

Human Rights as Social Representations

Willem Doise

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Human Rights as Social Representations

There are currently a large number of historical, philosophical, political and judicial studies on human rights. However, a thorough social psychological analysis of their intervention in social relations, extending across national and cultural boundaries, has not been available. This book fills that gap, providing a detailed examination of the foundations of human rights principles, the sources of their universality and their limitations.

Using the tools of social representation theory, Willem Doise examines human rights as guiding ideas which can provide institutionalized standards. He then explores how these standards can be used to evaluate the relationship of individuals with authorities and with each other.

Research discussed in this book confirms that the Universal Declaration of Human Rights serves as an important landmark, guiding shared normative social representations across different national contexts. The author also discusses how individuals position themselves in relation to human rights according to what possibilities they see for having these rights respected by both the government, and each other. This, he shows, is clearly related to the value choices of individuals, their experience of social discrimination and injustice, and the actual enforcement of human rights in their countries.

Essential reading for scholars and students studying social representation theory and human rights, it will also be of great interest to those working more generally in the fields of psychology, sociology and anthropology.

Willem Doise was born in Flanders, Belgium, and received his doctorate (supervised by Otto Klineberg) in social psychology at the Sorbonne, Paris, in 1967. He was a researcher at the French National Research Centre (CNRS) in Paris between 1967 and 1972, and has been Professor of Experimental Social Psychology at the University of Geneva since 1972. He was President of the European Association of Experimental Social Psychology from 1978 to 1981. His main research interests are in intergroup relations, social identity, socio-cognitive development, social representations and explanations in social psychology. *Droits de l'homme et force des idées*, the French version of this book was published in 2001.

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Willem Doise

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Introduction

Social psychology and human rights

When it comes to human rights, the twentieth century has seen the best as well as the worst: there have been efforts that have never been tried before to create the institutional basis for the respect of these rights, but also mass relentlessness to violate them systematically.

Can a social psychologist contribute to a better comprehension of the basis of these rights? To that, I answer: 'There is no need to hope in order to undertake, nor to succeed in order to persevere.' Considering the stakes, that maxim applies perfectly to each effort of research on human rights. Moreover, it is in line with the Kantian definition of these rights that regards them as categorical requirements, imperative prescriptions to be followed in all circumstances, independently of any concern about success or failure of the actions required by them.

However, this book is not meant to develop such an absolute human rights concept, though it may be valid on a philosophical and ethical basis. Ever since my first research on the common-sense meaning of human rights, I have been astonished by the coexistence of a very strong adherence to fundamental principles and an equally strong awareness that they never completely apply to social reality. It would seem natural to most participants in this research that human rights should always be respected, but that in fact they are never, and probably never shall be, completely respected. Most of the interviewees are not disheartened for all that, and they seem to share with Rousseau the belief that new social contracts can be elaborated, with the aim of improving the respect of fundamental individual rights.

The idealized representations of social relations embedded in the human rights principles represent an important aspect of social reality. This book is dedicated to their study.

A double bind message

In a research career, the orientation of years of work may depend on one sole encounter. When Denis Szabo, a specialist in criminology, invited

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me to participate in a seminar on social sciences and human rights in 1986, I first thought to refuse that invitation. I did not really see what the contribution of a social psychologist could be to an interdisciplinary debate on that theme. Szabo was insistent and, also, my curiosity was growing as to what colleagues from very different horizons would have to say. My decision to accept the invitation may well have been influenced by the fact that the seminar was taking place in spring on the island of Crete.

Nevertheless, I was well aware that I was taking up a challenge. Was it possible for a social psychologist to tackle the human rights theme with all the required objectivity? Some colleagues whom I had consulted were rather sceptical about the matter. However, as I was already familiar with social representations studies, I did not share their feelings. On the contrary, I knew that it was precisely the stakes debated in society that were presenting privileged occasions to study these representations. By joining the seminar, I was hoping to find confirmation of that conviction whilst discussing with colleagues of other disciplines.

Indeed, during the seminar organized by the Marangopoulos Foundation between 26 and 28 May 1986 in Kolymbari, Crete, I was strongly impressed by the expertise of fellow participants – scholars in law, history, politics, anthropology and criminology – even though their points of view were not always convergent. I do find that my own contribution (Doise 1988), published by courtesy of Julia Iliopoulos-Strangas in the annals of the Foundation, remains relevant for characterizing the ambiguity of the lessons with regard to human rights one may draw from mainstream research in social psychology.

These are, first, lessons in scepticism. My report started with an exposé on a whole set of research, like that of Stanley Milgram (1974; see also Meeus and Raaijmakers 1987), that shows how, in the name of authority, a large number of individuals are willing to violate fundamental rights of others, like the right to physical integrity or the right to work. Worse even, in the name of ideas of justice to which they adhere, individuals denigrate and chastise some people as well as undergo severe risks to defend other people. It all depends on the circumstances that may induce one way or another of upholding a basic belief in a just world. As can be seen from the research by Melvin Lerner (1977), such a belief, seemingly very widespread in Western societies, would imply that remuneration and punishment, positive sanctions and negative sanctions cannot be distributed randomly in this world. If one suffers, there should be a clear reason to explain why in the eyes of the sufferer, just as a personal explanation is needed when someone succeeds in society. The importance of such basic justice beliefs rests upon the necessity in motivating people to participate in the modern societal fabric. Our society could not function if people were convinced that

success and failure are totally governed by chance. Hence, Lerner's research illustrates the intervention of such a justice belief in various situations.

Generally, the individuals whose justice reactions are studied participated as instructors in experiments aimed at improving the learning performance by another individual. The performances of the latter are held constant in different experimental conditions. However, according to these conditions, the learner is punished for wrong responses or rewarded for correct ones. In some conditions he agreed explicitly to participate in the learning session for the benefit of the instructors who punished or rewarded him as they gathered experimental data for themselves, while in other conditions there was no such commitment on behalf of the learner. Furthermore, the learner was either informed that a payment would compensate his participation and that the learning trials would be prolonged for a second session or no such information was provided. These experimental variables played a large part in the attitudes shown towards the learner who became less favourably evaluated by individuals who punished for wrong answers rather than rewarding the good ones, and who were personally involved in the situation rather than not. When learners in punishment conditions were informed of the fact that the experiment was going to be extended for another session without remuneration for their participation, observers showed less respect for them than for those who received a remuneration and who did not have to start a second learning session.

To explain these results, Lerner assumes participants in his experiments hold a deep conviction that the world they live in is just and that people who suffer deserve their fate. Consequently, a person who suffers without compensation and who is destined to continue suffering becomes endowed with even more depreciative characteristics, which supposedly serve to justify his or her greater suffering. Such an explanation was initially suggested to Lerner by his observation of frequent contemptuous attitudes expressed by physicians towards patients to whom they administer painful treatment.

Literature on victimization (Janoff-Bulman and Hanson Frieze 1983) is based on a similar hypothesis. This trend of research can be illustrated by a concrete example: witnesses of a scene of rape, and even the victim of such an aggression, often tend to blame the victim for having an important part of responsibility in the aggression.

