Negotiating Politics and Culture: The Utility of Human Rights for Activist Organizing in the United States

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Abstract

Historically, culturally, and politically, the United States has maintained an ambivalent relationship with the discourse of international human rights. While integral to its codification as transnational principle and law, the United States has not moved significantly toward ratification of human rights conventions, nor has the language of human rights been widespread in US society. Within the context of this complicated relationship, this article explores how US activists conceptualize, relate to, and utilize the human rights framework. In addressing this question, this article examines activists' organizational framing choices, the factors that influence them, and the implications of these choices for the future of human rights organizing in the context of US urban activism. Based on 51 interviews across 42 organizations, this research finds that activists contend with substantial political obstacles, including the US government's perceived exploitations of the human rights framework. Far more pervasive among respondents, however, is the notion that it is the cultural barriers that prevent widespread social movement mobilization under the banner of human rights language. Because of this, respondents point to grassroots approaches as a potential avenue for future human rights organizing in the US context. Relying on the findings from these interviews, this article considers social movement strategy, history, and public perception as central factors underlying activist conceptions of the utility of a human rights discourse to their work.

Keywords: activism; civil rights; framing; grassroots; social movements

Introduction

For 60 years since the Universal Declaration of Human Rights (UDHR) was created, it and numerous other UN standards or instruments have served as the international human rights framework to advance the human condition globally. Since 1948, grassroots social movements and social justice organizations around the world have championed the notion of human rights and employed these universal declarations and conventions to advance

campaigns and struggles for improving people's lives and dignity. Even in the absence of governmental commitments, grassroots organizers have mobilized around the human rights framework at local levels, aiming to create a groundswell toward change, including a recently organized global movement to create Human Rights Cities (Marks et al., 2008). In the United States, however, the human rights framework seems to be less prominently utilized in grassroots social justice and political organizing. US organizers make choices about whether to employ the human rights framework within a unique historical, cultural, and political context with deep heritages of US hegemony, leadership and letdowns. This article examines how US activists and organizers in one urban context conceptualize, relate to, and utilize the human rights framework. It aims to understand organizational framing choices, the factors that influence them, and their implications for the future of human rights organizing in the urban United States.

A broad literature around human rights highlights many limitations particular to the US context, both political and cultural. Perhaps most important is the dualistic historical role of the United States, which has acted prominently to draft human rights treaties but also failed to sign and ratify many key conventions, thereby delegitimizing the framework and excusing itself from its obligations (Glendon, 2001; Blau and Moncada, 2005). Also, beyond a lack of legal commitment and political will, some have highlighted more subtle, though still potent, cultural barriers to realizing a commitment to global human rights in the United States, including US exceptionalism, individualism, and beliefs in meritocracy (Forsythe, 1991; Evans, 1996; Anaya, 1996; Cranston, 1973). In addition to these long-standing barriers, following 9/11, the US government backpedaled even further from rights-based commitments on the basis of more primary security needs (Schulz, 2003). In this context, then, where rights are being dismantled, and concepts of universal human rights may be even more deeply marginalized as naïve idealism, this work aims to understand how US activists and organizers are thinking strategically about human rights. Is the human rights framework even more relevant today than it was in the past, or has hope been lost in the United States that it has potential to drive social change? Social justice and political activists and organizers are an important piece of shaping the direction of US-based activities related to human rights. As Sally Engle Merry suggests, individuals in these roles serve as intermediaries and translators of transnational concepts to local sociocultural contexts (Merry, 2006a). Their opinions and perceptions regarding the strengths, weaknesses and potential of this framework in the domestic context are an important topic for inquiry, then, for understanding possibilities for future human rights work.

The purpose of this article is to explore the utility of the human rights framework as an organizing tool for social justice and related campaigns within the US context. The human rights framework is conceptualized as the

body of UN treaties and conventions that articulate the notion of universal human rights. Emerging from existing literature regarding the relationship of the United States to the human rights framework, and social movements literature discussing how organizers make choices to frame campaigns and struggles, questions arise as to how US activists view human rights today. This article presents the results of interviews with 51 individuals associated with 42 organizations in the metropolitan area of Boston, Massachusetts, exploring the ways US activists and organizers utilize the human rights framework (explicitly and/or implicitly) in their work, their rationale for these decisions, and what limitations and opportunities they perceive around engaging the human rights framework for broad coalition building and advancement of organizational missions.

This research finds that organizers contend with an array of limitations related to the human rights framework; some obstacles are political while others are cultural. Political difficulties came through in interviews with activists and organizers highlighting how the failure by the United States to adopt the framework limits its utility and weakens the frame, how a history of co-optation has undermined the frame's legitimacy, and how human rights is perceived as partisan and primarily leftist, or at times, overly centrist. Although political barriers are visible and evident issues for organizers, less tangible cultural barriers are even more widely recognized as barriers to the framework's resonance with activists and the audiences they aim to influence. The word 'cultural' here refers to those barriers that correspond to sets of attitudes and values that emerge as socially entrenched patterns in US society. This reflects a loose adherence to the notion that culture is relational and consists of shared assumptions, dispositions, and orientations that shape thought, action, and perceived choices (Bourdieu, 2005). Primarily, interviewees highlight that the human rights frame fails to resonate in the US context given perceptions of its exclusive applicability to contexts abroad, its historic popular framing around negative rights only, and its disagreement with core American values of exceptionalism, liberalism and meritocracy. Activists also point to the challenge of human rights being perceived as the lexicon of experts and elites, and therefore alienating local constituencies. Finally, some highlight that the heritage of the civil rights movement[1] is more present in their work than the heritage of human rights.

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1   The US civil rights movement, spanning from the mid-1950s through the 1960s, centered on ending discrimination against African Americans and other minority groups. The movement culminated with the passage of multiple pieces of legislation establishing non-discrimination in employment, housing, public accommodations, and voting, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. It is considered a seminal social movement in the United States, which prompted or otherwise shaped several other social movements, including the Black Power movement, second-wave feminist movement, American Indian Movement, anti-poverty campaigns, and gay rights movement. (Williams, 1988)

Despite the challenges, organizers and activists are almost universally reluctant to disregard the potential of the human rights framework. They highlight particular opportunities they perceive around human rights, speaking optimistically about the power of human rights as a mobilizing tool to unite groups across issue and geographic boundaries. However, if human rights is to be engaged in the urban US context – a potential many activists seem hopeful about – several interviewees pointed to the need to engage the framework at a grassroots level. Some organizers see promise in approaches like the Human Rights Cities model, and such approaches may even address some of the political and cultural barriers encountered in human rights-related organizing in the United States. The many limitations cited by interviewees suggest that broad realization of the framework's potential in the US context will likely only come about with substantial cultural, and not just political, change. The literature review that follows explores the unique context within which organizers and activists engage these issues, and is followed by a description of the methods and results of this study.

