a, 1984b; Krueger and Engle 1985). Israel has been Guatemala's principal military supplier and consultant since the cutoff of US military assistance in 1977. Argentina's military dictatorships provided technical assistance in security and military procedures. Argentine aid has now been stopped by the Alfonsín government.

³⁶The titling procedures as documented are dubious, slow or delayed and the land itself is inadequate in many cases.

³⁷If nature can have an aggressive moral champion in the form of organizations like Greenpeace, there is clearly a need for one concerned with cultural rights: we might call it Humanpeace.

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5

The Human Rights of Undocumented Workers in the United States-Mexico Border Region

Thomas Weaver

The worst problem with the whole issue of undocumented workers in the United States is that they constitute a hidden population subject to exploitation, a group of people without protection under the law. Their conditions are unknown and violations of their human rights are invisible to the general public. This essay discusses the human rights problems of undocumented workers in the United States-Mexico border region and reviews the human rights issues reflected in recent legislative reforms. The general problem of undocumented workers is compared with the similar situation of other underground groups.¹

Human Rights and the Underworld

Any person who is part of an underworld subsociety — that is, a member of a group of people hidden from the public eye — is outside the standard norms and equal protection of the law of the larger society. Various examples include participants in the criminal underworld in the United States — the Mafia, outlaw motorcycle gangs, street gangs, prostitutes, sexually abused adults or child abuse victims, all unable to divulge their victimization because of threats or shame. Underground groups develop their own codes, standards of behavior, punishments and rules; in short, they become a subsociety hidden within a larger society.

As long as underground groups keep their activities hidden in the underworld, they are free from the oversight and judgment of the "upperworld," but at the same time they remain outside of the legal protection of the larger society. Their actions only become visible—that is, subject to scrutiny, sanction and protection—when they overtly transgress the codes of the larger society.

Several issues need to be discussed: (1) identifying the requirements and conditions of membership; this relates to discovering the element that creates the bond of secrecy; (2) determining the impact membership has on human rights; and (3) explaining why the underworld society exists and what conditions perpetuate its existence. In the cases of the Mafia and the undocumented worker, it is involvement in an illegal act that renders individuals "invisible" and therefore members of the subsociety. For the Mafia specifically it is involvement in criminal activities; for the undocumented worker it is crossing into and residing in the United States-Mexico border region without proper authorization, a violation of immigration law.

As a member of the underworld, an individual is subject to the vagaries of personal whim and circumstance in the application of the subsociety's rules and regulations. Thus, underground persons can be easily exploited and manipulated because they fear to call upon the authorities of the larger society for protection, in the event that they may have sanctions applied to them or be arrested for crimes or illegal acts they are guilty of performing.

Why the invisible underground society exists relates to the failure of the larger society to provide legally the services the underground society makes available—gambling, sexual outlets and entertainment in the case of the Mafia; and the provision of an easily accessible, cheap, mobile labor pool in the case of the undocumented worker. One of the largest issues, however, is the failure of society to define the human rights of undocumented workers and other members of underworld societies.

Human Rights Defined

Human rights have been addressed nationally and internationally as universal, civil and aboriginal rights, but the specific issues involving non-citizens such as undocumented workers have not been covered. In this connection the following questions must be answered: How are the human rights of undocumented workers different from universal, aboriginal and civil rights? Can special problems be expected with the human rights of undocumented workers that are not covered in the various codes and statements developed to date concerning other types of rights?

Universal Human Rights

The first modern major action in international human rights legislation was the 1948 Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations (UN). It did not have the force of law, however, and in 1976 the Assembly adopted the International Covenant on Civil and Political Rights. This new covenant made the original

proclamation a treaty requiring ratification and legal obligation by signature states. By 1983, 77 states had signed and ratified the document (United Nations 1978; Humana 1983:18-23). Although the human rights issues that most interest anthropologists are those that concern aboriginal groups, the human rights principles that most apply to undocumented workers are those that apply to nonaboriginal peoples—the Universal Declaration and the International Covenant.

Some of the rights stipulated in both documents include the right to self-determination, regardless of such distinctions as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Others include the right to life and to equal access to courts and tribunals, presumption of innocence until proven guilty, rights applicable to persons sentenced to death, and freedom from torture, cruel, inhuman or degrading treatment or punishment. Also prominently listed are: freedom from slavery or servitude; rights to liberty and security of person, to be informed of charges upon arrest and to counsel in such matters; freedom of movement and choice of residence, to leave any country and to enter one's own country; freedom of thought, conscience, expression and religion; freedom to hold opinions without interference and to peaceful assembly; right to privacy, to protection of the family unit and to a consenting marriage; right to take part in public affairs, to vote and be elected and to public service; right to one's own culture and to equal protection under the law; and rights of children.

Human vs Civil Rights

Just as statements on human rights serve to define and guarantee rights at the international level, civil rights serve the same functions internally at the national level. The US Commission on Civil Rights was created for this purpose in 1957 and is responsible for the following duties pertaining to preventing denials of equal protection of the laws based on race, color, sex, religion or national origin:

Investigation of individual discriminatory denials of the right to vote; study of legal developments . . . appraisal of the laws and policies of the United States . . . maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections . . . [submission of] reports to the President and the Congress (FSAC 1977; Report 1959).

Some of the commission's concerns are reflected in its reports and hearings. Also indicative is the Library of Congress list of the following subjects under the title of civil rights: due process of law; trial by jury; equality before the law; free choice of employment; liberty of contract; employee rights; political rights; religious liberty; privacy of property; freedom of information, of the press, from searches and seizures, from unlawful detention of person, from sexual harassment and discrimination, and of association and of teaching; and right to counsel, to a speedy trial, to petition and to education. The commission's jurisdiction does not extend to international human rights issues, but how well the commission carries out its work

reflects on the sincerity of US foreign policy concerning human rights issues and the vigor and energy with which it will support international human rights.

Aboriginal Human Rights

Of greatest interest to anthropologists have been those rights activities concerning aboriginal peoples. Human rights statements centering on indigenous peoples include the Declaration of Barbados in 1971, the Declaration on Human Rights by the World Council of Indigenous Peoples in 1977 and the UN Declaration and Program of Action to Combat Racism and Racial Discrimination in 1978.

These human rights declarations derive from a concern for the plight of aboriginal peoples who have lost their lands and other rights through encroachment by colonizing powers. The Declaration of Barbados, for example, calls these acts to the attention of the world and stipulates the various responsibilities of the state, religious missions, anthropology and of Indians to agents of their own destiny. The UN Declaration calls for states to recognize the cultural rights of indigenous peoples in such matters as the right to select the names by which they will be called, to speak their own language, to education and information, to determine their own economic futures, to develop kinship and other relationships within their own territories and to promote international representative organizations. The World Council of Indigenous Peoples affirms the rights designated in these other documents and reserves for indigenous peoples the rights to self-determination, to recover land, to occupy land collectively, to organize and administer land and resources, to make laws to protect these rights, to secure funds for these purposes, to exchange scientific and technical information, to receive international subsidies, to receive respect for indigenous culture and to have their own culturally based education in their own language.

An Anthropological Perspective

The Universal Declaration and the International Covenant create problems for anthropology's theoretical framework, especially with the concept of cultural relativism, which states that a cultural system is adaptive over a period of time, that societies develop the cultures most successful for their environments and that this adaptation, whatever the activity or behavior, must be judged on what it does for the society in question and not for that of the observer. A careful reading of these documents reveals the cultural values that underlie the societies of the writers of the statements: the statements reflect the imposition of a Western model and definition of human rights on the world.

For the culturally relative anthropologist, this imposition raises a number of questions. Must all societies conform to this Western-biased declaration of human rights? What about societies that are dominated by oligarchies, selected social classes or groups, kings, privileged classes or men? Must all of these varied cultural systems of adaptation be dropped or modified in the

name of a code of universal human rights that is the product of modern cultural adaptation – Western civilization? Or are there, in fact, universal human rights? If so, then is it not the human right of other societies to participate in the drafting of such a universal bill of rights?

Another problem involves distinguishing between the ideal and the real, and the matter of selective enforcement. There is much to desire between what is said about rights in any society and what is done, investigated and enforced. Enforcement is usually selective and based on internal, often implicitly understood codes of hierarchically organized peoples that designate people of color or devalued occupations at the bottom. Thus, the problem today is not a matter of definition or exhaustive description, but of uncovering and correcting the problem through enforcement.

The Rights of Undocumented Workers

Having briefly surveyed the rights of aboriginal and citizen groups in the Western world, allocating a place for the rights of undocumented workers remains necessary. Most undocumented workers are poor, rural people from countries representing Western civilization, with a few indigenous people among them. Are undocumented workers entitled to free passage when they violate another country's laws? Are they entitled to vote or run for office, or to representation in that foreign land? Obviously not. It is not as citizens of a particular country that the rights of undocumented workers must be guaranteed, but as citizens of the world; at the same time undocumented workers are entitled to protection under the laws of the land of passage or residence, just as a citizen of that land. The undocumented workers' rights include everything except for certain rights reserved for citizens such as voting, holding office and related activities.

Use of "Illegal Aliens"

In the United States, people widely disagree on the label that should be applied to the subject of this essay. Although the phrase "illegal aliens" pervades literature on undocumented workers, especially in legal and public agency references, many object to the phrase on humanitarian and human rights grounds. Vilma Martinez, past director of the Mexican American Legal Defense and Education Fund (MALDEF), contends that

by calling people illegal aliens, they refuse to look at the fact that these immigrants are here doing honest work, taking care of all of us, our yards, our restaurants, the hotels, our homes – our very own children, our own beautiful, wonderful, pampered children. It's honest, caring work. And for us to say these are illegal aliens is to miss the goddamn boat (Mendoza 1981:21).

Martinez does not mention but is probably aware that how one labels a people determines how they are treated. Sociologists long ago demonstrated that treatment of persons is related to what they are called. The loss of privileges to persons erroneously labeled mentally ill or incarcerated are the most prominent examples.

The other view is represented by the vice chairman of the US Commission on Civil Rights:

Nothing is more pitiful than a nation which stands helpless and immobilized when it should meet the needs of its own citizens and lawful residents. Yet that is exactly what is happening with respect to the illegal aliens who are coming to this country to seek employment and a better life for themselves. Calling them by the euphemistic phrase "undocumented workers" does not make their entry any less illegal nor reduce their impact on employment opportunities for our own citizens (US Commission on Civil Rights 1980:144).

It is apparent just from the quote above how the use of the label "illegal alien" permeates the attitude that distinguishes the last writer. Whenever possible in this essay the more humanitarian, although euphemistic phrase "undocumented workers" will be used except in direct quotes.

The human rights problems of undocumented workers in the United States-Mexico border region derive from their ill treatment by US citizens including government agency employees. These problems involve issues concerning the conditions of arrival in the United States, exploitation by smugglers, dealings with the Border Patrol, antagonism and prejudice from residents, living conditions and the lack of medical and other services.

The United States-Mexico border area is a long, mostly arid region, nearly 2,000 miles long, separating the developed country of the United States from the relatively underdeveloped nation of Mexico. Extending from San Diego, California, on the Pacific coast to Brownsville, Texas, on the Gulf of Mexico, the region is sparsely populated except for the few towns and cities that dot each side of the border. Even though sparsely settled over the whole region, the inhabitants represent about one-sixth of each nation's total population. The border is open, except for the immediate areas around towns and cities, which are fenced, and the Rio Grande River (known as the Rio Bravo in Mexico), which is mostly shallow and passable throughout the year. The region is under the jurisdiction of the US Border Patrol, a force smaller than the Secret Service unit that guards the US president, and with this small contingent must enforce the immigration laws of the United States.

Exploitation by Smugglers

Undocumented workers from Mexico arrive across the border into the United States under clandestine conditions, usually at night. Transported in uncomfortable, cramped quarters in vans, trucks or car trunks, they often have to pay a high fee to a smuggler. Yet, in addition to their fear of being caught they fear being harmed or exploited by the smugglers. They are often charged amounts ranging from \$300 to \$1,000 depending on the distance contracted for, and are crossed at dangerous places. One such crossing, the Organ Pipe National Monument in the Arizona desert, which no sensible person would try to cross without water and knowledge of the terrain or trails, resulted in 13 deaths in July 1980 (Swinton 1980, 1980a, 1980b). Stories of sexual and monetary exploitation, transportation in crowded cattle trucks or closed vans and corpses found in the desert along the border have been reported weekly or monthly (e.g., *The Arizona Daily Star* 1985, 1985b, 1985c). The smugglers themselves are part of an illegal

underground requiring payoffs to dishonest officials on both sides of the border, and are subject to jailing if the bribe is not sufficient.

Getting caught is one of the most consuming fears for undocumented workers. It is a problem they face every day and a matter that creates great psychological turmoil. There have been instances in which an employer has reported an undocumented worker to immigration authorities to avoid paying wages or as punishment for union activities, although both are illegal. When business begins to fail some employers know they can put off paying undocumented workers because they "fear being deported a lot more than they fear being cheated out of a few weeks of their labor" (Royko 1985). Terms such as *alien slavery*, *alien bondage* and *peonage* have been used to describe working arrangements from Houston to Chicago in the more extreme examples of exploitation of undocumented workers (*The Arizona Daily Star* 1980c; Crewdson 1980a; Royko 1985).

Most undocumented workers, like all fugitives, are night people. They usually cross the border at night and shop and go to town at night while the *Migra* (the US Border Patrol) sleeps. Psychological pressure comes from the constant vigilance and fear of being apprehended or of being ill-treated by the Immigration and Naturalization Service (INS). Limited studies and occasional newspaper reports document these fears. The Texas Civil Rights Commission Report published in 1980, citing studies contracted in two sample areas of the lower Rio Grande Valley, indicated that slightly more than 50 percent of their El Paso sample had been apprehended only once, 17 percent twice, 11 percent thrice and 8 percent nine or more times. The Edinburg-Allen sample indicated that 41 percent had been caught more than once (Texas Advisory Committee 1980:43).

The Border Patrol

Employees of the INS, of which the Border Patrol is a division, are responsible for enforcing US immigration laws. Most agents reportedly do their jobs willingly, efficiently and courteously. But what is duty for the Border Patrol creates fear for the undocumented worker. The threat of harassment by border officials and INS investigations, the threat of expulsion, the necessity to hide and maintain constant vigilance, and the oppression by supervisors and employers, however, are reported in sufficient number to cause concern and vigilance for the human rights of undocumented workers. The sternness, solemnity, occasionally discourteous and sometimes antagonistic manner one can meet crossing into the United States can be frightening, to say the least. Border newspapers often report incidents that range from mere discourtesy to human rights violations (e.g., *The Arizona Daily Star* 1986, 1984, 1983, 1980, 1980b; Becklund 1985, 1984; Crewdson 1980; Hartson 1985; Maish 1984).

Antagonism and Prejudice

Undocumented workers are considered excellent workers who work at low wages under poor working conditions and are thus less of a threat than organized labor union forces. They exist in plentiful supply and are readily available in a market that demands a large, cheap, unskilled labor pool.

Some people believe that the competition from undocumented workers lowers wages and displaces US labor, especially Mexican-Americans and other minority and working-class workers. This situation often engenders antagonism and prejudice from union members and other workers. Labor unions suggest that raising the minimum salary would increase competition in the job market, exclude undocumented workers, raise employment rates for American youth and minorities and reduce welfare payments. Some economists, on the other hand, contend that jobs vacated by undocumented workers would disappear. The lack of cheap labor would lead to industrial adjustments such as automation or transfer of factories to developing countries where available cheap labor will help maintain the ability to compete profitably. Antagonism and prejudice are also created in the schools by teachers, administrators and students. Migrant children achieve at a lower level for reasons described in a later section; some of these factors are lack of participation by parents in school activities and their nonproperty tax-paying status.

Living Conditions

Available but inadequate labor statistics indicate that most of the undocumented workers in the border states and Florida (the Sunbelt) are agricultural or service workers. An estimated 45-50 percent, or about 500,000 undocumented workers, are employed in the agricultural sector. In urban areas of the Sunbelt, most work in the service sector, small industry or the recently growing construction sector.

Unsanitary and unhealthy living conditions present the most serious problems for the undocumented agricultural workers. They live in crowded quarters, often in tarpaper shacks or in open-air camps, protected from the rain and sun with only plastic sheets and tarpaulins. The living quarters lack bathroom facilities and potable water and provide only pesticide-contaminated canal waters for bathing, cooking and eating. One news report in *The Arizona Daily Star* (Kay 1980) described living conditions at a farm near Phoenix as follows:

Sleeping among the trees and bathing in irrigation ditches is an old story . . . no housing, no nearby running water and constant fear of the US Border Patrol . . . rather than walking as far as several miles for a drink, they get it from an irrigation ditch. Sometimes they got truck-hauled water while they worked, and if they were picking in the orchard behind the Bodine field office, they would get drinking water from a spigot at the storage barn.

But it turns out that getting water from the faucets is no better than using water from trucks or contaminated water from the open canals. The Arizona Department of Health Services found in 1979 that the wells at this farm had unacceptable levels of DBCP. This chemical kills nematodes (worms) that infest the roots of fruit trees, grapes and vegetables, and has also been found to cause sterility in humans and cancer in test animals. The citrus workers at this farm also used discarded pesticide containers to haul water and to support mattresses for beds. Heat stroke and skin diseases from pesticide residue on the body are the chief complaints.

Little or no effort is made to inform the workers, to protect them from hazardous conditions or to control the use of contaminated waters. In 1985 an undocumented worker died and others were injured through the prolonged handling of radioactive materials in a Chicago factory. The owner and two supervisors were charged with homicide; two were sentenced to 25 years in prison (Siegel 1985).

Similar conditions were reported from an agricultural camp in Florida (Crewdson 1980c). When the water ran out, workers drank beer purchased from the farm store for 75 cents per can, or "yellowish" canal water. The living quarters had no electric lights. A flashlight furnished the only illumination. Seven men living in one bedroom with three beds took turns sleeping on the floor. Human excrement lined the woods a few feet from the cabin, clear testimony to the lack of toilet facilities. Workers complained about snakes: "They would even attack us at night while we were sleeping."

These conditions persist and conflicts exist between state and federal legislation to protect farm workers. In 1985, the Occupational Safety and Health Administration (OSHA) refused to adopt standards that would require growers to supply a toilet for every 20 farm workers within a quarter mile, as well as hand-washing facilities and drinking water. OSHA felt that a federal standard would preempt state requirements that provide protection in 13 states. Yet this protection covers only two-thirds of the farm worker population. OSHA claimed that existing standards were already as stringent as those it was considering and that they cover farms with fewer than 10 employees, a provision that would be eliminated in the new provisions. Experts called to testify in public hearings maintained that the rate of parasitic disease among US migrant workers exceeded the rate, for example, found among Guatemalan children. Others claim that the farm worker has a life expectancy of 47 years and the highest infant mortality rate of any work group in the United States (*The Arizona Daily Star* 1985a).