Let us keep in mind, however, that the principle of a just world can also be put forward to explain altruistic behaviour. It would thus explain indignation when witnessing some blatant injustices, and could even occasionally be at the base of 'heroic' attempts made to redress these torts (Meindl and Lerner 1984). Circumstantial modulations would thus attain one or the other effect described by Lerner (1985-6: 206):

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It appears obvious that there is practically no limit to the level of deprivation or of suffering that people can find acceptable, and that they find not demoralizing at all, if they are of the opinion that it is what they deserve. Similarly, no amount of usually desired resources can produce a feeling of satisfaction and of well-being, as long as a person believes to deserve much more, based on who he is or on what he has done.

Lerner himself (1977, 1980) puts forward the idea that the fundamental need for justice could easily turn to discriminatory practices. In order to satisfy his own needs as well as those of his next kin in an appropriate manner, in order to extend equality and equity between fellow men, it would be necessary to keep one's distance from a large part of humanity that cannot satisfy its hunger and that lives in inequality and injustice. To 'mix with these people' outside strictly regulated or even discriminatory terms is looked upon as risky behaviour endangering the progress of justice at home. It would precisely be those people who subscribe most to the concept of a just world who would best accept institutionalized patterns of discrimination.

Research on submission to authority, as well as on the perverse effects of a belief in a just world, are only examples of the various trends of research that filled me with a certain scepticism about the often optimistic vision maintained by human rights supporters. Findings of such research fully confirm the concept of the tragic banality of evil developed by Hannah Arendt (1998) commenting on the Eichmann trial.

Fortunately for the balance of my report, when broadening the realm of the field of research covered by social psychology in order to include research on the social development of children and adolescents, indications favouring more optimistic conclusions start to emerge.

What characterizes modern thinking is the refusal to accept that traditional bodies such as churches, authorities or charismatic personalities decide what is right or wrong, what is good or bad. It is this refusal that necessitates the building of a constructivist concept of knowledge and ethics. To illustrate this conception of modernity, we quote some excerpts of the book by Jean Piaget (1932/1965), on *The Moral Judgment of the Child*. Its aim was to study the transition of morals among children based essentially on the approval of rules decreed by others to more autonomous morals allowing for contractual changes of these rules through discussion and agreement between parties involved. According to Piaget, such development would become possible through participation of children in interaction with equals. Hence, the rules of a game could only be modified by children who no longer are confronted with seniors dictating the law:

. . . if, at a given moment, cooperation takes the place of constraint, or autonomy that of conformity, it is because the child, as he grows older, becomes progressively free from adult supervision. This came out very clearly in the game of marbles. Children of 11 to 13 have no others above them in this game, since it is one that is only played in the lower school.

(Piaget 1965: 103)

The same explanation was given to the development of attitudes towards lying:

For the need to speak the truth and even to speak it for oneself is only conceivable in so far as the individual thinks and acts as one of a society, and not of any society (for it is just the constraining relations between superior and inferior that often drive the latter to prevarication) but of a society founded on reciprocity and mutual respect, and therefore on cooperation.

(Ibid.: 164)

The passage from attributions of responsibility taking only into account results of an act to attributions taking into account intentions would also be achieved through cooperation: 'It is cooperation which leads to the primacy of intentionality, by forcing the individual to be constantly occupied with the point of view of other people so as to compare it with his own' (ibid.: 189–90). Concerning the ideas of egalitarianism and equity, '. . . it may also be the case that, far from being the direct result of parental or scholastic pressure, the idea of equality develops essentially through children's reactions to each other and sometimes even at the adult's expense' (ibid.: 275).

A child, at first incapable of cooperation and autonomy, acknowledges willingly that adults issue the rules of the game, or even God, before they may admit that rules can be invented and transformed by children themselves. A parallel can thus be drawn between development of children's thinking and evolution of ideological concepts:

To the residuum peculiar to the conforming attitude of the little ones correspond the derivations 'divine or adult origin' and 'permanence in history'. To the residuum peculiar to the more democratic attitude of the older children correspond the derivations 'natural (childish) origin' and 'progress'.

(Ibid.: 75–6)

To consider that these statements by Piaget have been empirically authenticated would be exaggerated: they embody a general concept that has been at the root of other investigations too numerous to list

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here. Only a short presentation of the stages of moral development according to Lawrence Kohlberg (1981, 1983) will be presented. Indeed, this theory can be considered as one of the most important developments of the ideas presented by Piaget half a century earlier.

Kohlberg has greatly refined Piaget's distinction between heteronomous morals and autonomous morals. The most recent presentation of his theory describes no less than six stages in the moral judgment of individuals. It seems important to me to briefly characterize these stages, because especially the last ones offer the foundation for a constructivist concept of human rights ethics.

The first stage is essentially governed by constraints issuing from rules and sanctions: the avoidance of punishment and respect of authority are considered as ends in themselves. Generally, the interest of the individual predominates and no attempt is made to interconnect it with the interests of other people.

During the next stage, an individualistic orientation still predominates, but it already includes an instrumental concept of trading and reciprocity. The respect of the interest of others is used to better guarantee one's own interests. Equity or equality in dividing resources can be accepted for purely pragmatic reasons.

The third stage represents conformism and seeking of social recognition. To be well intentioned, to respect others and to keep one's promises, to remain faithful in allegiances characterize morals subjected to the: 'Do not do unto others what you would not have others do unto you . . .?'

The next stage is based on the principle of duty, the need to follow laws, rules and conventions in order to keep the social system functioning well. A majority of adults often seem to reason following principles of the third and fourth stages.

The fifth stage sees the explicit intervention of a relativist attitude by acknowledging that many individualistic values and opinions are characteristic of given groups or societies and that other social contracts could set a higher value on different attitudes. The problem of the universality of specific values like freedom or respect for life is explicitly put forward and great importance is assigned to the consensual definition of a procedure allowing the fixing of rights and values to be respected by all.

The sixth and last stage is hardly encountered elsewhere than in writings of specialists, like philosophers and human rights militants. Universal ethical principles should supersede rules and conventions when they are in conflict. Following Immanuel Kant (1983), people are considered an end in themselves. The moral point of view is the one that all human beings should adopt towards each other as free and autonomous subjects. Reasoning characteristic of this stage should take into consideration the point of view of each person susceptible of being

affected by consequences of a decision to be made; such reasoning is based on the hypothesis of reversibility, i.e. that everyone should be able to put oneself in the position of the others.

This is not the occasion to start a technical debate on the theoretical value of Kohlberg's stage model in the frame of current developmental psychology. It would be equally wrong to pretend that a person would necessarily fit into only one stage as well as to pretend that their order of succession in individual development would occur at random. After a twenty-year study made with the same individuals, passages to superior stages seem to be ten times more frequent than regressions to inferior stages (Colby *et al.* 1983). Numerous comparative studies between different age groups show a link between hierarchy of stages and age, and more important perhaps, research on reasoning in connected fields like development of understanding other persons' points of view (Selman 1980), political positioning (Weinreich-Haste 1984) or attitudes towards environment (Greenwald Robbins and Greenwald 1994) lead to the conclusion that stages comparable to those described by Kohlberg characterize reasoning in neighbouring fields.