Human Rights, Organizing and the US Context

Social movement and social justice organizers make choices about how to present and advocate for their positions within unique political and cultural contexts. Social movements literature refers to framing as the dynamic, interactive process organizations undergo in forming and expressing their demands and claims (Benford and Snow, 2000). As Ellen Reese and Garnett Newcombe explain: 'through collective action frames, activists identify problems, diagnose their cause, propose solutions, and give reasons for collective action' (2003: 294), often levied against an adversarial opponent (Ryan, 1991). A human rights frame, then, would refer to universal concepts of human rights, and the conventions and documents which convey them, as a basis for forming claims. The adversarial opponent would be any entity which either violates or fails to protect human rights, including visible entities like governments or corporations and less tangible entities like popular culture (Gamson, 1989; Klandermans, 1997). In the process of framing, activists and their organizations form collective action frames in a strategic fashion to attract new members and increase political support in a way that is resonant with various cultural, political, and organizational contexts (Reese and Newcombe, 2003; Benford and Snow, 2000; Stoecker, 1995; McAdam, 1994; Snow and Benford, 1988; Ryan, 1991).

The sociohistorical context in which US activists and organizers make choices about framing is ripe with both potential strategic openings and limitations. Social movement theorists point to the need to consider both the political and the cultural opportunity structures within which actors define their struggles and collective action frames (Wahlström and Peterson, 2006; Spetalnick, 2005). Political opportunity structure refers to political structures and circumstances external to social movements that affect the emergence,

shaping and success of movements (McAdam et al., 1996). In reference to human rights, this would include, for example, the actions of governments regarding human rights treaties and documents. Cultural opportunity structure refers to the effects of less tangible cultural factors that nonetheless exert powerful influences on social movements, including media depictions, popular perceptions and values (Gamson and Meyer, 1996). Cultural factors related to human rights would include, for example, popular understandings and beliefs about rights versus privileges. The literature on human rights highlights both political and cultural factors which facilitate and impede advancement of the human rights framework in the US context, all of which contribute to the contemporary choices made by social justice organizers.

The United States has historically exercised a dualistic role related to the human rights movement. While it served as a founding contributor and early champion of the human rights framework, many have pointed to how the United States has since then undermined the legitimacy, adoption, and application of human rights treaties (Evans, 1996; Glendon, 2001; Blau and Moncada, 2005). President Franklin D. Roosevelt is often credited for his leadership and political will in putting human rights on the agenda during the UN's founding. Supported by the often under-acknowledged advocacy of many other nations, and in the aftermath of the Holocaust, the United States played an important role in advancing a human rights agenda within the UN's founding Charter and in the creation of the symbolically groundbreaking though non-binding UDHR under Eleanor Roosevelt's leadership (Glendon, 2001).

During the drafting of the UDHR, and more so as the UN's Human Rights Commission drafted its first binding covenants, the controversial division of negative (civil and political) and positive (economic, social and cultural) rights arose against the backdrop of an escalating cold war. The United States saw the inclusion of the latter category of rights as representative of socialist values, and 'for historic and ideological reasons to do with liberalism and isolationism, the United States was unable to fully support the inclusion of economic and social rights within either the Declaration or the Covenant' (Evans, 1996: 126). As such, the Commission drafted separate documents – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This division of rights, and the refusal by the United States to sign and ratify these binding documents, began the antagonistic relationship of the United States to the human rights framework. While the UN General Assembly adopted both covenants in 1966, the United States did not sign them until 1977. It has never ratified the ICESCR, and ratified the ICCPR in 1992 with reservations, understandings and declarations so substantial as to negate the treaty's utility (Ash, 2005; Fox, 2003). This has significantly limited the widespread use of human rights in both domestic and international contexts as the legalistic nature of human rights conventions is

accompanied by disproportionately weak implementation and monitoring mechanisms (Evans, 2001; Farmer, 2003).

Since this early controversy, the United States has selectively signed and ratified some conventions and left others uncodified in US law, resulting in a fragmented legal and political framework for human rights organizing domestically (Blau and Moncada, 2005). This hesitancy to ratify treaties – and perhaps even the lack of mobilization of activists around this issue in the US context – is often explained by the fact that the United States has already guaranteed many foundational human rights in its Constitution and civil legislation. The existence of domestic statutes in the United States covering many civil and political rights might be considered sufficient. In this sense, the resistance of a democratic nation to the framework should be understood as less insidious than that of a dictatorship which denies its citizens rights. At the same time, some have argued that the insularity of the US legal system effectively downgrades the integrity of a notion of human rights. In an analysis of the US political debate over military commissions for detainees at Guantánamo Bay, Amnesty International finds that discussions of US values and legal structures are used to, in essence, reject the concept of universal human rights for those suspected of terrorism. The report states: 'That exceptionalism may be based in part on an assumption that universal human rights rules or values are somehow inferior to or less worthy than the constitutional and other laws and values of the USA' (Amnesty International, 2009: 48).

Many have critiqued the standard of exceptionalism of the United States for having tainted the project of the UN and a universal sense of human rights from the start (Evans, 1996). Some point to how the human rights framework is importantly at odds with some of the deepest cultural and political identities of the United States. These include the liberal tradition of the United States and its heritage of Lockeian property rights, and meritocratic and racist ideologies which justify a privileging of individual over collective rights (Blau and Moncada, 2005; Fields, 2003; Schulz, 2003; Evans, 2001; Anaya, 1996; Cranston, 1973; Donnelly, 1989). There are several critiques of the human rights framework which question whose conception of rights is being represented and for what purpose. The centrality of Western influence in drafting UN conventions is unmistakable, and leads to questions about the human rights framework serving as a basis for cultural imperialism and the maintenance of hegemony (Forsythe, 1991; Evans, 1996; Schulz, 2003). Unfortunately, examples of co-optation of the framework abound, both by state and non-state actors, not least of which is the use by the United States of human rights rhetoric to support its war on terror (Schulz, 2003; Fields, 2003).