Elsewhere, undocumented persons employed in urban industrial and business sectors are reported to live in crowded conditions similar to those in the agricultural sector.

By all accounts, the aliens are not only hard-working, but willing to endure considerable deprivation in return for the privilege: to live a dozen to a room, to sleep in shifts on wall-to-wall mattresses — to do whatever they must do to stretch the dollars they send home to relatives in Mexico (Crewdson 1980b).

Education

Education problems for undocumented workers include difficulty in getting their children admitted into schools, lack of bilingual teachers or discrimination because the children cannot speak English or because as parents they do not participate in school activities or contribute property taxes to support the school system. Coming from a working-class background in Mexico, which has not been exposed to the rigors and discipline acquired from long schooling, compounds the children's problems. As members of migrant farm worker families, they may be moved at the end of the harvest or planting season in search of new work, and thus have their

schooling interrupted. Poor attendance may lead to failing grades or becoming overage in grade, situations that frequently lead to prejudice, ridicule, discomfort, the loss of human rights and perpetuation of poverty into the next generation.

Medical Care

In addition to living in poverty, in inadequate housing accompanied by poor sanitary facilities and receiving poor nutrition and education, undocumented workers lack the barest of necessary medical attention. Due to the toxic pesticides and other chemicals used in agricultural work, they are vulnerable to infections and illnesses. Women especially are subject to urinary infections that result in serious kidney diseases; various genital, parasitic and gastrointestinal infections are also frequent. Not only do these diseases cause problems for the immediate family and working population, but they are often carried between work sites due to the migratory nature of the work. Furnishing potable water, which in Arizona costs only 22 cents per worker, could solve one of the problems. Yet, as one physician has complained, "In Arizona laws exist which protect domestic animals from being left in closed automobiles during summer's extremely high temperatures. But, there are no similar laws to protect farm workers" (Cattian 1985; Wines 1985).

Local, state and federal agencies do not willingly assume responsibility for noncitizens' medical care. Hospitals have policies ranging from admittance only if the person can pay, to a more humanitarian attitude that treats payment as a secondary problem. Many border city hospitals will not turn away a woman who is expecting a child. In 1984 the Arizona Supreme Court ruled that residents cannot be denied free medical care simply because they are illegal immigrants to the United States (Fischer 1984). For the 50 percent of undocumented persons who work in agriculture, little or no medical care is available at the work site; but should they become accident victims or work in urban areas, they are usually treated at emergency stations in most hospitals.

A review of the living conditions of undocumented workers in the United States indicates that life is hard for a person forced by circumstances into this way of life. The conditions under which undocumented persons enter, work and live in this country lead to human and civil rights violations. Among these are sexual and monetary exploitations by smugglers and border gangs, and the unhealthy, crowded and life-threatening conditions under which they are transported into this country. The lack of respect and discourtesy shown by immigration officials does little for creating a good impression of this country; sometimes officials' behavior involves human rights violations. The right to respect for one's own culture, language and self, and the right to freedom from discrimination are mentioned by all the human rights documents quoted earlier. Beyond this is the fact that there are persons from all walks of life who have at some time come as undocumented workers to this country to explore another culture, and not

always because they needed work. Later in life they may have become agency directors, doctors, lawyers, ministers or heads of state, and their impressions of the United States have been formed by their encounters with the Border Patrol, employers, landlords and fellow workers. These people are making decisions today that affect the interrelations between the two neighboring countries. In this sense, undocumented workers will be returning emissaries. What message will they carry?

Equal protection under the laws of the United States means that undocumented workers should not be cheated out of rightfully earned income under the threat of being reported for deportation. The detention and forced work of an undocumented worker under conditions in which he was beaten, chained and kept incommunicado created a sensational story in southern Arizona (*The Arizona Daily Star* 1980d). Another internationally famous case also occurred in southern Arizona: This time several undocumented workers were captured, tied, robbed and tortured by some ranchers who were seeking revenge for vandalism they believed was committed by other migrant persons. The Hanigan case, as it was dubbed, created much notoriety; the story incensed the Mexican public and caused the Mexican government to cease discussions of a guest worker program to emphasize the need to protect the human and labor rights of undocumented workers (Hellsley 1980, 1980a; Belasso 1981:145-147).

Living conditions provide some subtle examples of human rights violations. Employers of foreign workers are responsible for providing living quarters, sanitary facilities, potable water and other living amenities under provisions of immigration and labor laws. But since most of the foreign workers are here illegally and therefore "invisible," employers are able to avoid these costly amenities. Undocumented workers' ignorance regarding entitlement to these services, the need for employment to earn money to send home, the fear and timidity engendered by social class differences and the threat of deportation if they report violations are factors that keep the undocumented worker from complaining.

The problems with medical care and education will be discussed more fully in the section on legislation, since efforts have been made to correct these problems. Briefly, it can be said that the courts of this country have found that undocumented workers are eligible for these services. In Arizona, for example, it is the responsibility of the county to furnish medical care to indigents, regardless of citizenship.

Human Rights and Legislation

It is customary for the laws of nations, including the United States, to provide protection for noncitizens, nonpermanent residents and visitors. Many of the civil and human rights problems described in this essay have been known for some time; through the years, efforts have been made to correct them through legislation, notably in the areas of education, bilingualism and union membership.

Rights to Education

In 1981 MALDEF appeared before the US Supreme Court in *Doe v. Plyler*, challenging the right of Texas public schools to charge tuition and thus to deny undocumented children access to an education. The Court essentially stipulated that undocumented children are covered under the equal protection clause of the Constitution and are entitled to an education regardless of citizenship. MALDEF won again in California in 1985 in a similar case, establishing the same point that charging out-of-state tuition to children of undocumented workers violated their right to a higher education in the state's universities (Cattan 1985a; Savage 1985). In 1973 MALDEF had similarly established the right to bilingual education in *Serna v. Portales*, which not only covered bilingual citizens, but also undocumented children (MALDEF Quarterly Newsletter 1981, *Perspectives* 1981).

Rights to Union Membership

Supreme Court rulings in the 1970s and 1980s upheld the rights of undocumented workers as employees and fully participating members of unions under provisions of the National Labor Relations Act (NLRA). In 1984 the Supreme Court heard a case involving two small leather processing firms based in Chicago, which had been the object of union activities in July 1976. Eight of the eleven employees supporting the union were undocumented workers; five were reported to immigration authorities and deported. The Supreme Court ruled in *Sure-Tan Inc. v. NLRB* 82-945 that illegal aliens are protected by federal labor laws and that an employer may be penalized for reporting undocumented workers to immigration authorities in retaliation for union activities. The ruling, in part, stated:

If undocumented alien employees were excluded from participation in union activities and from protections against employer intimidation, there would be created a subclass of workers without a comparable stake in the collective goals of their legally resident co-workers (Hager 1984).

The Court ruled that it was not against the law for undocumented workers to seek employment or for employers to hire them; nor are they punished for doing so. The fact that the persons in question are in the country illegally does not mean they are not protected by labor laws. A ruling by the NLRB stated that in cases of unfair labor practices undocumented workers could be awarded job reinstatement with back pay.

The New Migration Bill

During much of 1984, hundreds of newspaper articles and editorials appeared discussing the positive and negative aspects of the Simpson-Mazzoli bill, the first attempt to significantly revise US immigration law in 30 years. Although much of the bill addressed long-standing problems dealing with illegal migration to the United States, some provisions raised serious human legal issues and created much controversy among Hispanic, labor and agricultural interest groups. The action represented by this bill had precursors in other attempts in the past decade, in particular the appointment of a Select Committee on Migration in the early 1980s, which produced a report describing many of the issues later debated.

Versions of the bill were approved in the Senate in 1983, and in the House of Representatives in 1984. Joint committee meetings were held during the remainder of 1984 to resolve differences in the two bills. Provisions in the bill included employer sanctions for hiring undocumented workers, mandatory identification cards, amnesty for undocumented workers resident at the time of the passage of the bill, a type of guest worker program and public assistance benefits. Although the bill failed under the pressure of election-year politicking, plans were made to renew efforts for a similar bill in the next session. No sooner had the session commenced when at least two new versions were introduced. A compromise bill was passed in late 1986 that included many of the elements discussed further on.

Prior estimates of the number of undocumented workers resident in the United States ranged from 2 to 12 million. It is clear now that many of these estimates were politically motivated to influence requests for increased border patrol forces or similar purposes. The Congressional Budget Office calculated in 1985 that .75 to 1.75 million persons were eligible to apply for citizenship under the Senate and House bills respectively (*The Los Angeles Times* 1984).

Before the Simpson-Mazzoli bill, the White House had adopted an executive policy in August 1977 that penalized employers of undocumented workers; but the proposal, stalled in Congress, was abandoned, and appears only to have angered Mexican officials. Preliminary statements by the Select Commission on Immigration and Refugee Policy in late 1980 supported imposing penalties on employers hiring undocumented workers, but the commission rejected a proposal requiring a national worker-identification card. Early in 1986 the President's Council of Economic Advisors (CEA) warned that imposing penalties on employers would be detrimental to the nation's economy, although this part of the report was removed from the final draft (*The Arizona Daily Star* 1986a; Pear 1986).

Both the House and Senate bills made it illegal to hire, recruit or refer undocumented workers as employees for a fee; set fines of up to \$2,000 for each such person hired by repeat offenders; and required employers of more than three workers to check identification documents of prospective employees and keep records proving they did not hire illegal workers. Differences between the two bills included Senate stipulations of six months' imprisonment for violators found to have a "pattern or practice" of such behavior and a one-year phase-in period before penalties are assessed. The House of Representatives, however, only called for a six-month phase-in period. The CEA estimated in 1986 that it would cost employers from \$1.6 to \$2.6 billion a year to screen job applicants and weed out "illegal aliens" (*The Arizona Star* 1986a; Pear 1986). The bill requires a secure system that enables employers to ascertain whether illegal workers are being hired, and that workers' documents be tamper-proof and subject to congressional review.

Human Rights Issues

The provision for employer sanctions for hiring undocumented workers

and the requirement for identification cards are two items in the proposed migration legislation that have human rights implications. Hispanic lobbies and spokespersons have complained that the job-discrimination protections in the bill are not strong enough. They have consistently objected to provisions for employer sanctions and identification cards because they would cause employers to shy away from hiring Hispanics or other foreign-looking workers, create police state conditions by requiring constant vigilance and suspicion of workers, provide opportunities for invasion of privacy and increase the potential for discrimination and unequal enforcement against darker-skinned minority citizens.

In Arizona, for example, some undocumented workers were reportedly fired by employers who worried about trouble with the federal government. Another complaint, which was to be filed by attorneys with the Arizona Civil Liberties Union, suggested that some Hispanic job seekers have faced sharp questioning about their citizenship. Vilma Martinez believes that the use of an identification card would not change anything:

The employer sanctions proposal is a sham designed not to address any immigration problem but to appease big business and those who reap tremendous benefits from the labor of the undocumented. They give the impression that employers will no longer be able to hire undocumented workers. But employers will not be prosecuted if they can prove they inspected an applicant's social security card or other identification. Thus, we will have the *status quo*—but with more bureaucracy, more paperwork and the opportunity to discriminate against Americans who "look foreign" (Mendoza 1981).

Ruben Bonilla, president of the League of Latin American Citizens, stated that these provisions provide an opportunity for the invasion of privacy and would erode civil rights and civil liberties. One can speculate that the use of identification cards could result in unequal enforcement by requiring any Hispanic-looking person to show an identification card on demand, but exempting non-Hispanic-looking persons. As in most other cases of the enforcement of regulations and access to the law and due process, it is the dark-complexioned minorities and the lower classes in general who are discriminated against, not because of the law, but because of the underlying prejudices of the enforcer. Nothing different can be expected in the use of worker identification cards (*The Arizona Daily Star* 1980e, 1985d, 1985e; Becklund 1984a; Tumulty 1984).

Policy Recommendations

The migration of undocumented workers is a fact of life. It will continue as long as there exist people who want to work, a wage differential between two countries and industries that require a cheap labor supply. It remains, then, to accept this fact and design programs that will render the situation as equitable as possible for all concerned.

Public attention needs to be called to the human rights plight of the undocumented worker. The major problem is that their invisible status is directly linked to their illegal migration status. Making them visible means

legalizing their presence. This can be accomplished in two ways: (1) pass and enforce the provisions of amnesty and citizenship now being discussed in migration legislation before Congress; and (2) create a guest worker program that will provide workers for agriculture and other employment situations in areas where it is deemed that American workers are not available or willing to work, and where workers do not desire citizenship as part of an amnesty program as indicated earlier. Even those problems inherent in guest worker programs such as those in Europe are better than the current problems concerning undocumented workers in the United States. Another action that would call the world's attention to the plight of nonresidents, relocated persons and undocumented workers alike would be the codification of a human rights document similar to those already present for indigenous peoples.

Summary and Conclusions

This essay has taken the premise that there is an interrelationship between civil and human rights. The case of undocumented workers in the United States poses a special problem in that this population is not entitled to civil rights by virtue of citizenship, but to those rights as part of humanity. Potential areas for finding violations of human rights include the conditions under which they arrive and enter this country. Among these are reported incidents of sexual and monetary exploitations; the unhealthy and crowded conditions under which they are transported; the life-threatening situations represented in the desert environments they must cross and the illegal and sometimes criminal element associated with their transportation; and the lack of respect and courtesy for their language and culture accorded by INS officials and others with whom they come in contact. In several places along the border they have been the object of rape, robbery, assault and murder.² Equal protection under the law means that undocumented workers should get equal treatment by employers and should not be exploited or reported for deportation, either to avoid paying them or as retribution for union activities. Many observers agree that undocumented workers tolerate working conditions not acceptable to citizen workers. Poor living conditions contribute violations of human rights: poor or no housing, unsanitary conditions, lack of bathing facilities, unpotable water, pesticide-contaminated water sources and lack of medical facilities are but a few of these problems.

Legislative actions addressing civil and human rights issues include protecting rights to an education and union membership. Immigration legislation, however, has raised more potential areas for violation than it has addressed solutions to human rights problems. Recommendations for penalizing employers and requiring identification cards have raised objections from civil rights groups who contend that the potential for selective enforcement provided would lead to prejudice, harassment and the human rights violations of undocumented workers and Hispanic-looking persons. Finally, it has been suggested that the most serious problem with undocumented workers is that their invisibility creates a population of underprivileged persons, which prevents extending to them the equal protection of the law.

The major underlying premise behind the anthropological perspective on human rights issues of undocumented workers is that they exist in a broader cultural and international context. From a cultural point of view, undocumented workers live in, work in and are subjected to deficit social conditions that will be passed on to their children because of the milieu in which they are raised, thus perpetuating poverty into the next generation. The international perspective requires viewing the plight of undocumented workers in a pan-human context, which means that migration and the need for cheap labor is not unique to the United States-Mexico situation, and that the human rights of the affected persons relate to similar problems elsewhere in the world.

Notes

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²The most sensational instances of border violence against undocumented workers occurred in the San Diego area (*The Arizona Daily Star* 1980a). This situation became the subject of a best-selling book, *Lines and Shadows* (Bantam Books 1984), by Joseph Wambaugh.

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6

The Dilemma of Cultural Diversity and Equivalency in Universal Human Rights Standards

Jennifer Schirmer

In language and logic we are the prisoners of our premises, just as in politics and law we are the prisoners of our rulers. Hence, we had better choose them well.

—Thomas Szasz, *The Ethics of Suicide*.

Is a common, informed standard of human rights which reflects the contexts of rights and wrongs in different settings and societies possible? Can distinctions be made within that common standard which recognize different kinds of abridgments of rights?

Anthropology and the Cultural Context

Until recently anthropologists have been reluctant to assign different notions of authority, law, justice or morality to established categories of international law and political order. Prior to studying industrial societies, their experience in primitive societies had generally focused on patterns of generosity and reciprocity within a framework of general access to basic resources. This framework included many variations as to who may own and enjoy what and why, who may give to whom, and what is right or wrong. Anthropologists recognize how recent and culturally specific

Western forms of the state and the economy—and their notions of rights and wrongs—are:

It leads us to look at our own society with perhaps an unwontedly jaundiced eye, for we know ours to be only one of many ways of being human, and we know it to have been of but an eye-blink's duration in the totality of human experience, at least 98 % of which has been in small bands of 20 to 150 people, foraging for a living without accumulating goods or power, without elites, without poverty, without soldiers or much in the way of warfare, with scarcely any occupational differentiation, political domination or economic exploitation (Berreman 1980:2).

When dealing with the discourse of human rights, anthropologists—who have been, wittingly or unwittingly, addressing human rights issues for some time—have assumed that rights are to be placed within cultural contexts, or within what Hobsbawm calls “the ancient social language” (1984:310) of reciprocity, community relations and moral obligations. For some anthropologists, the claim that human rights may exist in a domain outside the realm of culture is logically and empirically impossible. For example, in some Plains Indian languages, the possessive pronoun is not used with such words as “bread”; that is, it is inconceivable to these groups that anyone should consider food as something for his or her own private consumption. One may own a horse, yes, but food is for sharing (Edel and Edel 1968:71). Thus for anthropologists, rights exist only when societies claim or perceive them as such.

Recognizing that they themselves are culturally bound (since anthropology arose first among Westerners to explain differing cultural logics), anthropologists may inform us—and human rights standards—more about Western needs and prejudices than about the diverse cultures themselves. But it is both the questioning of complacent assumptions and the contextual emphasis of cultural logics that may prove most helpful in creating standards of commonalities.

... Anthropology has played, in our day, a vanguard role. We have been the first to insist on a number of things: that the world does not divide into the pious and the superstitious; that there are sculptures in jungles and paintings in deserts; that political order is possible without centralized power and principled justice without codified rules; that the norms of reason were not fixed in Greece, the evolution of morality not consummated in England. Most important, we were the first to insist that we see the lives of others through lenses of our own grinding and that they look back on ours through ones of their own (Geertz 1984:275).