We have seen that for Piaget (1932) peer interaction was the driving force of moral development. Kohlberg also considers it an important factor in development, with the understanding that the source of progress is generally socio-cognitive conflict. Fritz Oser (1986: 922) summarizes in the following terms the conditions of free discussion and confrontation necessary to generate moral reflection in an educational setting:

- 1 presentation of the subjective truth completely and exhaustively [...] as conceived by the participants in the conflict;
- 2 absence of an authority presenting an outside or observer's point of view of the 'right' answer;
- 3 creation of a disequilibrium by presenting different arguments and different opinions to stimulate development of moral judgment on increasingly complex grounds;
- 4 interaction among students (discussants) coordinated in such a way that everyone reacts openly and fairly to another's point of view (positive climate and transactional discourse);
- 5 linking of the principles of discourse to the principles of justice.

As a whole these conditions are difficult to realize and this is shown in various attempts to build 'just communities' (see Oser *op. cit.*).

There seems to be a double message: social psychology delivers lessons of optimism as well as lessons of pessimism concerning matters related to human rights. According to Piaget and Kohlberg, the ideal of human rights would be, in a certain way, a spontaneous product of democratic interaction patterns. According to Milgram, citizens of democratic states

can easily be brought to violate fundamental rights of others. At first sight these messages carry insurmountable contradictions which ought to resist integration within a same theoretical framework. However, in this book I will try to show that studying human rights as normative social representations can allow for a better understanding of these seemingly contradictory lessons and offer a possibility of integrating them in a common explanatory frame.

Human rights as normative social representations

Multiple relations interconnect members of the human species directly or indirectly. Between the different groups constituting mankind circulate not only genes, viruses, pollutants, epidemics, consumer goods or money, but also ideas. What inhabitants of one country practise affects at varying degrees the fate of people abroad, their way of farming land, their state of health, their access to all kinds of resources, the functioning of their institutions. It is difficult to imagine that a group of humans would not be affected to some extent by the way of life of other groups. In this sense, apartheid does not exist, but on the other hand, there is no perception, no definition nor exhaustive analysis of the numerous ties that bind humans together. Even if globalization is a new term for naming that general interdependence, it does not mean that the phenomenon can be precisely described and fully understood. It is also true that general terms, like the one of globalization, can be used to conceal the obvious reality of exploitation or of negative interdependence. Such realities, even though they are part of a larger relational field, exercise their own noxious effects in many ways.

Interaction and communication between humans initiate symbolic representations, social norms and contractual principles which remain often implicit. When we establish a relationship with somebody, we know that the fate of participants in such a relation will be affected by their interaction, in some measure, within certain limits, at a certain cost. Normative representations exist on what these effects should be. Multiple forms of interdependence exist, characterized by all sorts of differences in status, purpose, interdependency and formality (see for instance Deutsch 1985). There exist also various models of acceptable relationships, prototypes of fair and just relationships, principles of contracts that govern these relationships. The criteria of evaluation they convey have been built in multiple interactions, they are culturally defined and their application can be guaranteed by institutions. Some of them are culturally specific, others are spread over different cultures.

Human rights are such evaluative principles or normative social representations, which could allow, at least at the level of the intention, humans to evaluate and to organize their relations and interactions. For

historical (i.e. economical, political, military, religious and also scientific) reasons, Western societies organized relationships within national and cultural boundaries, but also across them. As will be seen in the first chapter, the general idea of rights common to mankind has been progressively institutionalized and the term of human rights will be used to designate these forceful ideas that became institutionalized as normative social representations.

In interactions with others, independently of their origin, the principles adopted in the Universal Declaration of Human Rights compel respect for the corporal integrity of these others, their liberty and their dignity, their access to resources necessary for living free from want and their integration in a societal order guaranteeing protection against arbitrary decisions. Logically, in order to respect commitments taken by public authorities, citizens of many countries should only take up relationships in which they respect these principles. However, numerous problems arise, like economic conditions imposed on Third World countries, or like unemployment and sometimes lack of access to health care in Western countries.

Here a huge field of research opens. If human rights are indeed normative social representations, social psychologists – at least those involved in social representation studies – have theoretical and methodological tools at their disposal to study them. Together with my colleagues in Geneva, I was able to carry out such studies which will be reported in this book. As will be illustrated in Chapters 2 and 3, some of these studies bear on the perplexing observation that the same individuals often strongly adhere to the principles of human rights while they also often readily tolerate violations of these rights. The fourth chapter will deal with socialization to human rights of youths and adults in Geneva, and the fifth with convergences and divergences across countries in comprehension of the Universal Declaration of Human Rights and in organization of positioning towards these rights. However, before inviting the reader to become acquainted with this research, I deem it necessary to devote a first chapter to illustrating how definitions of human rights by historians, political scientists and scholars in law are compatible with a definition of human rights as normative social representations.

I hope that it is clear by now that in this book the term ‘rights’ may cover highly different meanings, ranging from general obligations that authorities ought to respect in policy decisions to specific enforceable rights endowed to individuals. In many cases the term ‘human’ can be considered generic, referring to all human beings, but in other cases some categories of humans, such as children, are apparently not included in the definition. Only exceptionally the expression ‘rights of man’ will be used in the book when it was used in historical documents. Nowadays,

even if the term 'man' can carry a generic meaning its use is often interpreted as a manifestation of indulgence to a conception of mankind that attributes a prototypical status to the male members of the species.

Other terms used in this book, such as 'participants', 'students', 'interviewees', 'experimental subjects' all imply, if not stated differently, that the designated persons may have been women as well as men.

1 Visions and institutions

Publications on human rights have multiplied, especially since the bicentenary of the Declaration of the Rights of Man and of the Citizen, as adopted on 26 August 1789 by the French People's representatives as they formed the National Assembly, and since the fiftieth anniversary of the Universal Declaration of Human Rights, adopted on 10 December 1948 by the General Assembly of the United Nations Organization. Celebrations of these anniversaries played an important role in re-forging theoretical foundations of human rights.

Still more important for the contemporary revival of interest in human rights are recent political changes in Eastern Europe as well as in South Africa based on claims to have these rights respected. When military interventions in ex-Yugoslavia and in Iraq were justified in their name, the need of a redefinition of their foundations became even more urgent. Thus my conviction was strengthened that basic rights ought to be studied with tools of my own discipline as well.

The first research programme in which I participated (Bechlivanou *et al.* 1990; Delmas-Marty *et al.* 1989) originated in a project devised by Mireille Delmas-Marty and myself at the interdisciplinary seminar in Kolybari. It was carried out by a team whose members represented various disciplines: law, sociology, politics and social psychology. Hence, in the frame of that programme, the investigations on human rights encompassed a very broad spectrum. Subsequently, with the help of colleagues in Geneva (Doise *et al.* 1991) I was able to present a specific social psychological analysis of interview contents. After this initial participation in a multidisciplinary endeavour my concern has always remained to refer research on lay conceptions of human rights to expert definitions in order to be able to provide an answer to specialists in history, legal or political sciences who would ask me the question: which human rights do you intend to study?

Historical foundations

Marcel Gauchet (1989), a historian, relates that during the debates leading to the Declaration of Rights of Man and Citizen an animated controversy enlivened the French Assembly. It opposed members who wanted to give priority to the definition of rights to those in favour of a more extensive declaration including also a definition of duties. The debate addressed in fact a question already debated several years before at the issuance of the Declaration of Independence of the United States of America: does an individual hold rights before being entrusted with the duties of a citizen? The French Assembly finally gave priority to the definition of rights with 570 votes cast against 433, whereupon the principle was adopted that a declaration of rights had to precede the elaboration of a constitution (Gauchet 1989: 63).