Thus, just as many non-Western sources cite a cultural bias to the human rights framework as they exempt themselves from its influence, the United States at times relies on the same argument, one of cultural relativism. While

many scholars have recognized the tension between 'universalist' and 'relativist' approaches to human rights discourse (Donnelly, 1989; Lewis, 1995; Merry, 2006b), Cowan and her colleagues criticize the notion that these are dichotomous. Instead, they recognize that this tension is part of 'the continuous process of negotiating ever-changing and interrelated global and local norms' (2001: 6). Though the United States does not necessarily hold culture to be the main source of the validity of a right, notions of US exceptionalism lead to the country's selective acceptance of human rights.

Some of these key limitations have contributed to the historic lack of traction that human rights has had in the United States. Even the civil rights movement, one of the first domestic movements that might have benefited from human rights framing, was strategically framed otherwise. While the NAACP (National Association for the Advancement of Colored People) initially marshaled its resources to support the human rights framework, cold war politics left African American leaders in a position of discarding human rights or risking a 'communist front' label. Furthermore, to avoid international scrutiny on the 'Negro problem', Eleanor Roosevelt agreed to support the efforts by the United States to block a UN committee investigation of racial discrimination in South Africa, aiming to avoid a precedent for such analysis (Anderson, 2003). Thus, the window for using human rights framing was closed for the most part, and civil rights framing was embraced, to great effect (Polletta, 2000).

As a seminal activist movement in the United States, this civil rights history may have at least partially sealed the fate of US organizers and activists relying on alternatives to human rights framing. Some contemporary examples of activist human rights work in the United States reveal that, beyond its tainted history, the framework's applications have at times been more fragmenting than uniting. For instance, Julie Mertus (2007) illuminates how framing lesbian, gay, bisexual and transgender (LGBT) issues in human rights terms has historically centered on socially constructed sexual identity categories to its detriment. Lynn Fujiwara (2005) arrived at a similar conclusion in examining how, after 1996 welfare reforms left immigrants without a safety net, human rights organizing focused on people categories rather than on broad social discrimination. In each case, the status quo of cultural labels remained unquestioned.

Despite its limitations, the human rights framework has proven a useful organizing frame for some movements globally. Hwa Ji Shin and Kiyoteru Tsutsui (2007) argue that human rights language allowed Korean residents of Japan to transform their activism from a specific ethnic minority to a human rights movement relevant to the broader Japanese public. In this case, the idea of universal human rights constructed a 'social movement actorhood', creating space for seemingly disparate groups to form alliances and embrace new tactics. Niamh Reilly (2007) demonstrates how global feminist advocacy which has utilized a human rights frame has had a significant

and positive impact on local and national feminist organizing in Ireland. Finally, the Human Rights Cities model, first initiated in 1997 in Rosario, Argentina, was adopted by 17 cities globally by 2007. The model encourages city-based coalitions to guide city life development through the application of the human rights framework (Marks et al., 2008).

In the Human Rights Cities model, citizens are engaged in a process of learning about their human rights to instill a sense of personal ownership and eventually take action for their realization within the municipal context. It is a bottom-up approach that translates the human rights framework to the local sociocultural context through participatory engagement, rather than leaving it exclusively to circles of diplomats and federal policy makers. The UN Development Programme (UNDP) and the UN Human Settlements Programme (UN Habitat) have supported the model, and its achievements include new municipal government commitments to human rights and the introduction of 'human rights learning' into police academies, medical centers and indigenous communities (People's Movement for Human Rights Learning, 2007; Communication Initiative Network, 2009). In 2008 Washington DC became the first Human Rights City in the United States, which may represent an important movement in domestic human rights organizing, and expansion upon the more narrow focus of city-based human rights ordinances already implemented in Boston, Eugene, New York City, San Francisco, and South Bend (Council of District of Columbia, 2008; Blau, 2008).

Along with this recent development in the United States, the Obama administration has also seemingly renewed the engagement of the United States with universal human rights. In September 2009 the United States joined the UN's Human Rights Council, a reversal of the Bush administration's decision to decline participation (Lynch, 2009; Brimmer, 2009). The Obama administration has also publicly expressed its intent to increase not only its commitment but also its accountability to UN structures and human rights principles (Clinton, 2009). Additionally, some non-governmental organizations (NGOs) have enhanced their activities in monitoring compliance by the United States with human rights principles, reviewing its periodic reports to and engagement with the UN (ACLU, 2009). Thus, the landscape of US engagement with, and activism around, human rights continues to evolve.

In exploring the strategic framing choices activists make around human rights framing, it is understood that these choices are contextualized by the unique engagement the United States has had with human rights historically and by ongoing challenges related to American cultural and political identities. This research highlights that both political and cultural barriers continue to pose challenges to human rights organizing today. Interestingly, however, while one might immediately consider the more obvious political barrier of a lack of ratification by the United States of human rights treaties and documents, less visible cultural obstacles may indeed be more pervasive.

A Qualitative Approach to Dialoguing on Human Rights

In the first part of 2008, 51 qualitative interviews were completed with activists, organizers, program staff, and volunteers associated with 42 social justice, human rights, and progressive political organizations in the metropolitan area of Boston, Massachusetts. Boston, known as a politically progressive area with a dense university student population, has a rich history of activist campaigning on social justice issues, and is home to many non-profits and NGOs focused on campaigns from local to international. Boston is an interesting site for exploring human rights organizing as it has an established Human Rights Commission, created to ensure equality of access to public services in the city (City of Boston, 2009). Several Boston organizations have also been involved in the national Right to the City movement, aiming to reclaim urban life throughout the United States (Right to the City). This metropolitan area serves as an interesting microcosm of activism in well-developed, highly-educated, urban parts of the United States, and it is an important hub of political and social justice activity, with organizers campaigning across many social issues. Boston as a case study is not generalizable to the kind of activism and organizing that takes place in more rural parts of the United States and as such, the results of this study should not be taken as valid for the entire country.