Debates about cultural relativity, however, have continued among anthropologists. On the one side stand those who might best be called “radical cultural relativists.” They argue that we should be suspicious of the pretensions of any doctrine of universal human rights because there is such a multitude of cultural forms by which the world is perceived and organized. Universalism errs, they argue, in representing the particular as universal and in assuming that claims about right and wrong may be willy-nilly foisted on every human being from any culture in the world. On the other

side stand those who might be termed “cultural diversivists” or “contextualists.” They are also deeply concerned with cultural context but argue that some commonalities need to be established (or even discovered) for human rights if cultural diversities are to be defended and maintained. Cultural diversivists are similar to the early anthropologists who used the concept of cultural relativity to defend, ironically, the universal principles of racial equality and ethnic diversity.

The fundamental contradictions in the concept of cultural relativity have fueled the debate between these two positions and are reflected in the Statement of Human Rights which the executive board of the American Anthropological Association (AAA) submitted to the United Nations (UN) Commission on Human Rights in 1947. The statement claims that “standards and values are relative to the culture from which they derive” yet recognizes “the hard core of similarities between cultures.” Even Benedict, steeped in relativistic mores, has said,

It is possible that a modicum of what is considered right and wrong could be disentangled [to discover] what is shared by the whole human race (Edel and Edel 1968:27).

Moreover, because of their emphasis on a moral justification and defense of differences, radical cultural relativists, by claiming that the quest for a common morality and for commonalities of rights is itself culture-bound (Herskovitz 1958), have left no basis with which to understand *why* differences exist. If all things cultural are relative, so is any claim that purports to explain or describe these differences (cf. Putnam 1981). In the end, there are only two logically possible explanations available to a radical cultural relativist: one that refers to culturally independent modes of understanding, such as sociobiology (cf. Geertz 1984), or one that does not establish a position but is used to refute other ethical positions—what Ladd calls “destructive relativism” (1963:606).

Nonetheless, the emphasis by both cultural relativists and diversivists upon cultural logics and distinctiveness is an important corrective to the “arrogating of absoluteness” by Western philosophers and human rights standard makers (Kleinig 1981:118). It is this contextualization of rights and wrongs that is the single most important element that anthropologists can offer to the human rights debate. If differences among peoples are recognized as alternative ways of dealing with issues of human rights, then those who are concerned with such issues will know that they can disagree and that there may be more than one appropriate response to human rights dilemmas. Different attitudes about punishment, for example, are not necessarily the result of the absence of ethical knowledge or the ignorance of proper ethical standards. Rather, disagreements usually revolve around how different claims to human rights premise and bound their ethical domain (Ladd 1963:580). Thus, if we suppose cultural relativism is valid in some restricted form—allowing for a variety of differing cultural logics while excluding from tolerance those that are absolutely intolerable, such as Nazism (which is also found in the AAA’s Statement on Human

Rights) — then we may begin to develop a sufficiently common ground to enable comparable but not necessarily congruent judgments to be made.

The claim by both radical cultural relativists and diversivists that all lifeways, especially those of isolated groups who are particularly vulnerable to the “evils of Western expansionism,” must be protected affords us an opportunity to sort out the commonalities of cultural logics among anthropologists and human rights universalists. This claim parallels the classical liberal theory of Rights of Man as delineated in the UN Universal Declaration of Human Rights, which locates groups (such as women, blacks, workers, migrants and refugees) who have special grounds to claim better conditions for themselves, and which provides them with a universal justification for doing so. This claim merges a moral justification for differences with social action to defend those differences.

... Social change has brought social science and social action more closely together; withdrawal now has political implications ... (Bennett 1949:334).

Cultural relativism, in this sense, anticipated the doctrine of self-determination among indigenous peoples. For example, opposed to the image of those who are different as irrational, unproductive and non-Christian (because they have not developed their economic and natural resources), anthropologists have argued for native rights to economic autonomy regarding land and resources, often against international tourism and development. Conversely, anthropologists (and particularly legal ethnographers) have asked why mechanisms of non-Western societies are so underdeveloped in Western society today. Perhaps the international legal community has much to learn from societies where a philosophy of compromise predominates over moral and legal absolutisms — one person-one vote, winner-take-all, guilty/not guilty, fault/no fault, to tell the truth, the whole truth ... (cf. Nader et al. 1966).

The Anthropology of Lawmakers

The cultural logic of late twentieth-century liberal humanism, central to the universalist doctrine of human rights, is based on classical liberal theory of the late eighteenth century in Western Europe. Its specific view of human relations is historically novel in that it considers rights as belonging to abstract individuals.¹ The state, too, is perceived differently than in pre-industrial societies: it no longer has the positive moral obligation to provide certain basic essentials of life. (In England, for example, provision of these essentials was a national legal obligation stipulated in the Poor Law, but was later abolished in 1834 [Hobsbawm 1984:308].) Thus, within this cultural and legal logic, rights do not exist in the minds of communities of women and men as particular sets of beliefs about the reciprocal nature of social and political order (as in many primitive societies); they are rather a set of abstractions of political-legal institutional guarantees to a particular class of citizens (primarily those with relations to the state).

Rights within this context become moral assertions related to a particular cultural setting and serve to advance a political order congenial to

capitalism and in which the private enterprise of the individual is unbureaucratized, denied of economic and social obligations. As “efforts to legislate conscience,” human rights represent the final reduction (and perhaps confusion) of morality to legality. Thus, they are the antithesis of custom in primitive and preindustrial societies in which custom is social morality (Diamond 1977). With such rights, the assumption is that what *is* right precedes, transcends and is separate from action, thereby creating the need for law — the institutionalization of right. In custom, morality and action are defined reciprocally; each is a part of the other and neither is abstracted.

The fundamental question for those who make human rights standards is to what extent do we press our own cultural logics and moral views on others and at what cost? Are there areas of agreement among those cultural logics upon which we could begin to build a bottom line of commonalities that could remain open to questioning? Obviously, these commonalities need to be kept general, as is the present Universal Declaration of Human Rights. Yet we also need to keep in mind that although the form may be universal, its meaning and use may vary enormously. For example, certain general features of human life require acknowledgment whatever a person's cultural setting: basic welfare of bodily health, material security, social relations, opportunities for the development of a cultural and moral life — all those aspects of life that allow one to be human. Both universalists and the cultural diversivists recognize the need for such a common basis, although they may differ as to how and on whose terms these commonalities are to be derived.

We also must recognize that special treatment and support need to be granted to groups that are more vulnerable than others, such as indigenous peoples. Abstract rights, in these cases, are too often rights not realizable in practice because “ought” does not imply “can”; that is, everyone ought to abide by the moral principles, but they cannot — rendering cultural relativism irrelevant (Ladd 1963:607). Here is where the calls for moral and legal constraints upon state powers by both the human rights standard makers and by cultural diversivists and contextualists are most crucial, for it is these individuals who are in a position to recognize the immediate, systematic abuse of the powerless by the powerful.

The concern for safeguarding human rights, then, can compel anthropologists to go beyond their often narrow focus of internal community relations and encourage them to deal with citizenship rights and human rights, domestic law and international guarantees, and state and nonstate relations. Anthropology can, in turn, remind those favoring universal standards for human rights that these standards need to be understood within the varying cultural and social contexts through which people define moral action: (1) within one's own society with one's fellow members, (2) with outsiders within one's society, and (3) with outsiders in another society, totally outside one's own.

Are There Equivalencies of Human Rights Violations?

The issue of informing and contextualizing human rights standards by finding positive points of agreement between the cultural logics of anthropologists and human rights lawmakers also raises, in turn, the question of whether internal distinctions can be made concerning the nature, conditions and reasons for violations. The mistaken pluralistic assumption of cultural relativities and equivalencies is that societies are all equally vulnerable and equally powerful within the international political and economic order (cf. Donnelly 1984).

An ethics of violence and class conflict did not enter into [Benedict's] peaceful, democratic perspective (Bidney 1963:632).

Within pluralist claims, all pain and death are made equivalent, but the mores and weapons of aggression are rarely the same.

There is surely considerable difference between the effects of imaginary cannibalism (as among the Tiv), and organized machine-gun fire in urban warfare (Edel and Edel 1968:60).

Without making distinctions, extermination and genocide are seen as equivalent to primitive warfare, infanticide, cannibalism and head-hunting. Given what powerful states can do to the powerless, both internally and as colonizers under the ruse of progress, should new technology and development (Davis 1977; Bodley 1975) – not to speak of outright warfare – be equated with the actions of less powerful and often marginalized groups? Or should there be different standards for the powerful vs. the powerless (nuclear extermination), the powerful vs. the powerless (genocide), and the powerless vs. the powerless (head-hunting or infanticide)?

The necessity for distinctions based on social and cultural contexts becomes clear when the issue of permissible killing is examined. Almost every society has a situational ethics for killing even though it may espouse an absolute principle of the sanctity of life. In the Western world, for example, the issue of "the painless inducement of death" as a matter of human dignity has prompted the question as to whether life as such is the highest good regardless of its stage or condition (Fletcher 1969). Similarly, the argument has been advanced that the prevention of self-inflicted death – suicide – by any means necessary is the final abridgment of individual liberty (Szasz 1977:385).

Primitive societies exhibit many forms of warfare and violence toward both internal and external foes, including those societies in which violence and aggression may not be expressed at all. Because of this, anthropologists insist that the different perceptions and practices of permissible killing be understood in terms of their cultural logics and contexts. These acts first need to be examined to see whether they violate a culture's own standards of behavior. For example, some Americans consider abortion permissible because they believe the fetus is not human up until a certain trimester; among the Eskimo, where infants are not considered human until named, infanticide is performed; headhunters in Borneo consider those outside their boundaries to be beyond the limit of human essence: if the person were

human, they argue, she or he would be a part of their group (McKinley 1976). What one culture regards as permissible killing in temporal ways (trimesters of pregnancy), another defines linguistically (by naming), and yet another defines spatially and in terms of self-definition.

However, when well-oiled machines of death which are proud of their lack of culture, such as the military regime in Guatemala, decide to "rid the term 'indígena' from our language" (as Gen. Mejía Victores announced), denying thousands of Guatemalan Indians and ladinos their personhood and humanity (Cultural Survival and Anthropology Resource Center 1983), or when colonial landowners and industrialists define indigenous peoples as nonhumans (Arens 1976; Taussig 1984), can such killings be reduced to the universal equivalent of denial to the right to life? For some headhunters, exterminating one's enemies with chemical warfare is much more gruesome than eating their brains. A notion of proportionality – the argument that killing is neither equal nor the same and thus must be measured on a scale of comparable but not necessarily congruent criteria – is not meant to signify that primitive societies hold a higher or lower value on human life. Such a notion is meant to differentiate the nature and conditions of pain and death in terms of the comparative ability to destroy life. This is not so much an issue of relativity or universality – indeed, these are not relative but extremely different situations – but one of relative institutional domination of power in warfare (which includes the doctrine of perpetual internal warfare for national security purposes), or in the daily violence of grinding poverty. It is meant to redress the historical inadequacies and cultural distortions of equivalency.

We might agree that a scalp trophy – even a human head – is just a culturally variant symbol for the "same" bravery we honor with a combat stripe. On the other hand, what is proved by noting that a commitment to community solidarity and well-being underlies ritual murder? This may indicate a common respect for community well-being, but it hardly demonstrates a common view of value of human life (Edel and Edel 1963:490).

The scalp or human head is not equivalent to the combat stripe; however, this equivalency does not exist for lack of any value of human life, but for the lack of congruency between small warring bands with spears and knives and "special counterinsurgency forces" (often backed by jet fighters armed with phosphorus and napalm bombs) who slaughter thousands of unarmed civilians. Institutionalized procedures of the state, such as torture, are distinctly different from noninstitutionalized, nonstate forms of punishment.

The Political Context of Pain: Torture vs. Cruel and Brutal Punishment

One way to delineate the different contexts and reasons for the infliction of pain is to distinguish between cruel and brutal punishment and torture – the officially sanctioned infliction of pain by the state under clearly dominating circumstances. One is not any less or more painful for the victim than the other, but the institutionalization of affliction is clearly not

equivalent in its destructiveness to instances of nonstate, noninstitutionalized punishment.

Cruelty and brutality in punishment have long been common practices in the history of the human race.² Every society has rules and punishments for breaking those rules. Since breaches of a society's rules may become abnormally frequent, flagrant or defiant, it may become permissible to impose abnormal punishments, extraordinarily cruel and brutal, in order to terrify potential criminals in that society.³ The punishments may be beatings, stonings, drownings, rape, disembowelment, beheading or others of equal frightfulness.

Torture is quite different. Although it has been a regular practice in many societies, it is not as widespread as extreme cruelty. Its history is especially Western and peculiarly Christian. Because there is a greater sense that its practice must be measured and restrained, it is a more institutionalized (and at times even legalized) practice than cruel and brutal punishment. Torture (derived from the Latin *torquere*, to twist; also called *tormenta*) can be defined as an official procedure by which to inflict pain.

Neither Hindu nor Semitic law shows a recorded trace of torture. In ancient Greece, however, the use of torture was well established (Lea 1968:323-324). Testimony from slaves in judicial proceedings was not valid unless they'd been tortured for it. Aristotle, who approved of such laws, admitted that torture was an "artless persuasion," but concluded that it yielded "a kind of evidence, and appears to carry with it absolute credibility because a kind of constraint is applied" (Encyclopaedia Britannica 1911:73). The Roman Republic's laws on torture were similar to the Greeks: freemen could not be tortured, but slaves had to be to validate their testimony. In the Roman Empire, both freemen and slaves were subjected to torture. It was in the Roman Empire that the first major Western legal provisions for torture appear: Title 48 of the *Digest* and Title 9 of the *Code* contain both substantive law and procedures. The decline of the Roman Empire brought a decline in the resort to torture. Under the influence of Germanic customs and concepts, there was little use for torture during the Middle Ages.

Torture was revived during the Renaissance in the fourteenth century, and during the fifteenth and sixteenth centuries the practice flourished most widely in the states where Roman law and the Inquisition of the Catholic Church had most authority (cf. Lea 1983).⁴ The courts proceeded by inquisition, that is, by inquiry. Unlike the old feudal public courts in which prosecutor and defendant produced witnesses and argued from each side, with the accused granted a legitimate means of defense, the Inquisition judge assumed the commission of a crime and prosecuted the accused, who bore the burden of proof for his or her innocence. It was law in which circumstantial evidence was inherently unreliable and in which full proof of guilt, necessary for conviction, required either direct testimony of 2 eyewitnesses or an extorted (and never retracted) confession of the defendant (cf. Langbein 1977). Truth, or *vox vera*, was viewed as best obtained by confession under torture – the *regina probationum*, or queen of proofs.

Indeed, a credible accusation established a presumption of guilt and thus made it possible to view the suffering of an accused person under torture as punishment for his or her crime. The most thorough and learned theory and instructions in torture was the 250-page treatise *Praxis et theoretica criminales* (published in 1622) by the general prosecutor for Pope Paul V, the then-eminent jurist Farinaccius.

Torture thus became an integral part of criminal jurisprudence in much of Europe for some 400 years between the thirteenth and nineteenth centuries, with the right of the state taking precedence over its citizens. The state believed it had to discover secrets that menaced its welfare, legitimacy or even existence. To this end, torture became the direct application of a state's right to inflict pain (Foucault 1979).

Torture did not occur so widely in England or in English colonies because there the common law assumed the innocence of the accused. But by special royal license and on particular royal orders, it became more common under the Tudor monarchs, culminating during Elizabeth I's reign. Besides drawing and quartering (Foucault 1979), the common law stipulated the necessity of *peine forte et dure* (stretching the accused on their backs and covering them with iron until they pleaded or died) if a prisoner refused to plead innocent or guilty. Thus, although England never recognized torture as legal procedure, the practice was inflicted with more or less frequency for centuries both as a means of obtaining evidence and as part of punishment in criminal proceedings (Lea 1968:448; Encyclopaedia Britannica 1911:75; New Catholic Encyclopaedia 1967:208).

The resort to torture declined again in the eighteenth century in all Western states, whatever their legal tradition. In 1789, the French Declaration of the Rights of Man forbade torture "forever," and the US Bill of Rights forbade "cruel and unusual punishment." The practice as a legally authorized and conducted procedure disappeared in the nineteenth century, even in European colonies where cruelty and brutality in punishment remained common, although the secret inquisitorial and torture-for-confession procedure was retained in certain German states, such as Baden, as late as 1831 (Lea 1968:453). Torture was revived in World War I, when state secrets became more highly guarded by state police, such as the Deuxième Bureau and Scotland Yard. The fear of conspiracy engendered paranoia toward the enemy; accused spies were tortured for information in the recesses of a new labyrinth of prisons (Ignatieff 1985:26). Only a few years later, in the 1930s, in what was considered one of the most civilized countries in the world, the Nazis in Germany practiced torture – first on Communist and Socialist political prisoners, then on religious and cultural prisoners, and above all on Jews.

During World War II, the practice of torture spread among the Allied and Axis armed forces in Europe and Asia, although the Germans and Japanese did it most – not only because their ideologies justified it more easily, but also because they had conquered much foreign territory and had to contend

with strong resistance movements. Some of the most horrifying incidents of torture occurred against the French Resistance.

After the war, many hoped to abolish torture. In 1948, the United Nations adopted the Universal Declaration of Human Rights, which prohibited the use of torture in time of peace. In 1949, the Geneva Conventions forbade combatants, prisoners or civilians to be tortured. Nevertheless, European forces fighting in national resistance and liberation movements in Africa and Asia increasingly practiced torture. Refinements in the technology and psychology of torture occurred in Algeria, where in the 1950s the French army and police modernized the science of torment—particularly in the use of electricity on or in the body (cf. Alleg 1981).

In Latin America, torture did not exist before the Spanish and Portuguese conquests, though cruelty and brutality, such as human sacrifice, did. It was not until the Christians from Spain and Portugal arrived in the full rush of the Renaissance, bringing with them Roman legal traditions, that torture was established in what they called the New World. Its first major official use was in 1521, in Tenochtitlán, on the orders of Cortés, who had the leader of the Aztec resistance tortured to determine whether he truly recognized Spanish authority over the Aztec Empire. During the Conquest, many instances of torturing Indians occurred, in addition to widespread cruelty and brutality.

In 1571, the Crown instituted the Inquisition in the Spanish colonies and torture became formally applicable to Spanish subjects. In particular, it was a warrant to search for people supposed to be innately disloyal subjects: witches, Jews or the descendants of Jewish families converted to Christianity but maintaining Jewish customs. The most thorough statement of the Spanish law on torture is the treatise *Variae Resolutiones* (1543). Written by Antonio Gomez, professor of law at Salamanca, it justifies applications of torture (*Encyclopaedia Britannica* 1911:78). After independence in the 1810s–1820s, torture apparently disappeared in the new Latin American nation-states. No doubt many local instances of torture, such as during Indian revolts, continued to occur. But as officially authorized and executed procedure, torture seems to have faded away. There was no ideology to justify it in the nineteenth and early twentieth centuries, even through World War I.