Since then, the debate on the links between rights and duties has never stopped. In 1795, the Constitution of the French Republic included a Declaration of the Rights and Duties of Man and Citizen. The Universal Declaration of Human Rights adopted by the Assembly of the United Nations in 1948, as well as the European Convention of 1950, became almost exclusively declarations of rights, upholding, after more than 150 years, the vote of the members of the Assembly of 1789. It would be wrong, however, to draw the conclusion from these facts that such anteriority of rights does not involve a reference to duties, even if the historical documents presented ascribe these duties principally to those in power.

In his book depicting the American conception of human rights, Louis Henkin (1990: 16) seems to have neatly summarized the components of an attitude widespread today towards these rights:

That attitude itself perhaps blended several different ‘statements’: an assertion of fact about human psychology and emotion, that human beings cannot close their minds and hearts to mistreatment and suffering of other human beings; a moral statement that mistreatment or suffering of human beings violates a common morality (perhaps also natural law or divine law) and that all human beings are morally obligated to do something about such mistreatment or suffering, both individually and through their political and social institutions; an international political statement that governments will attend to such mistreatment or suffering in other countries through international institutions and will take account of them also in their relations with other states.

This is far from being a simple statement about the existence of rights that would respect, in a certain way, the natural pre-political status of

the individual. If organizing principles of historical declarations aimed particularly at establishing rights of the individual in his confrontations with those holding power, more recent declarations and covenants effectively introduce rights to solidarity granted by the government to victims of various kinds of deprivation, to individuals simply less privileged as they are suffering from illness or extreme poverty. The Universal Declaration of 1948 therefore proclaims a right to health care (Art. 25) or to a sufficient standard of living (Art. 22 and 25). Such a concept of rights goes beyond the commitment of authorities to respect individual liberties. In agreement with a specialist on American constitutional law, Charles L. Black Jr (1997), one must admit that a common interpretation of human rights entails that governmental authorities see to it that conditions for social and individual well-being be realized. This really is an embryonic conception of the welfare state, which ought to proceed, even in a minimalist way, to a redistribution of resources according to the specific needs of those in want.

The addition of fraternity to the American ideals of liberty and equality is an important development that Henkin (1990: 164) puts in relation to the expansion of socialistic ideas, notably in France and in other European countries:

Unlike the United States, in its distant isolation, moreover, France was in the vortex of ideas and events in Europe. It contributes heavily to socialism and later felt the rumblings of the Russian revolution. Unlike the United States, which has never known a meaningful socialist party, or even strong intellectual support for socialism, the ideas of socialism became part of French life. . . .

The evolution of ideas on human rights was not political in a restricted sense. It involved more than a theory on relations between individual and state. It was above all ideas about social justice and solidarity that generated a fantastic development of human rights conceptions, and nowadays they are still to be found at the base of multiple initiatives launched by non-governmental organizations.

Paul Gordon Lauren (1998) uses in this connection the term of 'visions seen' as the subtitle of his book on the development of human rights. Visions are forceful ideas, which may have multiple origins, notably religious, philosophical or political, that do not necessarily stem from systems of thought characteristic of the enlightenment movement. Once the vision of human rights took root, it became a common principle organizing aspirations of anti-slavery societies and movements against exploitation of individuals by others, colonialism, racial, sexual and religious discrimination, oppression of minorities and abuse of children.

Similar normative social representations were voiced in historical texts as diverse as *Uncle Tom's Cabin*, published in 1852 by a vicar's

daughter, and *Un Souvenir de Solférino*, published ten years later by the Genevan Henri Dunant, founder of the Red Cross. They also expressed themselves in the founding of the Internationale by Marx and Engels in 1864 as well as in the Treaty of Berlin in 1878 dealing with the fate of minorities in the Balkans.

The gathering of the first Pan African Congress in London in 1900, the decision to grant voting rights to women, equal to those of men, in Finland and in Australia during 1906, or the first public demonstration by Gandhi in South Africa in 1907 and numerous other initiatives promoted ideas that were more closely linked to the constellation of solidarity with, the dignity of or respect for others than to the constellation of law in its strict sense.

Very often, prevailing conceptions of rights and laws in those days were explicitly opposed to the demands of slaves and serfs to be freed and of blacks and Asians asking for the same rights as whites. Women advocating suffrage for their gender, colonized nations fighting for independence, exploited workers fighting for decent living conditions, minorities and indigenous people opposed to the arbitrariness of governing bodies, all carried visions that were opposed by tenants of power positions firmly anchored in well-established legal systems.

Numerous protest movements expressed themselves forcefully at the beginning of the twentieth century, challenging authorities which were firmly supported in their legal national frames. Paradoxically, two world wars progressively allowed visions of a better world to converge towards a more global vision, thanks to forums first opened within the framework of the League of Nations and later, within that of the United Nations Organization.

The League of Nations and the United Nations Organization

The first of these international organizations resulted from the Peace Conference organized after the First World War. It led to multiple treaties and programmes aiming at nations' self-determination, the right of minorities to be protected, as well as the right of individuals to receive relief assistance or to benefit from decent working conditions (Lauren 1998: 103). For the first time, links between peace and justice were not only asserted by the international community; institutions were also created, invested with the mission to have these links put into practice.

Visions for a radically different future were brought alive, but opposition to their inscription in reality was no less vigorous. Listing the opposition to the setting up of an international policy of human rights would be a lengthy but revealing task. National interests often prevailed, for instance when President Wilson refused to ratify a vote by a commission advocating racial equality, because this was considered

unacceptable in the United States (Lauren 1998: 101). Colonial powers blocked any initiative that would have allowed colonies to appeal to an international authority. As a matter of fact, the most powerful allied nations took advantage of their victory to further broaden their power over the world.

Strong opposition encouraged believers in the idea of a more just world, not only to express it with even greater force, but also to internationalize it all the more. The developments of international trade, the new communication and transport techniques, and above all the creation of the League of Nations gave visible expression to these yearnings for a new world order, born during the joint war efforts of allied powers.

The international dimension expressed itself also in the redoubled efforts of non-governmental organizations fighting racism, colonialism and discrimination of minorities. They led the League of Nations to envisage different procedures for guaranteeing rights of minorities. However, it was one of these procedures that led Hitler's Germany to quit the League when its Council agreed to consider the petition of a German citizen of Jewish origin denouncing unfairness of treatment.

The sequel is known: the massive violation of human rights during the Second World War. Nevertheless, that war was not only a most murderous undertaking offering many occasions to test new alliances and martial strategies. It was also a melting pot for new ideas, especially:

It exposed, as nothing else had ever been able to do, the ultimate consequences of allowing nations to hide behind the shield of national sovereignty and claims of exclusive domestic jurisdiction. It forced people as never before to examine themselves, their past, and their values in a mirror, and to begin the process of redefining the full meaning of 'peace' and 'security.