The organizations represented in this research were selected within the issue areas of health, gender, youth, environment, peace or anti-war, labor, housing, immigration, and LGBT rights. While these areas of focus do not encompass all types of activism around Boston, they were chosen as representative of issues around which there are current, vibrant movements in the Boston area, and where particular openings have been created in reaction to neoliberal globalization and a post-9/11 dismantling of civil rights. Within each issue area, several organizations were selected from which to solicit interviews, aiming to maximize variance on a number of measures, including the extent of explicit human rights framing used by the organization (on website and in organization materials), the extent of explicit political framing (on website and in organization materials), and to include both community-based (more bottom-up) and advocacy (more top-down) organizations. Within each organization, interviews were solicited with individuals in leadership positions who were empowered to make decisions about how campaigns and activities were framed, and the majority of interviews were with executive directors, policy directors, program directors, and communications directors.

Semi-structured interviews of approximately 45 minutes first asked participants to define human rights and to explain if and how the human rights framework is engaged in their work. Those who explicitly use the framework were asked about its value in mobilizing constituencies, choices made in engaging the framework, any shifts over time in these choices and/or

organizational philosophies, and perceived limitations and opportunities in utilizing the framework. Those who do not explicitly use the framework were asked about alternative frames they have used (and to what effect), perceived limitations and opportunities around the human rights framework, and any changes in organizational philosophies and/or uses of the framework over time. Finally, all participants were asked for their views on the intersections of politics and human rights, as well as for their opinions about the effectiveness of various models of human rights organizing.

Contemporaneous with the implementation of this study was a growing effort among a small group of local activists and organizers to define Boston as a Human Rights City. Because of its grassroots participatory nature as well as its timely relevance to the context of organizing in Boston, this research explored how the activist community more broadly viewed that model as one potential avenue to mobilize a human rights agenda in the city. However, in the same way that Boston is not a generalizable case for the entire United States, it is also important to recognize that there are multiple models of Human Rights Cities, each tailored to fit the context, whether it is in rural or urban areas of Ghana, Argentina, Austria, or Washington DC (Marks et al., 2008). When respondents in this study were probed for their thoughts on the Human Rights City model, the discussion focused on its basic tenets. The following sections present the results and analysis of these interviews.

Challenges to a Human Rights Frame in the United States

This section provides a brief overview of current organizational engagements with the human rights framework, followed by a more extensive discussion of the major challenges to using a human rights frame in the United States. Thirty-three percent of all the organizations interviewed explicitly use a human rights frame in their work. Divided by issue focus, 50 percent or more of the gender (three of five), labor (two of four), and immigration (two of four) organizations and 43 percent of the health (three of seven) organizations examined use a human rights frame in their work. Meanwhile, only four groups in total from the areas of LGBT (one of five), peace/anti-war (two of seven), and environment (one of four) carry a human rights frame while none of the housing (two) or youth (two) groups explicitly use a human rights frame in their work. (See Table 1 for an illustration of this breakdown.) Since only one-third of all of the organizations examined explicitly use a human rights framework, much attention and analysis was paid to the factors – both political and cultural – that influence activists' choices and thinking around the viability of a human rights frame within the US context.

The two-thirds of interviewees who said they do not explicitly use human rights in their organizational strategies expressed a multitude of reasons for their framing decision. Several of these issues were echoed even by those

Table 1

Issue focus of organizations	Number of organizations examined in the study	Those which explicitly use a human rights framework	
		No.	percent
Gender	5	3	60
Labor	4	2	50
Immigration	4	2	50
Health	7	3	43
LGBT	5	1	20
Peace/anti-war	7	2	29
Environment	4	1	25
Housing	4	0	0
Youth	2	0	0
Total	**42**	**14**	**33**

activists who did use human rights centrally in their work. Consideration of these limitations helps to map out an understanding of challenges and opportunities for a human rights frame in the United States. As expected, activists discussed political limitations as important challenges to human rights organizing in the United States (23.6 percent of limitations cited). In particular, interviewees from these organizations felt that the US government's treatment of human rights law and language renders such a frame unattractive for developing organizational strategy, and that viewing a human rights frame as aligned with one side of the political spectrum or another in the United States limits its appeal. Such limitations indicate that much of an organization's hesitancy to use a human rights frame comes from the treatment of the frame by the state and its body of laws.

However, more pervasive than political challenges to a human rights frame are those perceived as cultural trends and the unique cultural history of the United States. More than 76 percent of limitations cited in this study were cultural in nature. Primarily, interviewees felt that a lack of cultural resonance in the United States with a human rights frame currently serves as a drawback for organizing, and the perception of the human rights frame as a lexicon of experts and the elite (that is, as a discourse controlled by those with political power in society based on their expert knowledge) discourages organizers working to mobilize community support for social change. The political and cultural challenges to utilizing a human rights frame in organizational strategy highlight not only obstacles but also potential opportunities for the adoption of such a frame in the context of US activism. In the subsections that follow, each of these challenges is explored in more detail.

Political Challenges to a Human Rights Frame

1) The US government's use of human rights law and human rights language: Through discussions with activists and organizers, this study finds that limitations to a human rights approach are often articulated through critical mention of the way that human rights is employed in the US political discourse. At first glance the fact that the United States has failed to integrate human rights norms and laws into domestic legislation seems as if it would create a ripe point of struggle for organizations advocating for some set of rights, as social movement organizations often strategically struggle *against* a particular polity (Klandermans, 1997). However, the findings of this study show that this is not the case. Rather, the fact that the United States has not ratified and codified as US law a number of international human rights conventions actually seems to deter activists from using a human rights frame. In a sense, by rejecting many aspects of international human rights law, the US government precludes the use of such legal frameworks as advocacy tools. As an organizer working on youth issues put it, a human rights approach 'might be more useful in a context where the government has adopted [the UN conventions] and uses it around planning its education system, integrating it into the Constitution – like we [in the United States] don't use it now in this context, so it's hard to use it [human rights] as a tool'.