The reinstitution of torture in Latin America occurred in the 1960s, beginning with the military coup in Brazil in 1964. The immediate origins of the renewed use of torture were US interest in counterinsurgency and the fascination among young State and Defense Department officials with French campaigns against Algerian resistance in the Battle of Algiers. (The French lost this battle, but the Americans were sure they could win.)⁵ The US Agency for International Development and the Office of Public Safety ran programs to professionalize Latin American police forces. These became the cover under which the Central Intelligence Agency developed experts in inquisition tactics. At the Latin American Defense College, School of the Americas, International Police Academy and US Border

Patrol Academy, courses in censorship, staging rallies and riots, interrogation, anatomy and basic electricity were offered (Klare and Arnsen 1981; Langguth 1978; McClintock 1985).

In Latin America, US advisors and educated Latin American officers gave courses on these subjects, sometimes using prisoners as guinea pigs in torture classes of 80 to 100 policemen or members of the military, as in Brazil (Arquidiocese de São Paulo 1985; *Manchester Guardian Weekly* 1985b). No fewer than 340 clandestine jails existed in Argentina during the "Dirty War," between 1976 and 1983, and torture was such a routine part of detention and disappearance that every single report the National Commission on Disappeared Persons received mentions some form of it (CONADEP 1984). Theoretical justification was provided by the doctrine of national security, which views all dissent as subversive, redefines borders as ideological rather than geographic and focuses on the danger of the enemy within (Simpson and Bennett 1985; Schirmer 1986).

The essential difference between cruel and brutal punishment and torture, therefore, is that torture begins not from a state of knowing all there is a need to know, but from *not* knowing what there seems to be a need to know. Thus torture is not a way of punishing someone for something already proven—for the act itself. Indeed, it is clear that even committing an act worthy of punishment is not necessary, to be tortured. Stemming from a condition of admitted ignorance, suspicion and anxiety, torture proceeds as an institutionalized, often legalized, and thus legitimized inquiry by inflicting pain to obtain the "truth." Roman lawyers had a profound faith in torture because it produced confessions that they took as *vox vera*, the true, genuine voice—the whole truth and nothing but the truth. Francis Bacon compared his experiments in nature to torture in civil affairs, calling both the best means for eliciting the truth. As chancellor, he examined one unfortunate clergyman "before torture, during torture and after torture" (Lea 1968:442; *Encyclopaedia Britannica* 1911:72-75).⁶ Torture, like science then, has been a deliberate, thoughtful, reasoned activity, a form of research designed to twist, pull and tear out the truth.⁷

Viewing torture as a distant relic of a barbarous past, of a now vanished age of religious superstition from which we have "progressed," is wrong on two counts. It was not during epochs of barbarism but during epochs of civilization—the Roman Empire and the Renaissance—that torture flourished. Today, torture is institutionalized as official procedure in approximately one third of the world's nations (Amnesty International 1984), with terrorism the most potent of contemporary justifications for torture.⁸

The history of torture reminds us that whereas "legitimate" brutality and killing have long been the province of first the church and then the "civilized" Western state, "tribal hierarchies of Australia, Africa, North and South America . . . sanctioned by the divine order or nature that allow no recourse for individual 'rights' outside the tribal structure" (Pagels 1977:5) continue to be viewed as more barbarous and cruel. To equate one pain with another—cruelty with *tormenta*—confuses means with meanings and

outcomes with implications. It also belies the condescension common among dominant cultures toward nonstate (and thus nonlegitimate) forms of punishment, while they remain blind to their own torturous practices. Within this cultural logic, the infliction of pain is only defensible when institutionalized and legalized.

Conclusion

It is through culture that we create meanings and invent the means with which to communicate. The contextualization of those meanings needs to be made part of human rights standards in order for them to reflect the world of cultural and political differences. Anthropology suggests that we come to recognize and understand these differences rather than deny them. Yet we also needn't follow the cultural logic of radical cultural relativism, which claims that diversities necessarily deny universals.

If we seek commonalities, then a distinction among relative brutalities (relative, that is, to one another) needs to be drawn. Perhaps the issue, after all, does not concern relative and universal cultural logics, but indeed the powerful and the powerless. That is, cultural relativity is rendered meaningless if there is no culture remaining to be relative to, and universal human rights are irrelevant if their champions do not understand and support the maintenance of that diversity—the right for the powerless to have a voice. The major historical process through which many subjects of anthropology have lived is that of reshaping their own cultural logic in reaction to the powers of the state, or resisting the state, often with fatal consequences. It may prove advantageous to identify, above all, the diversities and lack of equivalencies in relation to that power.

If human rights can be defined as moral and legal constraints on state power, then this larger universal state—the world order—has a special obligation to those marginal and vulnerable to that power. This universal state needs to offer support, by way of contextualized, diversely informed human rights standards, to those struggling with perceptions and ideas (and often for survival) about human relations that reflect an ancient social language and are thus incompatible with the dominant legal and cultural logics in which they find themselves living and dying—with little choice or voice.

Notes

¹In Germanic languages, *recht* means both law and the rightness to claim; that is, it is right to demand my rights because they are themselves right.

²I would like to thank John Womack for allowing me to use his notes on this subject and for his distinction between cruel and brutal punishment and torture. Any errors of reporting and interpretation are my own. I would also like to thank Edward Robbins and Jack Tobin for their editorial comments.

³Since the penal reforms of nineteenth-century England, considerable debate has occurred over the efficacy of punishment in reducing crime. Stricter penalties for rapists and capital punishment for murderers and terrorists have been the focus of these heated discussions.

⁴Modifications of Roman law by the Inquisition meant "torture came to be used more recklessly and cruelly than ever it had been in pagan antiquity" (Lea 1968:398). For example, the secrecy of inquisitorial proceedings deprived the accused of the safeguards of defending herself or himself with *lex talionis* (the law of retaliation, or "an eye for an eye"), to which the accuser who failed to prove her or his written charge was subjected. Furthermore, Roman law expressly stipulated that anyone who had confessed was not to be tortured repeatedly in order to hunt down accomplices (as were victims in both French and German courts under the ruling of *la question définitive*) (Lea 1968:398-400; 1983).

⁵McClintock (1985) details President John F. Kennedy's fascination with counterinsurgency methods in the wake of the French defeat in Indochina. See Alleg's (1981) description of the use of torture—*la question*—by the French in Algeria.

⁶Whether the confession was indeed "truthful," and whether it mattered, is another issue. As Lea notes, some judges in Germany boasted that with torture "they could extract a confession of everything" (1968:414). As Montaigne inveighed, paraphrasing St. Augustine:

To tell the truth, [torture] is a means full of uncertainty and danger: what would we not say, what would we not do, to escape suffering so poignant? Whence it happens that when a judge tortures a prisoner for the purpose of not putting an innocent man to death, he puts to death both innocent and tortured. . . . Are you not unjust when, to save him from being killed, you do worse than kill him? (Lea 1968:449).

Or, as Cicero, Seneca and St. Augustine all knew, torture "forces even the innocent to lie. . . . It is untrustworthy, perilous and deceptive" (Encyclopaedia Britannica 1911:72). Witchcraft trials certainly attested to this. Contemporary documents on torture demonstrate information gathering to be as important as terrorizing the population (CDHES 1986; CITGUA 1986).

⁷Military doctors in Uruguay have justified their role in torture by "conceiv[ing] of themselves as producers of a *technical work product*, without personal responsibility for the uses to which that product might be put" (*The Boston Globe* 25 May 1986; emphasis added).

⁸According to the preface of the report by the Argentinian National Commission on Disappeared Persons (CONADEP), Italy did not resort to torture in dealing with the Red Brigades:

At the time of the kidnapping of Aldo Moro, when a member of the security services suggested to General Della Chiesa that a prisoner who appeared to have information should be tortured, he gave this memorable answer: "Italy can afford to lose an Aldo Moro: what it cannot afford to do is to introduce torture." It was not like that in our country [Argentina] (1985:1).

However, Amnesty International received information on allegations of torture in approximately 30 cases during the first three months of 1982 from Red Brigades members detained after the rescue of the NATO chief of staff, Gen. Dozier (1984:209). Torture has also been reportedly practiced by such democracies as Great Britain in Northern Ireland (Ignatieff 1985:26), Israel on the West Bank (International Commission of Jurists 1985; *Manchester Guardian Weekly* 1985b) and in democratic Spain (Amnesty International Report 1984:214-217; *El País Semanal* 1984; *El País* 1984).

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7 "Human Rights": Commentary

Sybil Wolfram

Anthropologists have contributions of at least two different sorts to make to the study of human rights, both of which are exemplified in this volume.¹ One arises from their field of observation and the skill developed in gathering information. The field they have made peculiarly their own may be called "other peoples." The skills include becoming part of the community being studied to see how it looks from the inside. This skill obviously could be, and sometimes is, deployed nearer or even right inside the society or subsociety to which the anthropologist belongs. Nevertheless, preeminent among the contributions anthropologists make is the impartial and intimate gathering of information about societies or subsocieties not widely known to the Western world. In this volume, we have a study of the hidden population of undocumented workers (illegal immigrants) in the United States (Weaver),² Native Americans of Latin America (Doughty) and administered peoples (Kushner). Nearer home we may read of Magna Carta (Downing) or of the history of torture in the West (Schirmer).

The second contribution of anthropologists results from the first, or rather, from its systematic exercise. Anthropologists are acutely aware of the wide actual and potential diversity of beliefs, customs and practices of different societies, and they are less prone than others to suppose that their own society, much less some political party within it, enjoys a monopoly of truth or morality (e.g., Downing; Barnett; Schirmer). Awareness of diversity need not, of course, lead to an appreciation of the excellences of others. It might, and at one time precisely did, lead to anthropologists' reaffirmation of the superiority of their own society. But at the present time others, and especially the underdogs, the powerless and oppressed, are particularly popular in the subsociety made up by anthropologists (see particularly

Kushner for general consideration of this issue). This popularity probably arises because anthropologists in practice, in part out of necessity, have tended to work at a microlevel among local communities subject to powerful states' governments.

Anthropologists' perspective and data concern many aspects of societies apart from human rights. And indeed, it is a common criticism of anthropologists, leveled by themselves, that morality proper, the domain to which the study of human rights surely belongs, has been neglected (cf., Wolfram 1982: 262-74; Parkin 1985: 1-25; Pocock 1986: 3-20) — so that here anthropologists are still fumbling and uncertain. Downing provides a charter to assist exploration of this area, and suggests how to deploy anthropologists' skills and knowledge.

It is notoriously important but, equally notoriously, extremely difficult to avoid cultural bias, and I should like briefly to comment on some presuppositions running through this volume.

Cultural Bias

First, there is in several aspects an American bias. This appears in the *territories* to which most attention is paid, viz the Americas, and in the absence of discussion of such countries as India, China, Africa or, indeed, the Soviet Union/iron curtain bloc (although this bias certainly results from the authors' interests rather than systematic editorial choice).

This American bias also appears in certain themes. British anthropologists, for example, would not be likely to regard Wales and Scotland as administered territories (see Kushner). They may see in this classification the old American hostility to the erstwhile British Empire — and with it a telltale misreading of the facts.

Peculiarly American presuppositions are also apparent in discussions of ethnic origin and indigenous peoples in connection with territorial rights. Throughout the discussions of American Indians is the idea, appearing for instance in the phrase "Native Americans" (e.g., Weaver; Dougherty; Kushner), that to be on territory first is to have the right to it.³ This is surely a piece of cultural bias. For example, for centuries Europeans believed that rights to territory might be acquired by conquest, succession to a throne, marriage, gift of a monarch, and so on. The then "natives" of Britain, many of themselves of invader origin, made, and make, no claims comparable to American Indians', to lands Normans acquired in their conquest of 1066. The world's territories are not of necessity seen as properly staked out like claims to gold mines.

It is a similarly striking supposition that each "people" has a "right" to "self-determination," that it should have a reservation (territory) of its own (e.g., Weaver; Dougherty; Kushner). Maybe individuals prefer to mingle in the dominant culture. In many areas of the world the complaint is not of failure to be supplied with a reservation but of the dominant culture's refusal to accept on equal terms members of a subordinate category. One

might cite the black population of the United States or Western women's increasing complaints against the dominance of men. In Britain in the past there was constant discussion of the rights of the poor; currently it is of the old, disabled or unemployed, or alternatively, of employers vs. unions and individuals vs. institutions. As such examples show, the rights demanded may not be territorial and the group, groups or categories demanding equal rights or self-determination need not be bound by ethnic ties in particular. The bond may be shared sex, occupation, poverty or generation. To a non-American, the stress on ethnic origin, hierarchy of ethnic groups and even, perhaps, the praise of cultural diversity for its own sake (Barnett), has an American flavor much as stress on social class sounds peculiarly British or European to Americans.

Second, as I have already hinted, the volume displays an ethos of the subsociety of anthropologists. That there is a sharp focus on the problems of representing more than one culture (the culture studied versus the culture or cultures of the ethnographer, including his or her colleagues and government) is not a criticism. But *uncritical* antagonism to the nation-state or to the assimilation of different peoples or cultures, or siding with the (ethnic) underdog is. It may obfuscate rather than illuminate the question of human rights. A philosopher would almost certainly also query the term *human*: the rights of animals and the rights of the unborn tend to preoccupy philosophers who are, in contrast to anthropologists, often relatively indifferent to peoples (cf., Gauthier 1986).⁴ Again, there is a certain underrating of the problem of conceptual difficulties involved in considering "human rights."

Sanctioned vs. Moral Rights

In one sense, an individual is said to have a right to or in something if it is recognized that he or she should have or participate in it. Rights in this sense (sense 1) are generally sanctioned by law or custom, and infringements prevented. Clearly, there may be borderline cases where a right exists in theory but not in practice (for example, the law gives the right to for instance security of employment or in Magna Carta but is not effective), or in practice but not in theory (for example, the law does not give the right to contraception or abortion to women but is not enforced) (see Weaver for other examples). For want of a better term, I shall call these rights *sanctioned rights*.

Typically rights in this sense are within groups with a common morality or law and powers of enforcement, which might be termed a *society* or *sub-society*, and are rights which persons have in some capacity (for example, as an employee, husband, embryo, citizen, taxpayer, visitor, etc.).⁵ To be a sanctioned "human" right, the right must be guaranteed to every *person*. It may be a "human right" in the West not to be imprisoned without proper trial, that is, imprisonment without a proper trial is not to happen to anyone under Western jurisdictions. To be a universal human right would,

by extension, mean *either* that there is a law or custom of global dimensions governing all human beings (on this planet) such that all enjoy the right (for example, not to be imprisoned without trial) *or* that the right in question is guaranteed from within each and every society on earth. Whether either is so in the case of any particular right must be a matter for empirical research. But it is certainly difficult to think of any right universally guaranteed by either method, at least if human is taken to mean member of the species *Homo sapiens*.⁶

A second, equally common use of the term *right* is when it refers to something that *ought* to exist, that is, something to be protected by sanctions against infringement (sense 2). This is the most common sense in which the term *right* is used when human rights are said to be upheld or infringed by a power group such as the government of a state. For want of a better term, I shall call these rights *moral rights*.

Moral rights differ from sanctioned rights in that a moral right may be said to exist even if enforcement is weak or nonexistent, that is, the moral right is not protected or scarcely so. I qualify the point: refugees may be received whose moral rights are considered to have been infringed – there may be public complaints, economic sanctions and sometimes wars, although a glance at the history books suggests that the latter more commonly arise from other causes. For example, Britain went to war against Germany because Germany broke treaties and invaded territories (finally Poland), rather than because of Nazi infringement of the human rights of portions of its populace, old or new; but obviously gross ill-treatment of populations is likely to harden the resistance of the threatened and to be publicized to this end.

Whether all persons, regardless of society or of their position in it, believe of any right that it is a moral right such that it ought to be protected for everyone, everywhere, in all circumstances, would again be a matter for empirical research. Yet, this research would be even more complex than that concerning sanctioned rights. There are (at least) three variant possibilities which we might call charters of intent, moral assessment and societies' beliefs.

Charters of Intent

Some society, such as the United States, or some conglomerate of nations such as those put forth the United Nations Charter, may believe that in all societies certain specified moral rights should be guaranteed and protected (and so be present as sanctioned rights). They may even perhaps try to bring about this state of affairs.

Moral Assessment

It may be suggested that the dictates of morality are (irrespective of culture) such that there exist certain moral rights such that the more these rights exist in practice (sense 1) in a society, the better morally is the society. The relativistic conception of morality common among anthropologists

tends to make them a priori doubtful whether there could be such universal dictates of morality, but the possibility should not be left out of account.

In this connection, it is particularly important to separate the belief that every person has certain moral rights from the belief that everyone or anyone has a duty to see that these rights are brought into being, protected and sanctioned. In general, the belief that it is better that there should be X is distinct from taking action to bring about X (which may be, for example, impossible or impolitic). How much and what kind of effort should be made to see that rights conceived to be moral rights should come to exist, how their existence should be protected, or both, creates some of the sharpest differences and gravest political dilemmas as evidenced for instance in discussions of South Africa and rights of the black population or of the Soviet Union and its dissidents.

Societies' Beliefs

More in accord with anthropological thought is the idea that all societies have some views that may be considered human rights propositions, although, as Downing points out, these may differ from society to society. We cannot, of course, assume even that every society has a term or concept directly translatable as the word *human*. A society may, for example, divide what for convenience I term *Homo sapiens* into two, three or four kinds or into a variety of cross-cutting categories, with no common term to cover these. Or a society may have a term or concept comprising the whole of *Homo sapiens* but more besides: some animals, plants or the dead might, for instance, be included. And it might turn out that there are societies with no propositions specifically about *Homo sapiens*.

Equally, we cannot suppose that the sanctioning of what could be considered the same right will take the same form in different societies or in the same society at different times. Two societies may grant a husband exclusive rights to his wife's sexual favors but in one the adulterous wife is killed or maimed or branded whereas in the other she lays herself open to being divorced. Schirmer describes variation in the use of torture to extract the truth in the same society at different periods. Again, it is by no means evident that all the members of the "same" society hold the same views about the content and incidence of moral rights or proper forms of sanction. The Nazi government and invaded populations of Europe or German Jews certainly held different views on these points. Sanctioned rights (sense 1) are perhaps more likely to be specific to a society inasmuch as we tend to define a society as one with a common morality or law but it is probably relatively rare that a society does not contain subsocieties. Thus the fact that society and subsocieties may differ further complicates the investigation of rights. What is the exercise of a right (killing; praying) in one (the Mafia, the IRA; the Church) may be punishable in the other (the nation-state).