(Lauren 1998: 139)

To rally massive public opinion to war efforts, allied governments had to state, in 1941, the principles which prompted their fight in proclaiming the Atlantic Charter and its four liberties: 'Freedom of Expression, Freedom of Religion, Freedom from Fear, Freedom from Want'. Once victory was virtually assured in autumn 1944, the outline of a new international organization, drawn up during a meeting in Dumbarton Oaks between representatives of the United States, Great Britain, Soviet Union and China, made another attempt to channel the vision of the future United Nations Organization within limits imposed by the interests of the Great Powers, notably through the creation of a veto right, which of course should be theirs.

This aroused passionate protests and new assertions of anti-racist, anti-colonialist, anti-imperialist recriminations in favour of individual liberties, but also in favour of political and social rights. It was amidst this climate, during the April, May and June 1945 Conference of San Francisco, that the United Nations Organization was founded. Its Charter, adopted on 26 June, declared in its first sentence:

We the people of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom [. . .] have resolved to combine our efforts to accomplish these aims.

This strong determination did not prevent Article 2, paragraph 7, from proclaiming each state's sovereignty as well.

However, even more important than the content of the Charter are the minutes of the preliminary debates showing the importance of the contributions by delegates from all over the world who challenged the hegemony of the Great Powers by entering coalitions which varied according to the issues at stake. A similar pluralism characterized the multiple debates during the three years preceding the Universal Declaration of Human Rights. The Great Powers, which now included France, each had their own reasons for avoiding specific commitments in legal conventions. But their reasons did not converge: anti-racism was a particular problem for the United States, anti-colonialism for Great Britain and France, the principle of individual liberties for the Soviet Union, social and economic rights for the United States and Great Britain's Tories. The stance of non-Occidental countries, like China or Iran, of countries of lesser importance, like Lebanon, Australia, New Zealand or the Philippines, were often decisive. Colonized countries found a new opportunity to express their recriminations in front of an international audience.

A Philosophers' Conference was convened at UNESCO with the following motto:

The world of man is at a critical stage in its political, social and economic evolution. If it is to proceed further on the path towards unity, it must develop a common set of ideas and principles. One of those is a common formulation of the rights of man. This common

formulation must by some means reconcile the various divergent or opposing formulations now in existence.

(Lauren 1998: 223)

The drafting committee of the Universal Declaration was initially composed of Eleanor Roosevelt (USA), P.C. Chang (China), C. Malik (Lebanon) and K.C. Neogy (India). Despite this pluralism, too many nations felt excluded, and the commission was enlarged with representatives from Australia, Chile, France, Great Britain and the Soviet Union. It resorted to numerous consultations and received as many suggestions. A text was finally presented to the General Assembly during its September–December 1948 session. Intense discussions developed on the nature of human values and religious beliefs, cultural relativism, appropriateness of referring to a divine authority in such a document, relations between individual and society, rights and duties, morality and justice, definitions of freedom, democracy, human dignity and common good, the beginning of life and possible rights of children. This common endeavour resulted in a proposal for a definition of human rights sufficiently specific to inspire concrete initiatives and sufficiently general to be of concern to the entire international community.

Before presenting the document that was finally voted by the Assembly of the United Nations, let us reflect on the notion of vision proposed by Lauren. The author of *The Evolution of International Human Rights* not only served as my guide in this historical review, he also developed in the conclusion of his book ideas on visions that appear to me very similar to those of normative social representations:

Visions, by their very nature, challenge our imagination, cause us to re-examine our assumptions, and often raise profound and disturbing questions about our values. They tend to address some of the larger and more abstract issues of life that do not always lend themselves to simple solutions.

(Lauren 1998: 281)

He also points out that visions are not necessarily precise and that they may be variously interpreted. They are particularly projected to depict a future that has to be different from the present. As for human rights more specifically, their projection onto the future was conceived in historical situations belying that vision in multiple ways: ‘Ironically, visions of human rights have always gained the greatest support during times of greatest human abuses, including slavery, torture, segregation and apartheid, conquest, or genocide’ (ibid.).

An important characteristic of human rights, as of many other rights as well, is that the ideas for these rights may find their origin and

impetus in circumstances where they are violently transgressed. Claims to these rights are not always made in the first place by victims, but often by those who stand up for them, sometimes in the name of a new understanding of justice, born out of feelings of indignation.

Lauren's analyses of human rights as visions seem to confirm my hypothesis that they are to be considered as normative social representations. The working hypothesis of this book is that these representations exist in fact in broad sections of various populations and that it is possible to study them with the theoretical and methodological tools of social psychology.

Institutional definitions

The Universal Declaration of Human Rights serves as the main institutional reference for research described in this book. This choice does not mean that it is the only document of historical importance, but it is charged with a specific significance. In view of the Great Powers' strong determination not to be bound by a formal legal commitment, this text is to be considered according to its Preamble

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of the territories under their jurisdiction.

This declaration of intent truly represents the institutional expression of a vision, to use Lauren's term (1998), or of a normative social representation as defined above.

The articles in the Universal Declaration are varied; some acknowledge the right to equality, liberty, physical integrity, others bear on formal legal rights or public liberties, others still on social economic and cultural rights and the right to political participation. The compromise, which was finally worked out and permitted the inclusion of these very different rights in one Declaration, was made possible by the fact that at the time the contracting nations were not yet committed to concrete measures for having the rights respected.

During preliminary discussions, an important problem was already raised repeatedly, namely the opportunity for communities, or even individuals, to address petitions to the United Nations in order to denounce violations of the rights proclaimed in the Declaration. That

possibility was not considered acceptable by the representatives of the nations, keen to preserve their sovereignty. It is only towards 1970 that some appeals were accepted and resolutions were adopted concerning, notably, the fate of political prisoners in South Africa, Israel's policy in the occupied territories, the seizing of power by the military junta in Greece and the brutality of Duvalier's regime in Haiti.

In the meantime, two additional covenants, one on civil and political rights and the other on economic, social and cultural rights, had given a more legal status to various rights defined in the Declaration as early as 1966. These conventions came into force at the end of the sixties, as did the International Convention on the Elimination of all Form of Racial Discrimination, and they resulted in procedures aimed at guaranteeing respect of specific rights, at least among the countries that signed these treaties or conventions. Not all the states which had signed the Universal Declaration have signed the additional pacts. Hence, the Universal Declaration remains the most universal and comprehensive reference in the realm of human rights.

The European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted by the Council of Europe in 1950, has also served as a reference for our research at different occasions. Its objective, according to the Preamble, is 'to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration'. The European Convention differs from the Declaration in several ways. Its significance is less universal, it engages only Member States of the European Council and it proclaims a more limited number of rights, particularly concerning the sphere of individual freedoms. Its main difference from the Declaration, however, consists in the fact that more than two-thirds of its sixty-six articles specify in concrete terms the institutional procedures to be created in order to have the rights respected as defined in the first Section of the Convention. These procedures rely mainly on decisions by the European Commission of Human Rights and the European Court of Human Rights (Court of Strasbourg). The European Convention binds the Contracting States in a more compelling way than did the Universal Declaration. On the other hand, the scope of the rights involved are more limited. The Convention effectively allows individuals to engage in procedures to see their rights defended, should their national legal institutions fail.