Forty-three percent of the interviewees typified a human rights frame as a weak, irrelevant, or abstract set of discursive and analytical tools. While this perception may stem from a range of factors, it is certainly related at least in part to the US government's hesitancy to ratify and make enforceable international human rights conventions, which renders the framework peripheral. A peace/anti-war activist said: 'American foreign policy hasn't really adhered to those [human rights laws] for so long. They aren't really relevant. They aren't potent in that regard.' To this interviewee, US policy has strayed so far from the standards of international human rights law that a human rights frame seems weak and useless as a tool for community mobilization.

The perceived ongoing use of human rights discourse by the US government for political gain was highlighted by 17 percent of interviewees, and seems to generate antipathy toward utilization of the frame among activists and organizers. Activists criticized politicians for manipulating the language of human rights to make themselves seem more approachable and reasonable and to couch highly partisan issues such as the wars in Iraq and Afghanistan or abortion in seemingly apolitical rhetoric. One respondent from an LGBT rights organization added:

> I think it is ironic that we use human rights when we want to impose our own will against other countries. There were women's organizations beating the drum tirelessly on the rights of women in Afghanistan but nobody gave a shit and then when 9/11 happened,

> everybody said there were tons of human rights violations happening
> there and that we needed to intervene.

In this sense, a human rights approach becomes illustrative of the perceived
hypocrisy of the United States. Thus, the apparent partisan co-optation of
the human rights framework and its perceived use in government machina-
tions deter many from using a human rights frame in social justice
organizing.

*2) The human rights frame and the political right and left in the United
States:* Contemplating the use of a human rights frame necessitates question-
ing how reliance on such a frame would position its user on the political
spectrum. In the United States political discourse about human rights often
takes on a partisan nature: some perceive the human rights frame as a tool
used by the political left, while others see it as a strategy of the political
right. To some of the individuals interviewed for this study, the apparent pol-
itical leanings of the human rights approach represent an obstacle to using
the frame. This may be the case particularly for those groups who wish their
work to remain an apolitical issue. The detriment to such groups is that as
soon as rights struggles become political, issues such as health rights, to cite
one example, can be contested and lost as part of the alleged battle between
right and left.

Interviewees from 29 percent of the organizations across nine issues think
of human rights as left of center, while only five percent feel that it represents
a right of center position, and 12 percent feel that human rights can be
associated with either right or left, depending on the situation. Not all feel
that this would keep them from using a human rights frame; but it precludes
some organizations from doing so. According to one environmental rights
activist: 'By using those [social justice and human rights] words, it positions
us as a lefty organization which is not what we are trying to do. It's a conno-
tation thing.' And as a gender activist explained, using a human rights
approach may get one called 'a communist, pinko, or socialist'. For these
individuals, hesitancy to use a human rights frame seems to derive from a
reluctance to be marginalized to the left. From the perspective of organiz-
ational strategy, this makes sense. Movements typically want to position
themselves as being in a struggle for change, but do not want to isolate them-
selves as being too far on the outside of the mainstream (Gamson and
Meyer, 1996).

This limitation compares interestingly with those activists who turn away
from a human rights approach because it does not appear to be politically
antagonistic enough to effect radical transformation. This reflects the fact
that certain groups who identify as more radical may tend to look at the
human rights frame as too centrist, and that groups seeking to be apolitical
may criticize connotations that position the discourse on the right or the left.

However, in both cases one finds that the politicization of a human rights approach can potentially serve as a limitation for those organizing rights campaigns or struggles for social change.

Cultural Challenges to a Human Rights Frame

1) Lack of US cultural resonance with the human rights frame: Cultural resonance with a frame is very important for collective organizing (Gamson, 1995; Reese and Newcombe, 2003). As this study shows, in terms of a human rights frame, the question of cultural resonance actually came up far more frequently than the question of political limitations. In this context, a human rights approach has limitations not because activists themselves did not feel resonance with the human rights frame (though indeed some did not), but because the frame seems like a poor marketing tool for a national culture with perceived values couched in exceptionalist liberalism, and not in transnational rights. Confirming this, a staff person at an LGBT rights organization said: 'human rights generally doesn't test very well', as she recalled a polling exercise with her constituency. Interviewees in this study explained why this might be the case and the subsections below explore their responses.

• *Conception in the public sphere that human rights abuses take place outside the United States:* Twenty-nine percent of respondents feel that a challenge to the human rights frame lies in the tendency for US citizens to associate it with struggles taking place outside the United States. One interviewee reflected: 'I think there is an inherent thought for us in the United States that human rights is something abroad; it is something over there that is way worse than the things we are dealing with.' The belief among those in the United States in their own exceptionalism to human rights violations presents a significant challenge to the use of a frame that counters this basic cultural premise. For an immigrant rights organizer, the association of human rights with violations abroad is 'part of the reason there is a disconnect in terms of the holders of human rights knowledge and the people who need it here in America'. In a way, this implicates sites of cultural reproduction – such as the mainstream media and political rhetoric – in the privileging of certain uses and applications of a human rights frame over others.

• *Lack of advocacy for positive rights (social and economic rights) in the United States:* The frequent emergence in mainstream media of only a particular subset of human rights organizations and human rights issues narrows the focus of the human rights frame to civil and political rights issues (also known as negative rights) as opposed to economic and social rights. Some interviewees perceived this as a major limitation to the human rights frame, observing how social and economic advancement seems to be

precluded by popular US discourse on the human rights framework. In the words of a health activist:

> We are heavily guided by a human rights framework, but part of our mission/job is to get the world to wake up to the fact that social and economic rights are real rights. If there was a Maslow's hierarchy of rights, I think that social and economic would be at the bottom. In our [understanding] of the language, you open a newspaper and you never see a famine being called a violation of human rights. You may see a story about rape in Darfur, but you never see food insecurity in Chad and Niger as a violation of human rights – but it should be because they are all violations of human rights.

This attitude reflects not only the prioritization of civil and political rights violations in faraway places; it relates to 'a complacency about poverty and marginalization in the US', as another health activist put it.

In similar criticisms, interviewees pointed to organizations like Human Rights Watch and Amnesty International, accusing them of narrowing the human rights frame based on the perception that they primarily stress political and civil rights issues.[2] The use of human rights discourse in the direct or indirect marginalization of those working on social and economic rights issues has inspired critics to place the frame as a tool of dominant institutions and the status quo. Illustrating this, interviewees associated the human rights frame with words like 'liberalism'. Such opprobrium evokes the words of Mertus who, writing on the use of the human rights discourse for LGBT issues, states: 'participation in the status quo can go only so far for those who seek radical transformations of oppression in general' (2007: 1064).