Anthropologists and Morality

It might well be argued that investigation of "human rights" as they ap-

pear in different societies and subsocieties exhausts the anthropologist's role, or at least what the anthropologist has particularly to offer in the consideration of human rights. Who are anthropologists to judge whether the views entertained or practices adopted in one society are better than those of another? Does not this fall outside their discipline? Yet it is a noticeable feature of this volume that almost every contribution makes pronouncements about what ought to be the case.

Sometimes these occur in the course of descriptions. For example, Downing speaks of Magna Carta as "blatantly male chauvinistic"; Doughty says that "the survivors of the preexisting native societies . . . live as foreigners on their own soil"; and Kushner comments that the "degree of self-government is regrettably low." Sometimes the judgments are more explicit. For instance, Barnett states that "whole cultures and diverging subunits of cultures have a right to choose to pursue their divergent ways" and "cultures . . . which set out to destroy the right of other cultures to exist . . . at the very least . . . must be modified"; or again:

responsibility . . . devolves upon cultures and societies to open their borders to expelled and culturally oppressed groups. Freedom of movement as an important "right" . . . means that cultural dissidents must have the right . . . to find sanctuary in other units.

Schimmer speaks of "excluding from tolerance those [societies] that are absolutely intolerable, such as Nazism" and considers that

. . . certain general features of human life require acknowledgment whatever a person's cultural setting: basic welfare of bodily health, material security, social relations, opportunities for the development of a cultural and moral life—all those aspects of life which allow one to be human.

Kushner argues that "people must be enabled to do something other than respond to outside initiatives, and to do so in satisfying and rewarding ways." In another vein, suggesting a specific duty, Doughty writes:

The ethical obligation . . . is demanded by the visceral urgency of human need among the peoples we know best . . . anthropology . . . needs to start with active commitment to priorities that are significant to our research population. Anything else is crassly self-serving. . . .

It is difficult to win. Almost as conspicuous as the incursion of personal judgments is Schimmer's description of uses of torture, without judgment: Approval? Indifference? Or is torture, unlike Nazism, not to be judged? Perhaps the least vulnerable to charges of making personal, sometimes simplistic, moral judgments is Weaver, who describes not only the problems of the undocumented workers but also the problems of mitigating their lot or, more generally, the difficulties that arise when rich and poor live side by side.

Two points emerge from the moral stances of the contributors. The first is that the anthropologist apparently cannot but make moral assessments, yet their form is likely to derive more or less from the anthropologist's own culture. The second is that applied anthropologists may well be faced with

moral dilemmas, whether they act or not. As John Stuart Mill put it in *On Liberty* in 1859:

A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury (1859:17).

The final, perhaps most important message emerging from this volume is how little appears actually to be known of views about rights or other moral matters embraced by other peoples compared to those embraced by ethnographers. Schimmer remarks that "perhaps the international legal community has much to learn from societies where a philosophy of compromise predominates." But, on the whole, excellent as are the descriptions of what most Western readers will think of as lacks of human rights, there is little description of others' views on human rights. What the volume suggests most strongly is that anthropologists, through their ethnographic skills and appreciation of the diversities of human societies, might have a special role in bringing together in explicit form different societies' and subsocieties' views about what ought not, if possible, or ought never in any circumstances, to occur. Downing's charter provides an excellent framework for the initiation of such investigation.

Notes

¹The elements of this commentary were presented at the 1985 annual meeting of the Society for Applied Anthropology in Washington, DC, and I am grateful to members of the audience for comments. I should also like to thank the editors of this volume for much helpful criticism.

²Undated references to authors refer to chapters in this book.

³I owe to Downing, to whom I made this point orally, the observation that the first American action on reaching the moon was to plant the US flag there.

⁴See especially Chapter 9 in Gauthier (1986).

⁵*Group* or *society* would be misleading because these terms suggest cohesion.

⁶To suggest that someone not having some particular right is thereby treated as "nonhuman" only shifts the problem, and at the same time introduces an ethnocentric bias as to what counts as human. It seems better to stick with mundane definitions of human beings as those of the species known in the West as *Homo sapiens*.

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8 Anthropologists and Human Rights – Activists by Default?

Jason W. Clay

Anthropologists are being drawn to the human rights arena for a number of reasons. Kushner (this issue) claims that this is due, at least in part, to “the urgency of human need among peoples we know best.” Anthropologists traditionally have studied the “other,” the “they” of we/they distinctions and deviants. Whether these people are parts of distinct tribal, indigenous or ethnic groups or whether they are members of groups discriminated against because of their religion, age, gender, sexual preference or similar issues, anthropology has evolved as a discipline which largely seeks to interpret and explain the range of human experiences and understanding, to examine not only what is but to determine what is possible.

Because cultural practices, and with them individual and human rights, vary tremendously throughout the world, anthropologists have been reluctant to take a stand on the human rights of specific practices. As a result, the discipline has become known for its cultural relativistic approach. Within the human rights field, this has been translated into the reluctance of anthropologists to take what are often defined as “moral” positions – absolute or otherwise – even on such topics as female circumcision and infibulation, rights of women to property, infanticide, land rights of tribal societies and restrictions on the freedom of movement of nomads and hunters and gatherers – issues about which many individual anthropologists feel strongly. Strong feelings, however, do not always outweigh anthropologists’ reluctance to pass judgment or assert that alien points of view be adopted in different cultural contexts.

For many anthropologists, female circumcision, although deplorable, is

an example of a problem that must be solved by those affected, not by outsiders. (According to this view, the actions of outsiders who are violently opposed to the practice can actually further entrench it as a unique practice that local people will cling to.) Therefore, then, outside information and research regarding potential human rights violations should be made available to peoples who can more effectively oppose the practice in question. One argument in favor of this strategy is its success in eliminating the practice of binding women's feet in China.

Many anthropologists assume that general agreement exists on at least some of the cultural practices that violate basic human rights. For these researchers the problem is one of finding the appropriate solution or solutions, not whether the practices per se are appropriate. However, anthropologists probably would not concur on a list of basic human rights. Even if they could agree on some issues, the strategies to combat them would need to be multifaceted, with some anthropologists taking an active adversarial role while others take more of an insider role. Victims cannot always defend themselves; some recently contacted tribal societies do not have the skills to defend their land and cultural rights in an alien legal and political context. If such groups are to survive, outsiders must take an active role, at least until the time comes when the groups can defend themselves. On this point too, however, not all anthropologists agree. Some believe that assimilation into a "melting-pot" state society is not only inevitable but desirable. Needless to say, discussions of rights to language, dress and residence are fraught with even more disagreement.

Basic human rights are not at all obvious. Views about where abortion stops and infanticide begins vary tremendously from one culture to another. Anthropologists, with few exceptions, would find it difficult to agree on which practices violate individual and/or group human rights. What is important is the debate itself, which clarifies positions and edges the world closer to consensus on such issues. The awareness of basic human rights is, after all, a function of cross-cultural interaction, which has increased significantly in the twentieth century.

Anthropologists are in a good position to observe and analyze situations in flux. If they are not, it could be because they have focused on reconstructing pristine societies or even tracking their internal changes rather than examining the causes. For example, anthropologists have been studying the Bushmen of southern Africa, described as "the harmless people" who live in a state of primitive affluence, for more than three decades. Recent research reveals that in Namibia some 70 percent of Bushmen were living on farms owned by white colonists during the period when anthropologists were studying them. Anthropologists failed to document either the forced removal of the Bushmen from their lands by either white or black colonists or the exploitative labor conditions on the farms; other anthropologists finally revealed these violations in the 1980s.

Within anthropology, basic assumptions about human rights are challenged increasingly by anthropologists from non-Western societies. Still missing from this debate, however, are the views of tribal, indigenous,

minority or other powerless groups, groups that are often the focus of anthropological research. Note, for example, in the bibliography in the remainder of this book, the lack of articles about human rights standards, beliefs or practices around the world or of articles by members of such groups.

One of the problems that confronts anthropologists interested in human rights is that their discipline has long emphasized a very narrow research focus on problems that could, perhaps, be better viewed more broadly at the level of regions, states or even the world. Anthropologists would benefit from expanding their knowledge of global processes, thus improving their understanding of many conflicts and forms of discrimination and persecution evident even in their chosen area, region or village.

Expanding the focus of anthropologists, however, will require major changes within the discipline. The field of anthropology today lacks academic and professional leadership to push the profession in this direction, as evidenced by the dearth of articles, books or courses on the topic. The major academic journals do not publish articles dealing primarily with human rights issues (for a recent exception see Alison Dundes Renteln, "Relativism and the Search for Human Rights," *American Anthropologist* 90(1):56-72; their editors and editorial boards apparently consider human rights to fall outside the scope of formal anthropology).

Anthropologists undertaking research on human rights issues tend to focus on individual or group coping mechanisms and adaptive strategies in the face of adversity. Consequently, anthropologists often fail to assess the underlying causes or even the forms of human rights violations. For example, the American Anthropological Association's Task Force on African Famine has sponsored, each year since 1985, a number of sessions at their annual meetings on famine in Africa. Nearly all of the papers discuss how "X" group has coped with famine, not *why* a famine exists in the first place. Likewise, numerous anthropologists are working on a broad range of activities that might loosely be described as "development." This work focuses, by and large, on how to improve development activities, not whether development is a good idea or even in many instances violates systematically the rights of the distinct groups that anthropologists have traditionally studied.

Downing and Kushner argue in the introduction to this book that the small number of anthropologists today is one of the main reasons for the paucity of anthropological literature on human rights. They cite the figure of 6,000 anthropologists in the American Anthropological Association as evidence of this point. Although, arguably, there are probably at least twice that number of anthropologists in the US—most working outside the formal discipline—surely numbers are not the point. Cultural Survival has never heard an account of a human rights violation, disastrous development project or the like from anywhere in the world that we have not been able to investigate independently by contacting not just one but usually several anthropologists with intimate and expert knowledge of the area and people in question.

Surely the problem is not the lack of anthropologists, but the lack of consensus about what constitutes universal human rights standards and what role the profession should play in developing such standards or monitoring compliance with them. Individual anthropologists are already involved in these debates; little can be gained from involving the profession as a whole, and it is doubtful that agreement could be reached in any case. To cite an admittedly extreme case, Robert Gordon (1987) recently reported that the largest employer of anthropologists in South Africa is the military. Even though most anthropologists are not actively involved in what some would label human rights abuses, they do not think—at least at this time—that human rights are a fit academic or theoretical subject for the discipline. Human rights for many carries a political, if not negative, connotation from which they would rather remain aloof.

Although the American Anthropological Association has passed numerous resolutions condemning human rights violations in various countries, that represents the extent of the involvement of most anthropologists in the issue. Many, in fact, have been upset that the association's annual meeting is used (and abused) by such discussions. As a result of recent rules changes, it is now impossible to bring resolutions before the organization that have not been received months before the start of the meetings. This means that timely and perhaps more influential resolutions passed by the association will no longer be possible. It is likely that the number of resolutions will drop accordingly.

Perhaps the most important problem anthropologists have grappled with in their human rights work is how to use their information most effectively. Few anthropologists know what to do with their information, and fewer still have the necessary contacts in the media, government or development organizations to ensure that their material receives the coverage that it deserves. Upon gaining access to such contacts, few anthropologists know how to present their information in a way that shows the effort and care that went into collecting it. They rarely present sufficient information to demonstrate the thought process behind specific conclusions. Instead, they present bold, often somewhat sensational-sounding assertions that reporters balance with equally bold assertions from spokespersons who have little expertise or evidence to back up their stories. As a result, anthropologists are often viewed as being spokespersons for particular groups or causes.

The extent of anthropologists' influence in the ongoing global debate on human rights will stem from their ability to document and explain persecution, discrimination and other human rights abuses. Anthropologists have long respected precise, reliable, "value-free" reporting, and concentrate on reducing observer biases. Yet human rights research by anthropologists is rarely undertaken in a replicable way. Anthropologists are not alone here, however. Cultural Survival constantly receives reports of past or present genocides. When one examines the support for such allegations, even evidence for which the term *genocide* legitimately applies, there is little specific information to be found. What constitutes genocide? How does one

go about proving it? Who has undertaken research on genocides? How did they do their research? Was it corroborated? How?

At one point I wanted to find out if any guidelines existed for documenting massive human rights violations that might even be classified as genocides. I called a number of people, asking who was interested in this type of work. I even consulted individuals involved with the Nuremberg trials to find out what type of information, testimony and materials were considered acceptable evidence to prove genocide. Curiously, those human rights activists interested in genocides usually credit anthropologists and sociologists for understanding how the data should be collected. The anthropologists and sociologists, by contrast, suggest that you talk to the human rights advocates because they are the ones that really know.

This point demonstrates that it is impossible for concerned activists and scholars to agree on which cases constitute genocides, much less how interested people would go about documenting them. It bears repeating that it is difficult to find consensus on what constitutes human rights violations. Even if everyone does not agree, it is still important for anthropologists to spell out more clearly how their information was collected and how their conclusions were drawn. This supposes that others could find the same information and draw the same conclusions following the same practices. If not, something is wrong with the research.

Funding for anthropological research on human rights is not easy to obtain. Foundations and other sources of funding traditionally available for anthropological research are reluctant to fund human rights research; such work is seen as "too political," too sensational and, perhaps, not interesting enough theoretically. Furthermore, funding for anthropological research in many areas has diminished. Until those who control such sources of funds—including a number of leading anthropologists—change their opinions or give up their positions to people more sympathetic to human rights research, anthropologists must look elsewhere. As a result of the crisis in funding, many anthropologists have simply abandoned undertaking firsthand research, or have allowed the research interests of the traditional funding sources to dictate the research undertaken. This need not happen; a number of foundations, nongovernmental organizations and even local civic organizations are interested in contributing to such research. Much of this type of research can be performed quickly and inexpensively. For example, Cultural Survival's research on the causes of the Ethiopian famine in 1984 was the largest, most systematic research undertaken on the topic. The research cost of \$15,000 was raised largely from a half-page paid advertisement in the *Boston Globe*. In this as in most cases, the research was not specifically human rights oriented, although the findings certainly pushed it in that direction.

The twentieth century has witnessed the creation of more states in more places than ever before. In the process of state formation, the rights of individuals and groups have been severely curtailed. As a result there is

arguably as much suffering now as in the past. For example, more refugees have been recorded, more shooting wars, more children dying and more people starving. Relocation of groups—whether in China, East Timor, Ethiopia, Guatemala, Indonesia, Israel, Palestine, South Africa or Sri Lanka—aside from violating fundamental rights, causes undue suffering, wastes state and international resources, degrades the environment and creates political instability.

Like it or not, anthropologists have observed many of these changing conditions. Many have already written about them. With the possible exception of lawyers, anthropologists appear, more than any other profession, to have the most concern for and to have written the most about human rights. But this is no time to stop. During the next century, basic human rights will probably be generally agreed upon by states, in many cases the very states that systematically violate human rights. If anthropologists are to have any influence over the standards that are adopted, they must begin to raise the issues increasingly and in more visible arenas.

Part Two

Anthropology and Human Rights: A Selected Bibliography

Jennifer Schirmer
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of Human Rights Internet

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INTRODUCTION

Universals and Human Rights

People concerned about human rights understand well that we live in an interdependent world. They recognize the need for shared standards of human dignity and fundamental rights of all peoples. Yet to establish and ensure protection of such universal standards and rights it is critical to examine *how* all peoples are perceived and how they define their rights. The universality and inalienability of fundamental human rights are frequently juxtaposed against the imperative to respect the cultural and social differences manifested in particular societies and settings. This juxtaposition of universalistic and relativistic concepts has been a central conceptual dilemma of human rights philosophy and practice, and raises basic definitional and cognitive questions. Does "universalism," derived from and based upon Western values and conceptions of "natural law," impose its own assumption about how people should live, make decisions and behave? What images of "development," of "minorities" and of "culture" itself are held within the realm of the United Nations' doctrine, the Universal Declaration of Human Rights?

Although many people have discussed at length the relationship between human rights and international law, we still lack an outline of the range of cultural understandings and definitions of human rights. What constitutes human decency in non-Western societies? What are considered obligations? What are the boundaries of dissent and the acceptable limits of punishment? What killing is considered "murder" and what killing (as in one's defense or warfare) is considered justifiable? Where does abortion or infanticide fit in to such discussions? Are activities that are considered abridgments of human rights in Western society (such as gang rape, child labor or female circumcision) perceived differently in non-Western societies?

Are the human rights categories of the Universal Declaration of Human Rights in fact cross-culturally meaningful? Are there equivalent categories in non-Western societies with different forms of social contract and conflict? What sorts of social conflicts are considered abridgments of human rights in *any* society? Once differences are recognized, how, for example, does one render compatible doctrines of individual rights and majority rule with group rights and collective politics? Or how does one reconcile doctrines of equality with hierarchical (e.g., caste) systems? Or the eminent doctrine of the state with ancestral land rights and the right of native peoples to choose their own form of development? Indeed, are the "universal" principles as universal and absolute as the United Nations doctrine professes? Is a cultural universalism indeed possible?

The anthropological approach, with its emphasis on understanding non-Western societies, in and on their own terms, may provide a framework within which to outline a broad-based definition of the essentials of human rights. This bibliography on anthropology and human rights is by no means exhaustive in its sources or comprehensive in its categories; it is intended to help answer some of the above questions being asked by anthropologists as

well as lawyers, indigenous peoples and human rights workers, who recognize the need to make the study of human rights reflect more non-Western cultural and juridical perspectives. In addition, this bibliography aims to help bridge the interdisciplinary and cross-cultural gaps of human rights research, and to help those who work with universal categories to understand how different peoples define rights and wrongs.

Too often, anthropologists are absent when the universals of human rights are debated; and similarly, too frequently anthropologists' discussions concerning indigenous peoples, minorities or women are uninformed by the views of lawyers or policy makers. By advancing a more balanced sense of what may or may not constitute human rights and their violation, this bibliography seeks to integrate the cultural and universal worlds toward a more shared moral discourse.