The discussions about the legal status of these two declarations are enriching. Politicians and legal experts often reproach the Universal Declaration for being too general and heterogeneous, or even self-contradictory. In short, they consider it as a jumble of different principles and rights of which the legal status is difficult to determine and the control and enforcement neither guaranteed nor checked. Let me quote a Swiss legal expert, a former General Manager of the UNESCO Human

Rights and Peace Division, who also participated in the Kolymbari seminar:

Thus the brotherly utopia of the Universal Declaration may lead to the denial of politics. It does as well conceal conflicts of interests and of values inherent in each community, which are inherent to each community, as problems of power intervening in the definition of social priorities when authorities have to allocate resources. In Western countries, the abundance society, the development of the Welfare-State, the reduction of social conflicts and peace itself permitted the emergence of a whole range of ideological stands having in common the more or less articulate and more or less conscious idea that politics may disappear and could be replaced by either an efficient management of affairs – this being the technocratic side of the perspectives, or by the resolution of residual conflicts by means of better education and a new pedagogy.

(De Senarclens 1988: 105)

Hence, the significance of the Universal Declaration is often reduced to the idealistic connotation of its normative nature. Obviously the Declaration is more than just an idealistic proclamation, it is the manifestation at a given time of normative social representations forged by converging social movements which have branded contemporaneous history. It helped the issuance of new legal constructions which possess their own efficiency, as in the case of the European Convention.

Legal experts like Mireille Delmas-Marty (1986, 1989) insist on the importance of intricacies between nation states and the international society in the contemporary fabric of legislation. More precisely, she analyses the effects of the practice and the jurisprudence of the European Court of Strasbourg on national penal law and jurisprudence. The functioning of the Court implies that judges from different countries arbitrate on the cogency of appeals without attempting to freeze or standardize national legal systems. These judges act in such ways as to render compatible norms embodied in different national penal systems. According to Delmas-Marty, classical binary logic supposedly used in defining correspondences between law violations and sanctions will no longer suffice. It is often a question of the margin of appreciation, of reasoning in terms of degrees and fuzzy logic. Important arguments used in the Court deal with the level of appropriateness of different measures to have fundamental rights defended in a given national situation.

It is important to consider that several fundamental rights proclaimed by the European Convention are not to be considered absolute rights in the sense that they should be respected in all circumstances. Article 15, which ends the listing of the rights, stipulates:

In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

In her edited book on controlling abuses of reason of State, Delmas-Marty (1989: 12) lists the rights that have to be considered absolute.

When all is said and done, fully protected rights are only the interdiction of torture and inhuman or degrading treatment (art. 3) as well as the interdiction of collective expulsions (art. 4 additional Protocol n° 4) or the multiplication of prosecutions or penal sanctions for the same violation (art. 4 additional Protocol n° 7). As for other rights, they may sometimes benefit from a quasi absolute protection, more than often only from a relative protection.

To these rights to be protected in all circumstances one should probably add the right defined in Article 4 of the Convention: 'No one shall be held in slavery or in servitude.'

Hence, the importance of normative social representations in defining the status of various rights. These representations are anchored in the conception itself of the democratic state. The Preamble of the European Convention makes it explicit that fundamental freedoms are best maintained 'by an effective political democracy'. Exceptions to the respect of these freedoms cannot be envisaged to protect the state *per se* (which is often the interpretation advanced by the notorious 'reason of state' argument), but to safeguard a democratic system which should at all times 'keep the State at reason' following the expression of Delmas-Marty (1989: 24). Limitations of rights should be under the control of European Council agencies, which therefore are invested with the tricky assignment of matching two margins of appreciation. They have to evaluate in given historical situations the gravity of threats to the effective political functioning of a democracy as well as the anticipated degree of efficacy for thwarting these threats of restrictions to the exercise of liberties and rights.

The complexity of the new European concept of rights also appears in the field of social rights that were not yet directly guaranteed by the Convention. But since then, they have been at the centre of much legal work bearing specifically on the status of immigrant workers. Workers have continued to migrate to the more prosperous and industrialized European countries after the Second World War, originating from countries which are members of the Council as well as from non-

member states. Yasemin N. Soysal (1994) analyses their status in different European countries and concludes that a new 'post-national' legal model was progressively put in place, partly as a result of the impact of the Universal Declaration and of additional Protocols.

Following these conventions, many other treaties and recommendations bore specifically on the status of immigrants regarding their freedom of movement, their rights to residence and employment, their conditions of work, their social security, their professional training, the reunification of their family and the education of their children, their participation in public life, their individual and collective freedoms (Soysal 1994: 145–6). Even if legal tools vary according to countries, they guarantee the migrants a status based on a concept of rights which tends to eliminate discrimination between them and nationals of the host country.

A new legal model came into being. Traditionally, citizenship anchored in membership of a national state was the source of rights and obligations. This is no longer the case for immigrant workers, whose rights are not based on being part of the nation or on citizenship, but on the universal concept of the rights of the person. 'Hence, the individual transcends the citizen' (Soysal 1994: 142).

Historically, when the bourgeoisie asserted itself against traditional powers, civil freedoms and thereafter political rights were progressively codified. Socio-economic rights were further grafted on the rights obtained by national citizens. With the coming of immigrants, the order reversed: under protection of international treaties, socio-economic rights were first granted to them, whereupon progressively they acquired civic and political rights in member states of the European Union. This resulted in their having rights to vote in local and European elections, without however having the right to vote at the national level. The importance of that inversion in the genesis of rights is revealing in that the nation and its institutions are no longer the sole and ultimate source of rights.

In this respect it is important to analyse converging and diverging aspects between the ideas of Soysal, a European political scientist and the American constitutional law specialist Charles L. Black, Jr (1997). Neither considers the national state as the ultimate source of rights, and both attribute responsibilities to state authorities in the socio-economic realm, but they differ in the importance attributed to international organizations.

The American Declaration of Independence states:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of

happiness – that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . . .

According to Black this general principle is the basis of the American human right conception, also in socio-economic matters:

Our national commitment to human rights starts with generalities: liberty, the pursuit of happiness. What is sometimes forgotten is that all law works from level to level, with commitment to great general principles that have to be worked into practice through insight and experience.

(Black 1997: 36)

The basic principle being that individuals possess the general right to the pursuit of happiness, it is the function of state authorities to create, at specific levels of concreteness, the conditions that would make this ‘pursuit’ possible:

There is then nothing exotic to the Constitution in the proposition that a constitutional justice of livelihood should be recognized, and should be felt by the President and Congress as laying upon them serious constitutional duty. In the early phases of this work, I find I am most often asked the question, ‘How much?’ or ‘Where will you draw the line?’ (So many people are more anxious about ‘drawing the line’ than about getting food out to hungry children) [. . .] Congress must lie under a constitutional duty to appropriate such money in reasonable amounts, and even to levy taxes, or to borrow, so that the money will be there to appropriate.

(Ibid.: 135–6)

Hence, the conclusion:

In a constitutional universe admitting serious attention to the Declaration of Independence, a malnourished child is not enjoying a ‘right to pursuit of happiness’.

(Ibid.: 137)

In comparing this analysis with the analyses presented by Soysal there is an important convergence on the contents of social rights. But the way to reach the definition of these contents is quite different. In Europe a prevailing opinion is that this way passes necessarily through international institutions and conventions, whereas in the United States, the vision remains national. This does not imply that Black is to be considered a nationalistic bigot, on the contrary:

A serious thirst for human rights, and so for human-rights laws, cannot be slaked with no more than a canon of 'thou shall not's.' Sins against human rights are not only those of commission but those of omission as well. Other nations seem to have gotten ahead of us in explicit and detailed recognition of this; herein the papacy has outstripped the United States of America. We started the conversation about human rights, but we seem reluctant to carry it forward.