• *Perception of a US value system opposed to universal conceptions of rights:* Also important are the ways in which the human rights frame intersects with certain values that have come to be considered 'American'. An LGBT activist asserted that, for her, the biggest obstacle to a human rights framework is 'stubborn allegiance [in the United States] to the "pioneer" mindset of rugged individualism that morphed into social Darwinism that nurtures and coddles corporate capitalism'. Organizations need a frame to resonate on a sociocultural level with constituents or with a broader audience. There needs to be a narrow balance between finding a frame that helps to define a struggle with an adversarial opponent by coming from the

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2   It should be noted that both Human Rights Watch and Amnesty International conduct research and advocacy campaigns on economic and social rights. See, for instance, Human Rights Watch, 'The Employee Free Choice Act: A Human Rights Imperative', January 2009; Amnesty International, 'Demand Dignity: Case Studies on Maternal Mortality – Campaign Digest', May 2009. Both of these reports are examples of the two organizations' focus on economic, social and cultural rights.

outside and finding one that is in enough harmony with a society's value system so as to resonate on an ontological level with large percentages of the public.

In many ways, the civil rights movement accomplished such a task where the human rights frame did not (Polletta, 2000). Thus the former holds a particular place in the cultural vernacular of the United States when it comes to rights struggles. Findings from this study show that some interviewees perceived the civil rights movement, in all its symbolic worth, as a self-sufficient proxy for a broader human rights movement. In this way it is the historical rights struggle to which activists and organizers look back. An LGBT activist stated it most clearly:

> The reason that our language developed in the way that it did is because we were learning from the women's movement and the black civil rights movement in this country ... In the United States, the language of choice ... goes back to securing guarantees of specific rights in the civil law. I think we took the page right out of the book and ran with it because that is the language that most people understood and related to and became familiar with through other social justice movements.

A youth organizer echoed this perspective when he referred to civil rights as the discourse of 'the American context', saying that he 'can't *not* talk about civil rights' when working for change in the United States. It would seem reasonable here to posit that new frames based on classic successful frames can potentially help an organization or movement succeed, but that a new frame which appears to subsume the more classic, revered frame, may be less feasible.

2) Perception of the human rights frame as a lexicon of experts and the political and social elite: Central to discussions on framing is the notion that in order to present a challenge to a dominating polity, collective action frames must come from or be supported by a base population (Snow and Benford, 1988; Piven and Cloward, 1977). The findings of this study show that many organizers believe that a human rights frame does not appear to come from the base, but rather from the elite. Sixteen percent of all sociocultural limitations cited in this study referred to human rights discourse as overly legalistic, as connected to the language of America's privileged classes, and as something divorced from grassroots struggles for social justice.

Interviewees stressed the importance of relying on the knowledge of community members and other constituents when designing campaign strategy. As one activist working in health explained: 'I'll use whatever will get the point across and whatever an audience is receptive to'. To another: 'human rights is ... abstract. It is not in [our constituents'] day-to-day lives. People respond to things that they can see all the time. We frame our arguments

with what is the most close to home for people. Even for me, I see that it is all legal, and I tune out.'

Seeing human rights discourse as overly legalistic links to the perception that the frame reflects elite power over community-based knowledge and discourse. A youth organizer cited the importance of avoiding such elite frames: 'Whose discourse is it?' he asked, in reference to the human rights approach. 'It's coming from this legal system . . . [these] legal, political documents . . . and applied *onto* people. It's not coming from *people* saying this is what I want.' As another interviewee expressed it:

> Human rights are instilled by western industrialized countries. I think it is difficult for any class of people with that much privilege to decide what a human right is and is not. This makes it hard to enter into such a conversation about human rights with so much privilege. This is the challenge.

These interviewees argue that a frame for social change should not only derive from a people's struggle; it cannot stem from a discourse that operates in an oppressive manner. While others in the literature have argued that manipulating legal language for one's purpose is a form of exerting agency or even of resistance (Coutin, 2000), it is clear from this study's findings that at least from certain perspectives – particularly ones favoring radical transformation – a human rights approach is discordant with the ways some people tend to think of grassroots rights struggle. To some extent this may relate to the notion that activist organizations that assume a highly rigid ideological framework are less likely to mobilize public support than groups that have pragmatic and adaptive ideological frameworks (Reese and Newcombe, 2003). The more rigid and elite a human rights approach is made to appear, the less likely it is to be adopted as a pervasive collective action frame.

Clearly the perceived challenges to using a human rights frame in US organizing are deep seated and widespread. On the one hand, the frame's political limitations appear rooted on the institutional level in the United States. Were the US government to ratify and codify international human rights conventions into law, it is possible that a discursive shift would take place, with more individuals and movements adopting a human rights frame. However, as one finds above, the sociocultural challenges to a human rights frame indicate that political change alone will not suffice. As long as organizers and activists see the frame as elitist or as foreign to the context of US issues, it is hard to imagine that human rights would take hold as a preferred organizing frame.

Potential Openings for Human Rights Activism

Despite the aforementioned limitations to human rights organizing in the United States, this study finds that many activists are also reluctant to

completely cede a human rights frame and set aside the potentials it could bring to struggles for justice and equality. In fact, 36 percent of the organizations studied (in eight of the nine issue areas) indicated that their organizations are making a shift *toward* a human rights approach. A discussion of the potential opportunities for engaging the human rights frame cited by interviewees – including thematic uses and receptive audiences – is explored in this section. Finally, activist responses and ideas related to the Human Rights Cities model, and grassroots approaches to human rights organizing in general, are explored as possible future openings.