The Anthropological Debate

In 1947, when the United Nations (UN) was drafting the Universal Declaration of Human Rights, the executive board of the American Anthropological Association (AAA) submitted a "Statement on Human Rights" to the UN Commission on Human Rights that argued for "respect for differences between cultures." Since that time, tension has existed between those anthropologists who recognize that both cultural differences and general human rights standards are equally important, and those who reject any universalistic statement about rights as inappropriate for a world of such diversity.

In general, however, no matter what positions anthropologists have taken on human rights, few of them have addressed this issue explicitly. Rather, in their attempt to reflect the cultural context as accurately as possible, anthropologists have seldom spoken of the existence or absence of "rights," preferring, instead, to speak of "duties," "obligations," "values," "codes," "practices," "moralities" or "beliefs." The unspoken assumption has been that one cannot violate a right that does not exist—that is not perceived as such within the cultural matrix.

Nonetheless, despite their reluctance to fit different culturally specific notions of authority, law, government or justice into well- and pre-established categories of international law and social order, anthropologists have been dealing with human rights issues—they simply have not called them human rights. For example, by describing the cultural context of certain practices considered violations of the Universal Declaration by Western society (such as infanticide or child labor), anthropologists help place these practices in perspective—that is, they help explain why a particular culture condones these practices. In the cases of infanticide and child labor the anthropological literature explains that these practices usually occur in the context of poverty or starvation, or both. How long a famished child will survive and which child would be able to work harder to support the family and community are questions central to understanding why these practices exist. Nonetheless, the argument between cultural relativists and anthropologists-as-human-rights-advocates continues today.

Ironically, the very groups whose cultural dignity and survival have been defended by anthropologists through the doctrine of cultural relativity have begun to use the doctrine of "rights." Such groups include Middle Eastern and Latin American women who are struggling for their social and economic rights, African women who are addressing their right to health vis-à-vis female circumcision, and North and South American Indians who are fighting for their rights to self-government and self-determination.

Furthermore, some anthropologists recognize the importance of protecting indigenous peoples and cultures by appealing to international arenas. Thus, the participation of Indian groups in the international arena (e.g., by petitioning the UN Subcommission on the Prevention of Discrimination and the Protection of Minorities, which led to the establishment of the Working Group on Indigenous Populations) was encouraged when anthropologists founded groups such as Cultural Survival (CS), the International Work Group for Indigenous Affairs (IWGIA) and the Anthropology Resource Center (ARC). In many instances, anthropologists worked with groups of indigenous peoples to lobby governments and international organizations, influence public opinion and articulate the concerns of indigenous spokespersons. As early as 1971, in the Declaration of Barbados for the Liberation of the Indians, 11 anthropologists (primarily Latin American) called for the "creation of a truly multi-ethnic state in which each ethnic group possesses the rights to self-determination." The declaration further suggested that Indians must no longer be seen as objects of study, and called on anthropologists to commit themselves to Indian advocacy and systematically denounce cases of genocide against Indian peoples.

These actions represent a move away from anthropologists talking about indigenous peoples and their scholarly perceptions, to permitting indigenous peoples to speak for themselves. This was evidenced at the second Barbados Conference in 1977. Although the meeting had been conceived of as a dialogue between anthropologists and Indians, it became a meeting of Indians—with anthropologists, for the most part, participating only as silent observers.

Furthermore, as early as the mid-1960s, anthropologists began to realize that their research could threaten the culture and very existence of groups they were describing. In light of the experience of the Vietnam War, during which some anthropological research was used to further military objectives, the American Anthropological Association in 1971 adopted a code of ethics, *Principles of Professional Responsibility*. Its first principle addressed anthropologists' primary responsibility: "In research, an anthropologist's paramount responsibility is to those he or she studies." The code also banned all covert research by anthropologists. Nevertheless, ever since the AAA adopted the code, members have debated the issues of institutionalized accountability and the inescapability of ethical responsibility by anthropologists. Recently some members have attempted to modify the code.

Despite its own shortcomings, the anthropological literature is a good place to begin to understand the juxtaposition of relativistic and universalistic concepts because it is the only field that has systematically gathered

important data for cross-cultural purposes. It is also the only discipline that, by the nature of its research, specifically raises the question: Is cultural universalism possible?

By encouraging indigenous peoples to use their own voice for self-determination, anthropology makes an implicit demand: just as indigenous peoples are seeking to develop and adjust international instruments and measurements of human rights for their own peoples, so, too, can those who work within "universal" categories learn to adjust these international tools to cultural and indigenous needs to go beyond the cultural logic of "arrogating absoluteness." Anthropology pleads that the definition of human rights as moral and legal restraints on state power imposes an obligation on the universal order to defend those people marginal and vulnerable to that power. If human rights is necessarily an interdisciplinary endeavor, and anthropology entails a holistic vision of peoples and cultures, then anthropologists should contribute to human rights standards and standard-setting processes by ensuring that they are both more reflective of, and sensitive to, cultural specifics. Only then will standards become more universal.

Logic of the Bibliography

In preparing this bibliography, we found that the traditional categories of anthropology (social, cultural, political, economic) distort the issues of human rights for several reasons. First, human rights do not easily divide into these discrete domains. In some instances such as women's rights or indigenous peoples' rights, the subject matter spans several or all of the traditional headings. In other instances, such as traditional "kinship systems," there is little, if any, material directly relevant to human rights; hence, the category would be empty. Yet, certain phenomena discussed in the anthropological literature, such as genocide, are directly relevant to human rights and require *sui generis* headings.

Therefore, we let the literature itself suggest the categories of this bibliography. The material tends to divide into two broad categories: (1) literature dealing with anthropological and philosophical debates regarding cultural relativism and legal comparability and (2) literature dealing with particular problems and issues (such as race, caste, warfare, indigenous peoples, etc.). These are more fully detailed in the contents to the bibliography. However, since the bibliography makes no pretense to comprehensiveness, other categories may also be relevant. It is also possible that other compilers might have organized the material under different headings. Although our approach may seem eclectic to some, we believe it is a strength that allows one to examine both culturally specific and broad general issues.

Research Strategy and Problems

A number of difficulties were encountered in compiling the bibliography that merit discussion. They concern, in large part, the inadequacies of research tools.

One major problem pertains to the weakness of the major anthropolo-

gical indexing tools. Most anthropological indexes do not have relevant subject headings. They categorize articles and books under traditional anthropological approaches: economic, physical, political, social, etc. To determine whether something is relevant to human rights requires a systematic scanning of entire indexes. Despite this shortcoming, two of the more useful indexes include the *British Anthropological Index* and the *Anthropological Literature*, the latter compiled by Tozzer Library at Harvard University. Also of help was the *International African Bibliography*, which does have an entry for "human rights."

Moreover, two bibliographies have helpful subject headings. The *Bulletin Signalétique* lists instructive articles under "Sociologie du droit" and sometimes under "Sociologie des relations internationales." The best bibliography, however, and one we heavily relied on, is UNESCO's *International Bibliography of Social and Cultural Anthropology*. UNESCO has issued the bibliography annually since 1955. For this project, the UNESCO bibliography's most useful categories included E.3 (Traditional Thinking) Framework and Moral Codes), G.1 (Categories of Traditional Thinking) and J (Applied Anthropology). Yet it is interesting to note that in the entire 15 volumes, there were only three references to "rights"; one seldom encounters terms like "justice" or "equality."

A second major problem in compiling the bibliography stemmed from the lack of an on-line computer database for the anthropological literature. Such databases exist for other social sciences. A number of computer searches were, however, performed on such databases as US Political Science Documents, Philosopher's Index, BRS, Legal Resources Index, PAIS International, Social SciSearch, BRS (Medical PAIS International) and Psychological Abstracts.

Several searches were conducted for us by Simone Klugman, a reference librarian at the Doe Library of the University of California, Berkeley, using the terms "ideology," "concept(ion)" and "theory" in conjunction with the term "human rights" in the titles of monographs and article abstracts. Although overly broad, these searches yielded some interesting results. Another set of searches run at Harvard University were much more specific but less fruitful. They involved locating those titles that included a custom or practice from a list of ones generally considered objectionable to Western conceptualizations of human rights (e.g., caste, child labor, female circumcision, foot binding, headhunting, human sacrifice) with the term "human rights." Although there were hundreds of articles on each practice, not one included the custom and the phrase "human rights" together in the title. Thus, to see whether each article was relevant to human rights and should be included in the bibliography, we would have had to examine it.

A number of excellent bibliographies and bibliographic essays on human rights do exist, of course. The most recent one, *Human Rights: An International and Comparative Law Bibliography* (Westport, CT: Greenwood Press 1985. 868 pp.) was edited for UNESCO by J. R. Friedman and M. I. Sherman. Others include:

- *Human Rights: A Topical Bibliography*. Compiled by the Center for the Study of Human Rights at Columbia University, New York, NY. Boulder, CO: Westview Press 1983. 299 pp.
- *Human Rights in Latin America 1964-1980*. Washington, DC: Library of Congress 1983. 257 pp.
- 5,000 *Titres sur les Libertés: Une Sélection d'Ouvrages Disponibles en Langue Française*. M. Agi, ed. Paris: Librairie des Libertés 1984. 270 pp.
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- *Highest Aspirations or Barbarous Acts ... The Explosion in Human Rights Documentation: A Bibliographic Survey*. *Law Library Journal* February 1978, 71:1-48. Although dated, this bibliography written by T. H. Reynolds, law librarian at the University of California, Berkeley, is still one of the foremost introductions to the field of human rights documentation.
- *Human Rights: A Research Guide to the Literature*, a three-part bibliography edited by D. Vincent-Daviss in the *New York University Journal of International Law and Politics*. The three parts, Part I, 1980, 14(1):209-319; Part II, 1981, 14(2):486-573; and Part III, 1982, 15(1):211-287 respectively address international law and the United Nations, the international protection of refugees and humanitarian law, and UNESCO and the International Labor Organization (ILO).
- The excellent bibliography found in the UNESCO textbook (vol. 2) edited by K. Vasak and P. Alston, *The International Dimensions of Human Rights* (Westport, CT: Greenwood Press 1982:687-738). (There is also a French edition.)

Unfortunately, none of these bibliographies specifically identifies relevant anthropological literature. Therefore, this compilation and existing human rights bibliographies overlap minimally.

Additional Bibliographic Tools

For those who wish to explore further the literature of legal anthropology and comparative law, several excellent references are available. Nader, Koch and Cox compiled a superb annotated bibliography entitled "Ethnography of Law: A Bibliographic Survey," *Current Anthropology* June 1966, 7(3):267-294. Subsequently, Nader and Yngvesson wrote a research essay "On Studying the Ethnography of Law and Its Consequences," which was published as Chapter 20 in the *Handbook of Social and Cultural Anthropology*, edited by J. J. Honigsmann (Rand McNally College Publishing 1974: 883-921). In addition, Moore's paper, "Legal Systems of the World: An Introductory Guide to Classifications, Typological Interpretations and Bibliographic Resources," is being published in a book edited by R. Sage. Another interesting essay, "Results and Tasks of Legal Ethnography in Europe," by Tarkany-Szucs, *Ethnologia Europaea* 1967, 1(3):195-217, focuses on comparative law in Europe.

Some nongovernmental organizations concerned with the rights of in-

digenous peoples have developed several resources. Narby and Davis compiled *Resource Development and Indigenous Peoples: A Comparative Bibliography* (Boston: Anthropology Resource Center 1983), which focuses on the relationship between resource development and indigenous peoples. Excluded from the bibliography is the large body of literature on human rights violations against indigenous peoples because they "often fail to place these violations within the broader political economic framework of nonindigenous interests in native resources and lands." The bibliography also excludes materials on resource development and indigenous peoples in Africa, the Middle East and most of Asia. It was devised as a tool for people interested in building an analytical framework for understanding the similar effects of development projects in different geographic regions.

Another pamphlet, which Cultural Survival publishes, lists several human rights groups including the Anthropology Resource Center, the Anti-Slavery Society, the International Work Group for Indigenous Affairs and the Minority Rights Group. These organizations' publications (see NGO Resources) perhaps most directly relate human rights violations and anthropological concepts. In this same vein Cultural Survival's indexes to *Cultural Survival Newsletter* (1976-1981) and *Cultural Survival Quarterly* (1982-1986) perhaps best use standard human rights categories. Unfortunately they include only the 1,000 or so articles published by Cultural Survival on indigenous peoples and ethnic minorities.

In the past few years, some scholars in the field of comparative religion have made concerted efforts to study ethical concepts, experience and behavior from a cross-cultural perspective. The schools of religion at Harvard University and at the University of California, Berkeley, have been working on the Comparative Religious Ethics Biographic Project, which should soon reach completion. At the project's inception, human rights was to be one of the categories that researchers would code. However, as a result of considerable controversy over whether human rights are universal, the category was dropped (see Western Philosophical Ethics for a few references to books on human rights). Nevertheless, this bibliography may prove to be a useful aid for those interested in cross-cultural ethical comparisons.

One final introductory comment is needed. Although this bibliography is not restricted by language, the preponderance of citations refer to material in English. Further bibliographic research is clearly necessary to broaden the bibliography to incorporate the writings of non-English-speaking anthropologists.

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CULTURAL RELATIVISM AND UNIVERSALS

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PERSPECTIVES ON MORAL CONCEPTS

Anthropology is only apparently the study of custom, beliefs or institutions. Fundamentally it is the study of thought.

—C. Geertz, *Interpretation of Cultures*

Ideation, perceived by anthropologists as a cultural artifact, was first formulated as "the primitive mind" problem by Malinowski (1927). Boas (1940) and Levy-Bruhl (1966), then as "cognitive relativism" by Evans-Pritchard and Mauss, and subsequently as "conceptual incommensurability" by Levi-Strauss and Douglas. What formerly was considered a question of comparability of psychological processes from one culture to the next, or as the "psychic unit of mankind" (with the mechanics of human thought spanning time, space and culture), became an approach that emphasized meaning of "how a Christian understands a Muslim, a European an Asian, an anthropologist an aborigine or vice versa. We are all natives now . . ." (Geertz *Local Knowledge* 1983: 151).

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RECIPROCITY AND OBLIGATION

In the literature in this listing several economic anthropologists argue that in pre-state societies, morality, patterns of cultural exchange and political power are embedded in the society's social relations, whereas in state societies each of these forms appears to have its own discrete domain. These anthropologists suggest that contractual and political relations are perceived as being absolute (in state societies), whereas in tribal societies economic and moral obligations vary with social distance, and range from positive, to balanced, to negative reciprocities.

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ETHNOGRAPHY OF LAW

In his conclusion to *Crime and Custom in Savage Society*, Malinowski notes:

Throughout our discussion we found the real problem not in bald enumeration of rules, but in the ways and means by which these are carried out. Most instructive we found the study of the life situations which call for a given rule, the manner in which this is handled by the people concerned, the reaction of the community at large, the consequences of fulfillment or neglect. All of this, which could be called the cultural context of a primitive system of rules, is equally important, if not more so, than the mere recital of fictitious native *corpus iuris* (1926:125).

With law the central instrument of human rights standards and enforcement, it is important to understand how anthropologists have approached the issue and what they contribute to making law more responsive to cultural and social contexts.

Nader, one of the leading proponents for an anthropology of law, has compiled two major bibliographies on the subject, *The Ethnography of Law: A Bibliographic Survey* (1966) and *On Studying the Ethnography of Law and Its Consequences* (1974). Along with Yngvesson, Nader describes an ethnography of law as "a description of social processes deeply embedded in social contexts." Good ethnographies of law, they suggest, are characterized by: (1) a stress on law as a process rather than a framework; (2) an interest in the social context of dispute resolution and the influence of this on the process; (3) an interest in the litigants and their relations to each other as well as to all other persons involved; (4) an interest in multiple systems within one society and strategies for choosing one resolution over another; and (5) the use of an extended case to illustrate in detail the processes involved. Nader and Yngvesson identify several ethnographies of law that exhibit these characteristics, including those by Bailey (1960), Colson (1953), Grabum (1969), Malinowski (1926) and Turner (1957).

Nader and Yngvesson argue, however, that too few anthropologists

(perhaps two dozen internationally) have devoted themselves to the ethnography of law, and that most of those who do "have been overly influenced by a model of law defined . . . by legal codes, procedures and concepts" (1974:885) rather than an interest in the social processes of law. Furt-cepts" (1974:885) rather than an interest in the social processes of law. Furt-ther, many early, tribally bound ethnographies (such as Llewellyn and Hoebel's on the Cheyenne in 1941) gave a "benign picture of law as clearing up social messes" (Chanock 1983:117). To demonstrate the rationality of primitive peoples and dispel Western stereotypes of anarchy and uncontrolled despotism, these anthropologists emphasized how basically similar legal processes were to Western ones. (See, for example, Gluckman's [1956, 1965] "reasonable man" image of the Barotse, and Colson and Moore's critique of this image in Gulliver [1978].)

Nader and Yngvesson call for an ethnography of law that is "something more than the sociological study of judicial institutions and . . . how specific formal institutions settle disputes" (1974:887). In the field of human rights, where law has taken precedence over other disciplines, the call for comparative legal practices and perceptions of justice and decision-making processes needs to be heeded.

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1973 *Law and Social Change in Zinacantan*. Stanford, CA: Stanford University Press.
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1953 Social Control and Vengeance in Plateau Tonga Society. *Africa* 23:199-212.
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1968 *Law and Conflict Management Among the Hopi*. Berkeley: University of California Press.
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1971 The Rule of Law versus the Order of Custom. In *The Rule of Law*. R. Wolf, ed. New York: Simon & Schuster.
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1979 Indigenous Law and Justice: Some Major Concepts and Practices. *Vierteljahresberichte* 76:139-150.
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1983 Local Knowledge: Fact and Law in Comparative Perspective. In *Local Knowledge: Further Essays in Interpretive Anthropology*. C. Geertz, pp. 167-234. New York: Basic Books.
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1962 Poro Values and Courtroom Procedures in a Kpelle Chieftdom. *Southwest Journal of Anthropology* 18:341-350.
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1978 *Cross Examinations: Essays in Memory of Max Gluckman*. Leiden, Netherlands: Brill.
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 - 1977 The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargada. *Law and Society Review* 12:5-126.
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 - 1957 *Schism and Continuity in an African Society: A Study of Ndembu Village Life*. Manchester, UK: Manchester University Press.
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 - 1958 Caribou Eskimo Legal Concepts. In *Proceedings of the 32nd International Congress of Americanists*. pp. 531-538. Copenhagen.
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 - 1963 The "Sentinels" of Liberty? The Nigerian Judiciary and Fundamental Rights. *Journal of African Law* 7(3):152-171.