(Ibid.: 133–4)

Notwithstanding this awareness, no reference at all to international organizations is made in Black's book on human rights.

This is not exceptional among American human rights specialists. Moreover many of them make an explicit plea for a national approach of the issue: 'Human rights are ultimately a profoundly *national*, not international, issue. In an international system where government is national rather than global, human rights are by definition principally a national matter' (Donnelly 1989: 266). Other scholars denounce with Henkin (1990: 77) this attitude apparently rooted in political isolationism:

A deep isolationism continues to motivate many Americans, even some who are eager to judge others as by interceding on behalf of human rights in other countries. Human rights in the United States, they believe, are alive and well. Americans, they believe, have nothing to learn, and do not need scrutiny from others, surely not from the many countries where human rights fare so badly. [. . .] The United States, they argue, ought not join in a human rights enterprise with countries that do not share its ideals, that will dilute American standards, and that will use the United States adherence as a pretext to distort and criticize the human rights record of the United States.

As a conclusion, in institutional definitions of human rights as well as in expert analyses of their foundations, many differences can be found. For instance, a very generous Universal Declaration defines an ideal state to be reached through the efforts 'of every individual and every organ of society' without mentioning procedures to be followed to actualize this ideal; on the other hand, a more limited European Convention details specific formal rights and provides institutional guarantees for the protection of these rights while also envisaging limitations for their enjoyment in given conditions.

With regard to expert thought, such as the one developed by Delmas-Marty, it is concluded that logic in terms of straight inclusions and

exclusions is no longer the only valid one for linking violations and sentences. A more gradual approach of evaluating correspondences with normative democratic visions becomes indispensable. According to Soysal the sovereign state is no longer the ultimate reference for anchoring these rights, although Black stresses the role governmental authorities have in elaborating concrete regulations which allow individuals to enjoy their rights to the pursuit of happiness.

Evidently, other legal references could be useful for those who work on the social psychology of human rights. Some markers had to be set here. During years of research and numerous discussions of all kinds, issues in my research on human rights as social representations have evolved. Judicial references have taught me that the base of legal thinking on human rights is not only to be sought for in their institutionalized expressions but that it is profoundly anchored in normative social representations.

New challenges

Powerful ideas result in contractual realities, often at the cost of important transformations. Normative models do not automatically translate into institutionalized expressions; however, they do remain shared references to which victimized parties can appeal in seeking support for their claims. History seems to confirm that extreme injustices can be perpetrated in the name of national sovereignty as well as in the name of visions that favour exclusively specific kinds of rights to the detriment of other rights (e.g. individual freedoms versus solidarity rights). All over the world, state authorities have often freed themselves from traditional moral concerns, while their enormous administrative and technological powers meanwhile overdevelop and currently present a real threat to fundamental rights, even if these states were created for better protection of these rights.

There is no *a priori* guarantee that supra-national institutions as such will do better than national ones. However, let us not forget that the Universal Declaration, according to its Preamble, was proclaimed in the first place to denounce 'barbarous acts which have outraged the conscience of mankind'. Many of these acts were perpetrated in the name of the sovereign interests of European nations. Since then, for better or for worse, the idea of sanctions has progressively been admitted against nations violating human rights. The first of these concerned South Africa. In the last pages of his book about the universal character of human rights and their ties with the liberal state, Jack Donnelly (1989) expresses his scepticism towards the efficiency of such undertakings: 'The moral universality of human rights, which has been codified in a strong set of authoritative international norms, must be

realized through the particularities of national action' (Donnelly 1989: 269).

Writing his book in the 1980s, Donnelly was not yet able to measure the consequences of interventions in Haiti, Somalia or Bosnia, or even of the Gulf War or the aerial bombing of Iraq and Serbia. Democratization and the setting up of institutions protecting the fundamental rights of individuals emerge as a result of much more complex historical processes. In such processes, visions, powerful ideas or normative social representations always play an indispensable role and they cannot be carried around like missiles and bombs. One can say that if arms vanquished Nazi power, it was the reforms of political institutions, undertaken as a common national and international endeavour, that led to the renewal of democracy in Germany.

Normative social representations cannot be imported from the outside world and when they are used to evaluate other countries they do not necessarily foster international collaboration; they can as well accentuate prejudices and discriminations that so often characterize inter-group relations. One of my co-workers, Christian Staerklé (1999), specifically studied ethnocentric dynamics in symbolic relations that inhabitants of democratic countries entertain with members of non-democratic countries. With regard to human rights, this certainly remains an important challenge. Finally, in my opinion, beliefs that one may solve human rights problems solely by military intervention are based on prejudice. And certainly it is also reciprocal prejudice that is one of the main factors making it so difficult to establish international discussion forums to deal efficiently with human rights problems wherever they occur.

Interventions in the name of human rights presuppose a clear definition of the rights at stake. It has now become a habit to talk about different generations of human rights. The first two would respectively be individual rights and socio-economic rights. Most often the first ones feature in discussions about intervention policies. For whole schools of legal experts, notably in the USA, socio-economic rights do not necessarily have to be translated in judicial terms. In all cases, they are far from being respected in their entirety in all countries where the authorities in charge become involved in interventionism abroad. A third generation of rights would consist in collective or communitarian rights, for example, the right to self-determination of nations or ethnic groups, or the right for natives to maintain special ties with the land of their forefathers. Donnelly does not hesitate to accept the rights of the first two generations as authentic human rights; on the other hand, he is still loath to do so for the rights of the third generation. He accepts them insofar as they can be reduced to individual rights. An example of his analysis of the right to self-determination follows:

What does respecting the right to self-determination involve? Roughly, it involves respecting all other human rights, and in particular rights to political participation and freedom of speech, press, assembly and association. If these rights are fully respected, it is difficult to see how right to self-determination could be denied. [. . .] There is little or nothing that can be done with the right to self-determination that cannot be accomplished by the exercise of other human rights.

(Donnelly 1989: 148)

That interpretation appears to me fully compatible with the one that can be drawn from the 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' adopted by the General Assembly of the United Nations in December 1992. Following its Articles 2 and 3, only individuals are defined as bearers of rights, whereas Articles 4 to 7 declare that states must take appropriate measures for these persons to be able to enjoy their rights. Communities are therefore not really considered as bearing rights, although they may be invested with responsibilities.

Evelyn Kallen (1995), who through her experience of the Canadian situation is a reference on the subject of links between individual and collective rights, expresses a different opinion. Her reasoning is based on a detailed analysis of the implications and intricacies of claims concerning the autonomy of native Americans, the sovereignty of French-speaking Quebecois and the respect for the cultural traditions of various groups of immigrants, not forgetting claims of other specific categories such as women. By studying legal measures already enforced, she proposes a classification of human rights into individual, categorical, cultural, national, or collective, and native rights. This does not imply, in her opinion, a derogation from the principle of non-discrimination asserted in article 2 of the Universal Declaration:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

On the other hand, measures in favour of underprivileged categories, in favour of a specific language or culture, of a wider sovereignty for a nation and of respect of certain ancestral traditions, could aim at the protection of individual rights as well as at the creation of mutual respect between different groups:

From a human rights perspective, the challenge for humankind posed by ethnocultural diversity is, first, to recognize and celebrate the

affinities among all human beings as members of the same human species and, second, to foster a global climate of respect and tolerance for ethnocultural differences, in order to enable the human beings, as such, to interact amicably across group boundaries.