Thematic Uses

Despite the fact that only one-third of the organizations interviewed explicitly use a human rights frame, interviewees from 62 percent of the organizations discussed how human rights inform the thinking of their leading staff. In these interviews, activists spoke about how they think of their work as human rights work, or how they use internal documents that reflect a human rights frame. A gender activist explained that she thinks of her work as human rights work even though the organization does not use explicit human rights framing, stating: 'I don't use a human rights framework programmatically. But personally [I believe that] no person – no matter who they are or what their circumstances are – deserves to live without their basic needs met.' Similar to several interviewees, she went on to talk about how human rights, as an explicit frame, simply does not resonate with the organization's adversarial target or its constituents. In a related sense, an environment organizer explained:

> It's not like every day we talk about it as human rights, but I'd say in the formation of [one of the campaigns they are involved with], the use of the concept and where the theory comes from, I think that people are looking at it as, you know, establishing a new set of or an expanded set of rights, particularly economic and social rights in the context of the city.

The second major thematic use of human rights emerging from this study is its application in broadening the discussion of a particular issue or struggle. This idea is based in the notion that the concept of human rights reaches beyond borders, issues of sovereignty, ethnicity, and class. Explicit in the very term 'human rights' is the notion that it applies to all humans. 'It is inherent in the human condition', explained one peace/anti-war activist. The idea of universalizing struggles and marrying the global and local was expressed by activists working on a range of issues. One peace/anti-war activist noted that more so than just using a peace frame, the 'language of human rights creates a little bit more space to talk about the issues we work on without sounding like we just occupy this little spot on the political spectrum'. An immigration activist explained:

Because if anything can connect the different social issues that all the different types of people are dealing with, it is human rights. For me as an organization that is not just Latino but is servicing the whole community, a human rights approach is the way that we can make sure everybody is connected.

Other immigration activists noted a more global framework in the struggle, referencing an emerging consciousness about the interconnectedness of issues. One even suggested that people are becoming more aware that the problems facing immigrants in the Global South are very similar to the issues facing immigrants here in the United States. A labor activist echoed similar sentiments: 'Human rights is a good frame for linking workers' struggles in other countries and getting people to engage in cross-border solidarity.' These reflections point to how a human rights frame has the potential to not only cut across issue areas such as housing, labor and immigration but also across geographic space and national boundaries.

Audiences and Constituencies

The organizers in the study suggested several niche audiences with whom a human rights frame is likely to be resonant. This contributes to the discussion of potential opportunities for human rights organizing in the United States. Interestingly, these findings point to the overall potential of a human rights frame being most effective if utilized in a grassroots manner by activists and their constituencies. Top-down approaches of utilizing human rights risk alienating potential constituencies with overly-legalistic or elitist discourses, as the previous section illuminated. Yet interviewees seemed to agree that grassroots efforts which engage constituencies in utilizing a human rights frame will be more successful.

The first instance which several activists referenced as a potential space where a human rights frame could be useful is with groups attempting to transcend exclusive legal categories. One immigration activist explained how she saw her work connected to the UDHR: 'that's exactly why it's not a matter of whether you're here legally or illegally; but what are we to do as far as [showing] that your rights *as a human being* are respected?' An LGBT activist similarly shared how a human rights frame is valuable for constituencies like transgender people who like 'illegal immigrants' are often portrayed as subhuman in US society. He said:

For some transgender folks, the myth has been perpetuated that we deserve to be treated badly so I think that being able to say that you have the right as a human being to live this kind of way is a good starting point to help people build self-esteem.

Other audiences that interviewees mentioned as resonating with human rights are young people, the medical community and advocates of social

justice. One LGBT activist explained her thinking about youth: 'Youth love the human rights framework because it is practical and it speaks to their mindset and that is [the perspective] from where youth are coming to us.' Regarding the medical community, one health activist replied: 'I can use that more successfully with medical people, because medical people by and large still have that ethical sense that people have the right to have a shot at good health.' Pertaining to those who embody a social justice ethos, a few interviewees mentioned how the World Social Forum, an entity born in the anti-globalization movement and held in high esteem by many progressive social justice activists, has a framework that is 'really rooted in expanding the human rights agenda'.

In general, this study suggests that the potential of a human rights framework within the United States lies with grassroots efforts. If US-based organizers are willing to take on the human rights frame in their work, it has promise for bringing groups together across multiple issues. Furthermore, the human rights frame already appears to have resonance with those working on immigration issues, with young people, with the medical community, and with social justice advocates. It is these potential spaces and the fact that many activists are already using the framework to inform their own thinking which suggests that the human rights framework – despite its ambivalent history and perceived limitations – can still play a critical role in progressive efforts within the United States. One such opportunity which this study explored is the model of Human Rights Cities. The next section explains the concept and organizers' responses to it.

Human Rights Organizing in a Grassroots Model

The Human Rights Cities model provides an interesting test case of grassroots human rights organizing in the US context. As outlined earlier, Human Rights Cities are an ongoing movement in which members of local government and civil society put forth a human rights framework to guide the development of the city.[3] This section reflects what interviewees said about the concept and then holds the Human Rights Cities model against the aforementioned political and cultural limitations highlighted by study respondents.

In general, discussion about the concept and history of Human Rights Cities generated thoughtful engagement and tempered enthusiasm. One peace/anti-war activist said she thought a human rights discussion specific to Boston made sense in part because 'working on local levels is powerful too because victories are more achievable and it can get people engaged'. If re-shaped or incorporated into a local campaign, a human rights frame could potentially be quite influential. Several interviewees mentioned how

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3   For more information on the movement for Human Rights Cities, see http://www.pdhre.org/projects/hrcommun.html (referenced 9 June 2009).

the concept could be useful as an organizing tool, especially if groups with mass community-based constituencies were to adopt it. The term 'Human Rights City' itself was catchy to some of the activists, and was the kind of label that several thought would garner much-sought media attention.

When the concept was presented during interviews, several respondents correlated the concept of Human Rights Cities to a few historical moments in Massachusetts. Some of these include when the Boston City Council passed a resolution to refuse engagement with the Burmese government because of human rights violations; the creation of the Boston Human Rights Commission; and the initiative of the city of Cambridge, Massachusetts to affiliate with 'Mayors for Peace' to advocate around international peace and justice issues. Furthermore, Human Rights Cities was perceived as compatible with Boston-based participation in the contemporary national effort 'Right to the City', which seeks to reclaim urban centers throughout the United States by promoting policies and programs, through democratic participation, for affordable housing, education, family-supporting wages, quality education, and universal health care (Tides Foundation, 2007).