THE CONCEPT OF THE PRIMITIVE

The central debate about "primitive mentality" has been whether it is "primitive" and whether it should be viewed as a "mentality." Some an-

thropologists have argued that the "primitive" mind is genetically and structurally different from the "civilized" mind, with the former not only less capable of rational thought, but backward and culturally and mentally inferior (Levy-Bruhl 1910). This perspective came to justify "[primitives] being held in the tutelage of their superiors" (AAA Statement on Human Rights 1947:541).

Other anthropologists argue that the differences in perceptions cannot be explained by genetic causation but are the result of social and cultural patterns and different structures of logic (Levi-Strauss 1966). New forms of anthropological study, such as ethnohistory and ethnolinguistics, have attempted to understand the nature of "primitive" logics as different forms of cognition (Frake 1962). The underlying premise of this research is not only to learn *about* different peoples, but also to learn *from* them.

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1901 The Mind of Primitive Man. *Journal of American Folklore* 14(52):2-77.
1911 *The Mind of Primitive Man*. New York: Macmillan.
Dukheim, E.
1915 *The Elementary Forms of Religious Life*. Translated by J.N. Swain. London: Allen & Unwin.
Ene, M.O.
1978 The Supernatural and the Primitive Man. *Journal of Philosophy and Social Action* 4(3):5-9.
Frake, C.
1962 The Ethnographic Study of Cognitive Systems. In *Anthropology and Human Behavior*. T. Gladwin and W.G. Sturtevant, eds. pp. 72-85. Washington, DC: Anthropology Society of Washington.
Goody, J.
1977 *The Domestication of the Savage Mind*. Cambridge: Cambridge University Press.
Hsu, F.L.K.
1964 Rethinking the Concept "Primitive." *Current Anthropology* 5(3):169-178.
Levi-Strauss, C.
1966 *The Savage Mind*. Chicago: University of Chicago Press.
Levy-Bruhl, L.
1910 *Les fonctions mentales dans les sociétés inférieures*. Paris: Alcon.
1966 *The "Soul" of the Primitive*. Translated by L. Clare. New York: Praeger Publishers.
McNamara, K.
1982 Paris Primitive. *Cultural Survival Quarterly* 6(4):30-31.
Mead, M.
1967 The Rights of Primitive Peoples. *Foreign Affairs* (Council on Foreign Relations) 45(2):304-318.

RACE AND THE NATURE OF RACISM

Some anthropologists have maintained that human races do not exist. UNESCO has issued a statement that race is a strictly biological concept without psychological or cultural connotations. If the former were true, the title "Biological Aspects of Race" would be meaningless; if the latter, it would be redundant. In both cases, the spokesmen [sic] had their hearts in the right place but their eyes closed. It is a fact of biology that human races exist; it is a

fact of life that their existence involves not only biology but also psychology, sociology, economics, politics, theology and plain old-fashioned hysteresis. The implications of race in all those other fields depend on conceptions, more often misconceptions, as to the biological aspects of race.

—G.G. Simpson, *The Biological Aspects of Race*

Anthropologists since Boas have been at the forefront in the battle against racist stereotypes as explanations of human behavior.

However, Levy-Bruhl and others have construed a subtle racism in their distinctions between "civilized" and "primitive" mentalities. Boas, moreover, has been accused of paternalism against blacks (Willis 1973). Livingstone, a physical anthropologist, contends that given all the genetic and phenotypic multiplicities, no clear racial categories can or should be created.

It is interesting to note that, although the anthropologists whose works are included in this bibliography address the essential equality of all races, few of them have examined the nature of racism: its causes and the reasons for its existence. This category is subdivided into literature on: (a) the physical aspects; (b) histories of early racial theory; and (c) the nature of racism.

Physical Aspects

- Ashey-Montagu, M.F.
1942 *Race: Man's Most Dangerous Myth*. New York: Columbia University Press.
1945 Intelligence of Northern Negroes and Southern Whites in the First World War. *American Journal of Psychology* 58:161-188.
Boas, F.
1894 Human Faculty as Determined by Race. *Proceedings of the American Association of the Advancement of Science* 43:301-327.
1969 *Race and Democratic Society*. New York: Biblio and Tannen.
Coon, C.S.
1962 *The Origin of Races*. New York: Alfred A. Knopf.
Coon, C.S., S.M. Garn and J.B. Birdsell
1950 *Races: A Study of the Problems of Race Formation in Man*. Springfield, IL: Charles C. Thomas.
Dobzhansky, T. and M.F. Ashey-Montagu
1963 Two Views of Coon's Origin of Races with Comments and Replies. *Current Anthropology* 4:360-368.
Herkovitz, M.J.
1930 *Anthropometry of the American Negro*. New York: Columbia University Press.
Keith, A.
1928 The Evolution of the Human Races. *Journal of the Royal Anthropological Institute* 58:305-321.
Klineberg, O.
1935 *Race Differences*. New York: Harper.
Livingstone, F.B.
1962 On the Non-Existence of Human Races. *Current Anthropology* 3:279-281.
Simpson, G.G.
1969 Biological Aspects of Race. *Biology and Man*. G.G. Simpson, ed. New York: Harcourt, Brace & Co.
UNESCO
1950 *What Is Race? Evidence from Scientists*. Paris: UNESCO.

- Washburn, S.
1951 The New Physical Anthropology. *Transactions of the New York Academy of Sciences* 13:298-304.
1963 The Study of Race. *American Anthropology* 65:521-531.

Histories of Early Racial Theory

- Gould, Stephen J.
1981 *The Mismeasure of Man*. New York: W.W. Norton & Co.
Stanton, W.
1960 *The Leopard's Spots*. Chicago: University of Chicago Press.
Willis, W.S., Jr.
1973 Franz Boas and the Study of Black Folklore. *The New Ethnology*. J.W. Bennett, ed. St. Paul, MN: West Publishing Co.

The Nature of Racism

- Friedman, J.
1984 *Race and Law in Britain and the United States*. MRG Report 22. London: Minority Rights Group.
Galvão, E.E.
1979 *Encontro de sociedades: índios e brancos no Brasil*. Rio de Janeiro: Paz e Terra.
de Rueck, A. and J. Knight, eds.
1967 *Caste and Race: Comparative Approaches*. Ciba Foundation. Vol. 9. London: J. and A. Churchill.

- Snyder, L.
1962 *The Idea of Racism: Its Meaning and History*. Princeton, NJ: Van Nostrand.
Tatz, C.
1979 *Race Politics in Australia*. Armidale, Australia: University of New England.
UNESCO
1980 *Sociological Theories: Race and Colonialism*. Paris: UNESCO.
1983 *Racism, Science and Pseudo-Science: Proceedings of the Symposium to Examine Pseudo-Scientific Theories to Justify Racism and Racial Discrimination*, Athens, 30 March-3 April 1981. Paris: UNESCO.

- Van Dyke, V.
1985 Human Rights, Ethnicity and Discrimination. *Contributions in Ethnic Studies* 10. Westport, CT and London: Greenwood Press.
Wagley, C.
1965 On the Concept of Social Race in the Americas. In *Contemporary Cultures and Societies of Latin America*. D. Heath and R. Adams, eds. pp. 531-545. New York: Random House.
World Council of Churches (WCC)
1980 *Responding to Racism in the 1980s*. Programme to Combat Racism Report 7. Geneva: WCC.
1982 *Organized Racial Violence: New Trends*. Programme to Combat Racism Report 15. Geneva: WCC.

APARTHEID

The literature on apartheid is vast. This listing primarily includes those works that try to address the social and cultural effects of the South African racial system on both whites and blacks. Crapanzano's book (1985) is one of the few that attempts to understand the white South African perspective; as an anthropologist, he interviewed several white families and became familiar with their world. Kuper's works (1963, 1965) detail the economic

and political roots of apartheid and their implications for political culture in South Africa. Ngubane (1963) focuses more on the struggle of blacks against the injustices of the South African system.

- Callimanolos, D.
1984 Relocating South African Blacks. *Cultural Survival Quarterly* 8(1):74-75.
Coles, R.
1986 South African Children: In Their Own Words. *Cultural Survival Quarterly* 10(4):38-39.
Crapanzano, V.
1985 *Waiting: The Whites of South Africa*. New York: Random House.
von Furer-Hamendorff, E., ed.
1979 *Anthropological Bibliography of South Africa*. 3 vols. The Hague: Mouton.
Jupp, M.
1986 Apartheid: Violence Against Children. *Cultural Survival Quarterly* 10(4):34-37.
Kuper, L.
1963 Racism and Integration in South African Society. *Race* 4(2):26-31.
1965 *An African Bourgeoisie: Race, Class and Politics in South Africa*. New Haven, CT: Yale University Press.
Ngubane, J.K.
1963 *An African Explains Apartheid*. New York: Praeger Publishers.

CASTE AND INEQUALITY

In the 1950s, a number of anthropologists became concerned about the decidedly sociocentric Western vision of caste with its typologies of the universalistic and individualistic features of social systems. They attempted to reach an understanding of caste based more on indigenous social concepts and the cognitive assumptions that were prevalent in South Asia. Marriott and Inden (1973), for example, developed an ethnosociology of caste: a pollution-based, inborn moral code that is the corporate property of each caste with the maintenance of morality held by each caste's occupation and correct exchange of bodily substances (blood, semen, hair, urine, feces), including food and services.

Indian thought does not separate "nature," "morality" or "law" so that castes are, in Western terms, at once "natural" and "moral" units of society . . . with rules, rewards and punishments among castes systematically unequal (Marriott and Inden 1973:983-989).

The idea of natural inequality, as one Indian anthropologist points out (Beteille 1983), is inherent in the caste system; lower castes are customarily prohibited from touching or "polluting higher castes' water, wells, utensils, clothing, persons or food, or from trespassing on their furniture, buildings, roadways, light, sight and air" (Marriott and Inden 1973:990). Thus, the difficulty—or impossibility—of doing fieldwork among both the Untouchables and the Brahman (Srinavas 1977, 1979).

Although anthropologists generally agree that caste is premised on the Indian cultural assumption that all living beings are differentiated and ranked vis-à-vis one another, rather closely paralleling the divisions of economic

strata (Brow 1981; Breman 1974), their views differ (just as does the practice of caste itself in South Asia) as to how to interpret caste. Dumont (1980) counterposes Western concepts of individuality and equality to that of a caste regime, the fundamental postulate of which is a radical inequality. Other scholars, such as Bereman (1972, 1973) and Gough (1973, 1981), prefer to treat caste composition as an extreme form of stratification, and to emphasize that the cultural elaborations function as ideological justifications for inequality. In this connection, what remains somewhat controversial is the extent to which a high and low caste agree on a natural bias for inequality (Moffatt 1979).

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WARFARE, AGGRESSION AND CONFLICT

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HEADHUNTING AND CANNIBALISM

This literature tries to understand the causes and logic of headhunting rather than to ethnocentrically condemn it as a perverse and inhumane practice. For example, McKinley (1976) argues that headhunting in Borneo acts as a boundary mechanism: you hunt those you consider beyond the limit of human essence; you keep the heads because you believe that if these people were human, they would be part of your group. Headhunting, in

this context, is a means by which one defines personhood and humanity and not, as is usually argued, to capture power or souls. The same argument may be applied to cannibalism, according to McKinley. Bohannan (1958) describes imaginary cannibalism among the Tiv in West Africa (murder by witchcraft and then ceremonial eating of the victim) as an example of the channeling and siphoning of in-group aggressions and the maintenance of social order.

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REFUGEES AND MIGRANTS

Millions of migrants today are working outside their home countries. Perhaps half of them have fled persecution; the remainder are economic migrants seeking either permanent or temporary employment.

—J. W. Clay "The Search for Work" *Cultural Survival Quarterly*

The issues addressed in this section range broadly from the mass movements of populations fleeing ethnic or political persecution to the migration of people in search of work. However, both the refugee and the migrant worker share a common characteristic: they are vulnerable and powerless, their human rights are frequently violated and they are often treated without dignity.

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CROSS-CULTURAL COMMUNICATION IN LEGAL SETTINGS

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INDIGENOUS PEOPLES' RIGHTS

The large category of indigenous rights reflects anthropology's longstanding interest in native rights and indigenous peoples' recent participation in the international arena. This arena and discourse has permitted indigenous peoples to step beyond the boundaries of their local and national politics to voice their positions. They have posed numerous questions, including the following: Why should centralization be pursued with a loss of local autonomy? Why should an indigenous community accept majority rule if majority rule means the negation of the collective rights of minorities?

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Indigenous Peoples' Responses to Development and Colonialism

Anthropology has often been accused of being the "handmaiden of colonialism." Whatever the merits of this accusation, anthropologists, at least since the AAA's Statement on Human Rights in 1947, have opposed "the doctrines of the 'white man's burden' [which] have been employed to implement economic exploitation ... [if not] the literal extermination of whole populations."

The literature in this listing presents the resistance and struggle of indigenous peoples not only in terms of the particular forms of colonialism that they opposed, but also in terms of the social and cultural experiences brought to the anti-colonial struggle. For example, cargo cults (Lawrence 1964) and the Sun Dance Religion (Jorgensen 1972) are different forms of resistance; they differ in terms of the particular social organization and cultural understandings that Melanesians and Shoshones brought to bear against the colonial domination under which they suffered.

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GENOCIDE AND ETHNOCIDE

They are hunted; they are pursued like animals. The parents are killed and the children sold . . .

—R. Arens, *Genocide in Paraguay*

Anthropologists have long defended the survival of indigenous peoples and ethnic minorities. The numbers of massacres of such peoples, however, continue to grow; they remain vulnerable to state terror and violence. The material in this section is a selective listing of tragic examples of genocide or ethnocide and analyses as to their cause.

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TORTURE

The literature in this category provides primarily a historical and social context to the practice of torture in the Western hemisphere. Taussig, an anthropologist, gives a detailed historical account of how Indians in Peru were brutalized by landowners who perceived of them as nonhuman savages in the nineteenth century; Bunster-Burto outlines the use of torture on women in twentieth-century Latin America (1984).

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SLAVERY

Slavery has generally not been dealt with at length by anthropologists, except as a form of social status within particular tribal societies. There are a few exceptions, with some anthropologists describing social transformations in the New World (e.g., Mintz 1974). Historians and sociologists, on the other hand, have looked upon slavery as a unique institution in Europe and particularly in the New World (Genovese 1971, 1976; Patterson 1967). The anthropological literature on slavery illustrates, however, that slavery has a variety of forms and can exist for a variety of reasons. For some, this has raised the issue as to how slavery should be defined and if various forms can be compared as equivalent.

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THE RIGHTS OF THE CHILD

Child Labor

Despite an apparent global consensus on principles, the anthropological evidence suggests that a majority of the world's peoples view human relationships from a radically different perspective. Nowhere is this tension more evident than in issues relating to children. In the Western view that dominates international moral discourse, child welfare is held to be not only a paramount goal of policy, but one on which all people can agree. The paramountcy of child welfare as a policy goal, however, derives its meaning from the cultures of peoples among whom children have been legally excluded from productive work and are legally compelled to attend school. In these contexts, child labor is viewed as exploitation, a form of injustice akin to slavery in its violation of individual rights. The abolition of child labor is regarded as an historical ac-

complishment, an aspect of moral progress that ought to be shared with all humanity.

—R. A. LeVine, *Child Labor and Ethical Relativism*

As anthropologist LeVine suggests above, whether or not child labor is regarded as morally repugnant depends on one's cultural outlook. While many international children's rights advocates tend to assume that child labor is damaging and morally repugnant, the work of children is often economically essential to families living at subsistence levels. In such situations, child labor is perceived as normal and natural. LeVine, as well as anthropologists such as Rogers and Standing (1981), underline the ethnocentrism of the "universalistic" which condemns all child labor as exploitative, and suggest the need to distinguish between child labor and the *exploitation* of child labor.

"The Exploitation of Child Labor," prepared by Boudhiba, Special Rapporteur to the UN Subcommission on the Prevention of Discrimination and the Protection of Minorities, is the most comprehensive report to date (1981). Adopting a similar perspective, the series of reports on child labor prepared by the Anti-Slavery Society merits special attention. Good general discussions and overviews of the problem are found in Mendelievich (1979) and Rogers and Standing (1981). A number of papers also evaluate children's work in particular cultural and national settings. However, no thorough theoretical analysis yet exists of the tension between the economic necessity and cultural specificity of child labor on the one hand and the leisure of a universal moral condemnation of such labor on the other.

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- Child Abuse and Neglect**
To judge such customs without considering both their indigenous meanings and the parental attitudes that accompany their enactment would be worthless.
- R. A. LeVine and S. LeVine
Child Abuse and Neglect in Sub-Saharan Africa
- Anthropologists LeVine and LeVine argue that child mistreatment in Africa is rare, but that with increasing social disorganization (and the breakdown of indigenous social relations), it is on the rise. This is not dissimilar with Youngs thesis (1964) that child abuse and neglect are an integral part of the modern world.
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Infanticide

What were the reasons for the Netsilik killing such a large proportion of their female infants? It was evidently not simply "callousness," since the children allowed to live were dearly loved and cared for. Analyses of case material together with informants' statements indicate that survival reasons in an extremely harsh environment are to be found behind this practice.

—A. Balicki, *The Netsilik Eskimo*

Infanticide, anthropologists remind us, most often occurs within the context of poverty or starvation, or both, and is a response to such questions as: How long will the child survive? How many mouths must be fed? Which

child will be able to work harder to help support the family and community? The economic context is critical to understand why the practice occurred in the past (as among the Netsilik) and why it still continues among some groups today.

However, in two ethnographies of the 1930s (Mead 1935; Linton 1939), infanticide is also described as common among Marquesan and Mundugumor mothers so as not to spoil the mother's figure, or out of spite for the husband's kinswomen present at birth (who would claim the child if it were a girl).

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WOMEN'S RIGHTS: AN ANTHROPOLOGY OF WOMEN

An anthropology of women arose from young, feminist anthropologists' belief that their training and field research was one-sided. Currently, numerous anthropologists are working to break down the long-standing Western stereotypes of man-the-hunter-provider and woman-the-meek-and-dependent. In the same way that male anthropologists had encouraged indigenous peoples to speak for themselves, feminist anthropologists want to give visibility and credence to women's perceptions of themselves and to give voice to their concerns. For this reason, a body of literature has been published on women's militancy in, for example, pre- and post-colonial African and Latin American societies.