Reflecting back on the political and cultural limitations discussed at length above, the Human Rights Cities model, and other grassroots efforts, may be an option for progressive US-based activists who are reluctant to abandon the human rights frame but also must face the real challenges of operating within the US context. The model was discussed in light of both the identified limitations and potentials of utilizing a human rights frame in the United States, since it may be able to transcend some of the challenges and build on some of the opportunities. In the political sphere, organizers trying to build Human Rights Cities attempt to liaise with political officials on a local municipal level. In the US context, engaging at this level of politics could be more accessible than working with the federal government, which is also the body responsible for, in many cases, failing to support international human rights documents. The relative accessibility of municipal governments combined with their distance from a federal history of refusing to sign human rights treaties or to ratify them into law may allow local progressive activists to attain greater success in ensuring a public commitment to fulfilling those rights.

Within the cultural opportunity structure, the Human Rights Cities model appears to have particular resonance because of how it creates space for activists and grassroots organizations to engage human rights on their own terms. Organizers campaigning for Human Rights Cities have the opportunity to drive an agenda and resist perceptions that human rights is only applicable to abuses abroad or that it is solely a discourse reserved for the elite. By utilizing human rights language in their own campaigns, grassroots organizations can contribute to shaping the cultural norms and ideas around human rights, thus acting as effective translators of international discourse

to the local level, as Sally Engle Merry suggests (Merry, 2006a). This is particularly the case because of how 'human rights learning' – the idea of educating lay people about what human rights are – is incorporated within a Human Rights Cities model (Marks et al., 2008). The notion of 'human rights learning' is akin to the holistic notion of human rights education that Anja Mihr and Hans Peter Schmitz advocate (Mihr and Schmitz, 2007). It facilitates the transfer of human rights activism primarily carried out in 'the elite ranks of emerging global governance structures' that privileges 'professional-legalistic approaches and media-driven campaigning' to one that is implemented by local actors who can then define the most significant challenges in their communities (Mihr and Schmitz, 2007). This process of grassroots education campaigns about human rights would be particularly useful for enabling US populations to learn to identify human rights violations within the domestic context.

Certainly, activists who choose to engage a Human Rights Cities model still face difficult challenges. While the model seems to offer space for activists to reshape the perception that human rights pertains only to violations abroad and is only a lexicon of the elite, organizers may still face the challenging perception that a human rights frame is aligned with one side of the political spectrum in the United States. The Human Rights Cities model, deeply imbued with values of collectivism, also goes against entrenched US values of individualism, which could remain unresolved and contrary to this model for change. Perhaps the utilization of human rights in innovative local grassroots campaigns would be enough to transform the values themselves, but it is not certain this will be the case. Furthermore, activists will also still have to overcome the legacy of a unique historical context in which civil rights, not human rights, has been the force for broad social change. Indeed, human rights is not the discourse that has been utilized for structural change in the US context and activists will be treading new ground if they enact a human rights frame to work for structural change.

Conclusion

The aim of this study was to contribute to an understanding of how the human rights framework surfaces as a tool of social justice within the United States. From its inception, this research was informed by an understanding that the United States is a unique context within which to engage human rights-informed work because of its dualistic relationship with the human rights movement. Having championed the cause of human rights initially and at times rhetorically since, the United States has also thwarted its legitimacy by refusing to sign and ratify many of its covenants, and by co-opting its language for ulterior pursuits. Interviews with Boston-based activists and organizers highlight these political difficulties while also raising more influential cultural obstacles to the human rights framework. Activists indicate that deep-seated cultural identities of liberalism, meritocracy and

exceptionalism seem to resonate so powerfully with potential constituencies of social movement organizations that change in this domain may actually need to precede change at the political level for the human rights framework to take root.

Interestingly, despite the many perceived barriers and critiques of the human rights framework, the majority of activists and organizers still tend to rely on the human rights framework in their work, and a full third of organizations explicitly use the framework's language. Many respondents recognized, among other things, its capacity to unite social actors across issues in a common cause. Even without complete recognition by the federal government, many activists seemed to feel that human rights has important mobilizing potential, as stated by one housing advocate: 'I think that if there was something more like a platform for human rights, then at least . . . you could say that there is something for us [activists] to hinge our human rights advocacy on even if it doesn't have the backing of the city or state.' However, in order to realize the potential of the framework, several interviewees spoke about a need to reframe human rights, and to work at making its message more effective in the US context, a responsibility that some placed with the activists themselves. For example, one health activist commented:

> I don't think people are explicitly using the human rights framework as much and again, I almost want to chastise myself and other advocates for that because I think there's this sort of like, [feeling that,] well that's not really gonna fly, and you know, people are gonna say well, that's fine for Brazil, I'm glad they've got universal health care, but that's not really gonna fly for us. And I think we need to figure out how to effectively message that. I mean, it's the most compelling. Human rights [is] the most compelling message, so the fact that it can't be taken seriously in the domestic context is really troubling, and I think it speaks to some of the cynicism we have to combat.

Thus, despite hesitations on many fronts, it seems that activists are not ready to give up on the potential of the human rights framework even in the US context where its application has been problematic. There seems to be a sense among many that this framework is somehow more durable, hopeful, and perhaps unifying than many of its alternatives.

The Human Rights Cities model presents an interesting example of grassroots human rights organizing, and received at least tentative praise from many interviewees, particularly in that it places ownership over this discourse in the hands of ordinary people. Such models may present opportunities to resolve at least some of the political and cultural limitations that challenge the viability of the human rights frame in the US context. However, the potential of such models is certainly an area for further study, and the recent creation of a Human Rights City in Washington DC presents

an opportunity to examine whether and to what extent such models will succeed in the US context.

This research project has begun to open the door to such issues by focusing particularly on the perceptions of activists and organizers, recognizing their special position in shaping US-based movements for social change and their decision-making positions in translating the human rights framework to local efforts. Furthermore, its qualitative approach of examining perceived political and cultural issues around human rights organizing points to the complex landscape of challenges and potential openings for future human rights work in the unique US context. In particular, this project finds that successful engagement of the human rights frame in the US context will require not only change at the political level – which itself may begin on a small scale in municipalities rather than at the federal level – but also cultural change that involves the tackling of complex and long-held beliefs and traditions.

Acknowledgements

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