Feminist anthropologists have also begun to open the lace curtains of Victorian anthropology, asking questions and making judgments about such issues as gang rape—a subject most ethnographers have found difficult (or embarrassing) to ask informants about. "Women and men conceptualize and experience physical coercion and sexual violence differently: women's perceptions and subjective feelings need to be taken into account. Do women experience rape in ritual as an act of sexual aggression and violence? Do women share men's reverence for such cultural performances?" (Webster 1978:16-17). Webster suggests that not enough specifics are known to make cross-cultural comparisons; for example, in many societies rape is institutionalized and culturally valued, with a distinction made between symbolic (or ritual) rape and punitive rape.

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Women's Political Rights and Female Militancy

Most of the ethnographies included in this section describe the resistance and militancy of some groups of women in Africa against the male-property-owner-provider-head-of-household-legal-guardian values of colonial lawmakers to try and maintain their relatively egalitarian status within the indigenous social structure. Even women's punishments and sanctions against men were abridged under colonialism, such as parading to the offender's home (men who beat or insult parents or have incest, etc.) at 5 a.m., singing obscene and mocking songs, and defecating and urinating in the water storage vessels. Deeply resentful of the colonial regime shutting them out from their traditional political power, they staged "Women's War" as an extension of their traditional method of punishment.

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Female Circumcision

One of the best discussions of the practice of female circumcision in the context of human rights is that of lawyer Boulware-Miller (1985), who examines three strategies that have been used by international organizations to challenge the practice: that female circumcision is a violation of (1) children's rights; (2) the right to corporal and sexual integrity; and (3) the right to health. Boulware-Miller evaluates these strategies in terms of the response of African women and African governments and concludes that: "Although the right-to-health argument may not bring immediate results, it is likely to have the most success because it considers the practice from the perspective of Africans . . . [and] integrates the issues of physical, mental and sexual health as well as child development" (1985:176-177).

However, McLean, a Western social scientist, and Graham, a Ghanaian nurse (1983), point out a problem with framing the female circumcision issue as solely a health issue. They warn against merely "clean[ing] up the gory aspects" by offering to have the operations performed with anesthetics in hospitals: "The operations may simply become institutionalized, and very much more difficult to eradicate" (McLean and Graham 1983:20). Instead, they recommend re-education programs for village leaders, midwives and local populations, specific to each cultural setting. In their *Minority Rights Report* they argue that "alarmism and righteous indignation will not help Efforts to abolish the practice have failed so badly as to have the opposite effect: frightening people into believing campaigns against excision have the concealed intent of rendering women infertile or immoral" (McLean and Graham 1983:20). However, universal feminists such as Hosken (1980) and Daly (1978) maintain that the failure to condemn the ritualized practice is "inexpressibly horrible"; they insist upon using the term "genital mutilation," even though several African women's groups (cf. Saurel 1981; Savanne 1979) believe this term to be disrespectful of circumcised women and that talk of "barbarous" practices alienates them. Nonetheless, some African writers (Thiam 1978) do use the term "mutilation."

Anthropologists have, for the most part, either ignored the practice (cf. Eliade 1965), described it as encouraging female bonding (MacCormack 1977), or, in some cases, provided detailed descriptions without making moral judgments (Montagu 1945, 1946; Hansen 1972). The medical literature reflects an uneasiness between cultural context and the brutality of female circumcision. One study, conducted by means of a detailed questionnaire to 3,210 females and 1,545 males, showed that a community in the Sudan was still in favor of continuing the practice, even though the majority was against its more severe Pharaonic form (El Darer 1983).

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NGO RESOURCES

The following is a selective listing of nongovernmental human rights organizations that publish material which might be considered anthropological in its approach. The list is restricted to NGOs that have demonstrated a concern for the rights of indigenous peoples through research. There are, of course, many advocacy organizations engaged in grassroots work or proven conscientiousness that are not included in this listing.

- *Anthropology Resource Center* (ARC)
PO Box 15266, Washington, DC 20003-0266, USA

Although currently inactive, the ARC was established to develop methods for studying the social and political issues affecting indigenous people of the Americas. The impact of large-scale development projects on native peoples has been of special concern to the ARC. In past years it published a quarterly, the *Global Reporter*, and individual research reports. All ARC reports are now available through Cultural Survival.

- *Anti-Slavery Society for the Protection of Human Rights* (A-SS)
180 Brixton Rd., London SW9 6AT, UK

The Anti-Slavery Society, founded in 1838, aims to eliminate all forms of slavery (including debt bondage, the exploitation of child labor and forced labor) and to defend indigenous peoples' interests and rights. It has pub-

lished a special series on child labor and working papers on human rights and development. The society makes numerous submissions to United Nations bodies in the field of human rights. All A-SS reports are available through Cultural Survival.

- *Centro de Formacion y de Investigacion Sobre las Culturas Indias – Chitakolla* (Center for Promotion of, and Research on, Indian Culture – Chitakolla)

Calle Ingavi No. 1047, 2do. Patio, Altos, La Paz, Bolivia

Chitakolla promotes the preservation of Indian cultures and monitors developments in Indian communities throughout Latin America. The center publishes the monthly *Boletín Chitakolla*.

- *Comissão Pro-Índio de São Paulo (Pro-Indian Commission of São Paulo)*

Rua Caiubi 126, Perdizes, cep 05010, São Paulo, SP, Brazil

The commission, established to support the Indian people of Brazil, tries to create a national consciousness concerning the problems of native people and to provide technical assistance to native groups. It publishes a monograph series, *Cadernos (Notebooks)*, which reports on significant events in Brazilian indigenous history and discusses subjects concerning the defense of Indian rights, and a legal bulletin, *Boletim Jurídico*.

- *Consejo Indio de Sudamerica (CISA), or Indian Council of South America*

Apartado Postal 2054, Lima 700, Peru

Consejo Indio de Sudamerica, a member of the World Council of Indigenous Peoples (see separate entry), promotes the defense of indigenous rights in South America. It publishes *Pueblo Indio*, a bulletin that provides information on the different cultures of South American Indians and on indigenous peoples' rights in the region.

- *Consejo Regional Indígena del Cauca (CRIC), or Indigenous Regional Council of Cauca*

Calle 20 N., No. 13-53, Barrio Cadillal, Popayan, Cauca, Colombia

CRIC was founded in 1971 in response to the cultural, social and economic oppression of Indian people in Colombia. It advocates unity among indigenous peoples and the preservation of indigenous culture. Its monthly publication, *Unidad Indígena: Unidad Tierra y Cultural (Indigenous Unity: Unity of Land and Culture)*, reports on human rights violations and on other developments in Indian communities.

- *Copal-Solidaridad con los Grupos Nativos (Copal-Solidarity with Native Groups)*

Los Alamos 431, Lima 27, Peru

Copal-Solidaridad con los Grupos Nativos is an organization that advocates solidarity with the indigenous communities of the Amazonian region. It publishes *Amazonia Indígena*, a bulletin that analyzes the problems faced by Amazonian Indian communities.

- *Cultural Survival (CS)*

11 Divinity Ave., Cambridge, MA 02138, USA

Founded in 1972, Cultural Survival works to help indigenous peoples sur-

vive contact with the industrial world. The group's goal is to demonstrate the desirability and viability of projects that support indigenous peoples. It has an extensive research program and publishes *Cultural Survival Quarterly* and Cultural Survival Reports.

- *Episcopal Commission on Tribal Filipinos (ECTF)*

Room 15, CAP Building, 372 Cabildo St., Intramuros, Metro Manila, Philippines

The Episcopal Commission on Tribal Filipinos was founded in 1977 to foster an appreciation among tribal Filipinos for their traditional culture, to encourage them to stand up for their rights and to educate other Filipinos to recognize their obligations toward tribal groups. It publishes *Tribal Forum*, a monthly magazine, and occasional special papers.

- *Gesellschaft für Bedröhte Völker (Society for Endangered Peoples)*

Bundesbüro Postfach 2024, 3400 Göttingen, Federal Republic of Germany

Founded in 1969 to work on behalf of underprivileged, discriminated or persecuted racial, ethnic and religious minorities (or majorities), the Gesellschaft has an extensive research and publications program. It issues a bimonthly magazine, *Pogrom*, which reports on the conditions of minorities worldwide, and a large number of special reports, many of them full-length monographs. Most publications are in German.

- *Grupo de Estudios Indígenas Kurunim (Kurunim Indigenous Study Group)*

Depo de Antropologia, Política e Filosofia – ILCSE/UNMEP/CAR, Caixa Postal 174, 14800 Araraquara, SP, Brazil

The Grupo de Estudios Indígenas Kurunim is concerned with the study of the adaptation of indigenous communities to their environment, with the problems that have arisen as a result of their contact with non-Indians and with capitalistic encroachment on Indian land. The group publishes a bimonthly bulletin, *Terra Indígena*.

- *Indian Law Resource Center*

601 E St. SE, Washington, DC 20003, USA

Founded in 1978, the Indian Law Resource Center assists Indian people to achieve self-sufficiency and overcome the suffering "characteristic of reservation life" by extending free legal aid to Indian governments and communities. The center has also undertaken research on indigenous rights under international and national law and has been active in submitting documentation to the United Nations Working Group on Indigenous Populations.

- *International Work Group for Indigenous Affairs (IWGIA)*

Fiolstraede 10, DK-1171 Copenhagen K, Denmark

The IWGIA has an extensive research program on the conditions and rights of indigenous populations. It has published over 40 special studies (some full-length monographs) – called *IWGIA Documents* and *IWGIA Newsletter* – which review the situation of indigenous peoples worldwide. It has a Norwegian affiliate. IWGIA publications are generally in English; occasionally they are issued in Spanish or the Scandinavian languages. All IWGIA reports are available through Cultural Survival.

• *Minority Rights Group (MRG)*
29 Craven St., London WC2N 5NT, UK

• *Minority Rights Group-USA*
35 Crescent Ave. #4S, New York, NY 10027, USA

MRG was founded in London in 1965 and currently has several West European affiliates in addition to the US one. It aims to secure justice for minorities or majority groups suffering discrimination and, by its research findings, to foster international understanding of the factors that create prejudicial treatment and group tensions. It has been active in submitting documentation to the United Nations Subcommittee on the Prevention of Discrimination and the Protection of Minorities and other UN bodies. MRG publishes a research series, the *MRG Reports*, on the condition of minorities worldwide (over 70 to date). All MRG reports are available through Cultural Survival.

• *South American Indian Information Center (SAIIC)*
Susan Lobo, ed., PO Box 7550, Berkeley, CA 94707, USA

SAIIC works to promote exchange and unity among all Indians of the Americas by making information available and by making increased direct communication possible. SAIIC also makes South and Central American Indian issues and cultures known to the English-speaking public.

• *Survival International (SI)*
310 Edgware Rd., London W2 1DY, UK

Survival International, founded in London in 1969 as the Primitive Peoples' Fund, now has affiliates not only in the US but also in 10 West European countries. Its objectives are to help indigenous peoples exercise their rights, to ensure that they are represented in all decisions affecting their future and to help them secure their right to land and other natural resources. SI, London, publishes the *Survival International Review* (quarterly) and occasional reports.

• *World Council of Indigenous Peoples (WCIP)*
University of Ottawa, 555 King Edwards Ave., Ottawa, Ontario K1N 6N5, Canada

The World Council of Indigenous Peoples was established in 1975 following an international indigenous peoples conference. Its goals are to ensure unity among indigenous peoples, exchange information, strengthen indigenous political and cultural organizations, combat racism and ensure social justice and equality for indigenous peoples. The WCIP has member organizations in over 20 countries.

For a complete directory of indigenous people's organizations and indigenous organizations, send \$2 to Cultural Survival, 11 Divinity Ave., Cambridge, MA 02138.

About Cultural Survival

Cultural Survival, a nonprofit human rights organization founded in 1972 by social scientists at Harvard University, is concerned with the fate of indigenous peoples and ethnic groups throughout the world. Members include a network of approximately 1,500 anthropologists and other social scientists who have worked with specific groups, particularly indigenous peoples, worldwide. The organization has sponsored and facilitated research on both urgent and chronic issues relating to development and social change in Africa, Latin America and Asia, with a special focus on the general and specific problems confronting indigenous peoples incorporated into encompassing state systems. Cultural Survival also directly funds projects that are designed and implemented by indigenous peoples themselves to promote their self-sufficiency. This is done with the aim of giving such groups the time and economic resources with which to determine their relation to economic and political systems at the state level. Cultural Survival often sponsors research, however, on topics in places where it does not have or intend to have in the near future direct assistance projects of its own. One of its purposes as an institution is to make available its own expertise (or the expertise it can rally) to other, larger organizations who either have ongoing programs in areas of concern or have the capacity to launch such programs. The research on the Ethiopian famine fell in line with this latter goal of Cultural Survival.

Research among refugees has become a concern of Cultural Survival in the course of its efforts to protect the rights of indigenous peoples. Racism, discrimination and ethnic persecution in indigenous people's homelands often cause them to cross international borders. Cultural Survival has conducted research among refugees in or from Costa Rica, Djibouti, Ethiopia, Guatemala, Mexico, Nicaragua, Ruanda, Somalia, Sudan and Uganda, and as a result has published numerous documents on the general relationship between ethnicity and refugee status.

Cultural Survival also publishes and/or distributes more than 350 documents about the plight of indigenous peoples and ethnic minorities throughout the world.

CULTURAL SURVIVAL PUBLICATIONS

CULTURAL SURVIVAL REPORTS

Politics and the Ethiopian Famine, 1984-1985. By Jason W. Clay and Bonnie K. Holcomb. (No. 20, December 1986; revised edition.) 240 pages. \$9.95.

Southeast Asian Tribal Groups and Ethnic Minorities. Proceedings of a Cultural Survival-sponsored conference. (No. 22, 1988.) \$10.

Coca and Cocaine: Effects on People and Policy in Latin America. Edited by Deborah Pacini and Christine Franquemont. Proceedings of the conference "The Coca Leaf and Its Derivatives - Biology, Society and Policy." Published with the Latin American Studies Program, Cornell University. (No. 23, June 1986.) 169 pages. \$8.

Human Rights and Anthropology. Edited by Theodore E. Downing and Gilbert Kushner, with Human Rights Internet. (No. 24, 1988.) 208 pages. \$12.

The Spoils of Famine: Ethiopian Famine Policy and Peasant Agriculture. By Jason W. Clay, Bonnie Holcomb, Peter Niggli, and Sandra Steingraber. (No. 25, 1988.) 200 pages. \$15.

A Sea of Small Boats. Edited by John Cordell. (No. 26, 1988.) 300 pages. \$12.95.

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Report from the Frontier: The State of the World's Indigenous Peoples. By Julian Burger. (No. 28, 1987.) 320 pages. \$15.

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The Chinese Exodus from Vietnam: Implications for the Southeast Asian Chinese. By Judith Strauch. (No. 1 December 1980.) 15 pages. \$1.50.

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The Akawaio, the Upper Mazaruni Hydroelectric Project, and National Development in Guyana. By William Henningsgaard. (No. 4, June 1981.) 37 pages. \$2.

Brazilian Indians Under the Law. Proceedings of a Cultural Survival-sponsored conference of lawyers and anthropologists in Santa Catarina, Brazil, in October 1980. (No. 5, September 1981.) 14 pages. \$1.25.

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The San in Transition. Volume I: A Guide to 'N'iai, the Story of a !Kung Woman. By Toby Alice Volkman. Published with Documentary Education Resources. (No. 9, November 1982.) 56 pages. \$2.50.

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The Eviction of Banyaruanda: The Story Behind the Refugee Crisis in Southwest Uganda. By Jason W. Clay. (No. 14, August 1984.) 77 pages. \$4.

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The Future of Former Foragers in Australia and Southern Africa. Edited by Carmel Schrire and Robert Gordon. (No. 18, October 1985.) 125 pages. \$8

Ethnic Diversity on a Corporate Planation: Guaymí Labor on a United Brands Subsidiary in Costa Rica and Panama. By Philippe Bourgois. (No. 19, December 1985.) 52 pages. \$4.

Strategies and Conditions of Political and Cultural Survival in American Indian Societies. By Duane Champagne. (No. 21, December 1985.) 56 pages. \$5.

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Brazil. Articles translated from "A Questão de Emancipação" (Comissão Pro-Índio, São Paulo, 1979) and "Nimendajú" (Comissão Pro-Índio, Rio de Janeiro, 1979). (No. 1, December 1979.) 68 pages. \$1.

The Indian Peoples of Paraguay: Their Plight and Their Prospects By David Maybury-Lewis and James Howe. (No. 2, October 1980.) 122 pages. \$4.

Amazonía Ecuatoriana: La Otra Cara del Progreso. Edited by Norman E. Whitten, Jr. Contributions by N. E. Whitten, Jr., E. Salazar, P. Descola, A. C. Taylor, W. Belzner, T. Macdonald, Jr., and D. Whitten. Published with Mundo Shuar. (No. 3, 1981.) 227 pages. \$2.50.

Fishers of Men or Founders of Empire? The Wycliffe Bible Translators in Latin America. A U.S. Evangelical Mission in the Third World. By David Stoll. Published with Zed Press. (No. 4, December 1982.) 344 pages. \$12.99.

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What contribution can anthropology make to the study of and struggle for human rights? Should anthropologists judge a group's or a state's cultural practices from a human rights viewpoint, or should they remain as nonpartisan observers of a group's rituals? Some would say that anthropologists should keep away from such a political and moral minefield as human rights. Others would say that anthropologists, who spend so much of their time in the intensely personal experience of fieldwork, cannot help but involve themselves in the human rights of the people they study.

Human Rights and Anthropology builds a framework for the bridge between anthropologists and others concerned with human rights. It presents the papers given at a conference sponsored by the Society for Applied Anthropology. The authors consider such general topics as human rights research and anthropologists, the basis in anthropology for human rights, and the dilemma of cultural diversity in universal human rights standards. Specific studies focus on Latin America, undocumented workers in the US, and powerless peoples throughout the world.

The second half of this volume comprises the most extensive bibliography on anthropology and human rights yet compiled. Originally prepared by the authors for Human Rights Internet with a grant from UNESCO, it contains more than 1,000 entries divided into such categories as Cultural Relativism, Racism, Warfare and Conflict, Refugees and Migrants, Indigenous Rights, Torture, and Women's Rights, among others.

Human Rights and Anthropology, volume 24 in Cultural Survival's report series, is a valuable resource for anthropologists and human rights activists alike. Cultural Survival, a nonprofit human rights organization described by *Newsweek* as "the conscience of anthropology," works to raise public awareness of the human rights of tribal groups and ethnic minorities around the world. Our magazine, *Cultural Survival Quarterly*, and our many publications serve to inform the general public and policy makers and to stimulate action on behalf of indigenous peoples.