(Kallen 1995: xii)

The fourth generation of rights was proclaimed in the United Nations Conferences on Environment in Stockholm in 1972 and on Environment and Development in Rio de Janeiro in 1992. Here anew, these declarations bear principally on the rights of individuals, but also on the right of future generations to benefit from a healthy environment and from resources necessary for a lasting development favouring the well-being of all human beings and of the generations to come. More radical visions, envisaging for example a kind of right to prosper for other animal species, even when this is to the detriment of the human species, do not really find their expression in these declarations. In this field, two approaches are clearly opposed (Jacob 1999). One approach gives priority to the conservation of a natural environment which would have its right to exist and to prosper independently from any pre-eminence to be accorded to the human species, the other approach considers nature itself, and certainly our ties with it, as a social and cultural construction of humans.

The right to a healthy environment and to a lasting development, clearly asserted by international declarations, is only one aspect of the ecological issue. This aspect is far from being negligible from the point of view of justice and of social equity, which, according to the logic of human rights, serve to guarantee fundamental individual rights and to found societal order. However the ecological vision does not always limit itself to considerations compatible with human rights. Hence, Peter Singer (1976) introduced the term 'speciesism' to stigmatize a general anthropocentrism which prevents humans from taking seriously the interests of other animal species.

Many more debates are going on, such as those concerning the choice of procedures for having accepted rights respected. To this day no procedure has been agreed upon to avoid war, to reduce severe economic deprivation of entire countries, or to prevent sexual exploitation of important portions of humanity. Can one seriously consider that the rights of asylum seekers are generally respected, when the right itself to seek asylum is severely limited by all sorts of bureaucratic procedures in most Western countries?

Other debates concern the nature or content of basic rights. A strong movement claims the right to the respect of differences in sexual orientation, although that right, already guaranteed by some national

regulations, is not yet fully integrated in European conventions. And still in the initial stage of theoretical discussion is the problem itself of the possibility of elaborating a kind of biotechnological definition of what exactly is an individual bearer of human rights: for instance, are embryos or individuals incapable of any conscious interaction with other human beings bearers of rights?

In the past many denunciations and claims that did not appear to have links with basic rights issues became institutionalized as fundamental rights in contractual conventions. Therefore, these more recent discussions may also give rise to consensual definitions of basic rights in a more or less distant future.

An exhaustive chronicle of the lively human rights debate would be difficult to produce. The story is ongoing and many regressions with regard to the ideals proclaimed remain possible, but more efficient procedures to broaden the range of rights efficiently protected can also be expected.

It was not the aim of this chapter to advance historical, legal or political science. Already aware of findings that will be discussed in the remaining chapters, I wanted to go back to the historical origins of the social representations studied. Will research reported in this book really deal with human rights? In order to be able to answer that question affirmatively, it was necessary to look for yardsticks in the writings of reliable experts in order to mark the field of human rights. The reader will judge whether what follows effectively belongs to that marked field. Other readings could have supplied still more yardsticks. Those which were retained are not the only possible ones. I do think, however, that they are pertinent and that they may help to better understand the meaning of human rights considered as normative social representations.

To conclude this chapter, one more reference. In an article on the fiftieth anniversary of the Council of Europe, Daniel Tarschys (1999: 504), an academic, politician and General Secretary of that Council from 1994 to 1999, lists 'the European values': respect for human dignity and for fundamental rights and freedoms, belief in the uniqueness and the equality of all individuals, protection against despotism of power by separating powers, resolution to find common ground for mutual understanding inside and between countries, notably by avoiding ethnic conflicts, and awareness of the raising of general interdependence requiring a sustained effort of adaptation. And he concludes: 'The concept of European values is unabashedly normative. Its purpose is not to describe the reality around us but the civilized order we seek to establish.' Is this not another way of talking about normative social representations?

In this chapter, social representations have been studied in as much as they played a role in the institutionalization of human rights and as they are still at work in contemporary judicial functioning. Institutionalization has not always resulted in better respect for human rights, but yardsticks have been set. The following chapters will deal with the same representations as they are interpreted nowadays in the lay thinking of participants in our research.

2 An interview study

As we saw in the introduction, the message of social psychology regarding human rights could be limited to a set of warnings. Caution! If human rights exist, they are not more than just a normative representation conveying a democratic design of a free and equal citizen bearing rights that in many circumstances are not respected at all. On this subject, we have seen that a restrictive and limited vision of these rights is not a prerogative of uninformed people. It is even defended in many expert discussions and proclaimed in official declarations.

In the first chapter, we set markers to define the field of human rights. Among these markers, the European Convention occupies a significant place because it permitted the creation of an institution ‘to say the right’. In fact, it was precisely the rulings of the European Court which interested the interdisciplinary group that was formed after the Kolymbari meeting.

The goal of the group was to launch a study on current lay conceptions in the field of human rights. Indeed, its first meetings took place two years before the bicentennial of the Declaration of the Rights of Man and Citizen. At that time, it appeared important to the members of the group to be able to contribute, at the proper time, to the activities implied by the commemoration of this bicentenary while providing information on current interpretations of human rights by non-specialists. At some point in time, the possibility of an opinion survey had been considered. But this track was not pursued, not only for lack of funds, but above all because the interests of the group related more to the organization of common-sense meaning than to the measure of frequencies of given opinions.

Presentation of the research on rulings of the European Court

We quickly agreed on a process, the basic idea of which was to confront various people with a summary of rulings taken by the European Court. The law experts of our group chose four rulings on the basis of charac-

teristic legal problems that they raised (see Delmas-Marty *et al.* 1989). Political scientists, a social psychologist and a sociologist collaborated in the drafting of brief accounts of the cases decided upon in these rulings. These accounts (each one about two pages) would allow people without legal training to express their opinions on the cases and to come to a conclusion about the cogency of the rulings of the Court. The instructions were very general in nature and the interviews were administered by experienced professionals as well as by advanced students in law or psychology who did not have any prior experience of this type of interview. We thus obtained forty interviews, including twelve group interviews of two to five persons (for a detailed description of the research, see the article by Bechlivanou *et al.* 1990). Each interviewee or group was presented with only one account and, as far as possible, the countries concerned in each ruling were not specified.

The first account, concerning a mentally ill patient (case of *Winterwerp v. The Netherlands*, 24 October 1979), is in substance as follows: W. was rushed to a psychiatric hospital, following behaviour considered abnormal. His wife then asked the judge to keep her husband confined, and her request was supported by an opinion provided by a general practitioner. The judge accepted this request without consulting other experts. The decision was valid for one year, without any possibility of recourse. The situation went on for three years, with reports by the consulting psychiatrist. W. then asked the hospital administration for release. The judge, after having heard W., rejected his application. The three following appeals for release were refused by the General Attorney, without having been submitted to a judge. W. was conceded several trial releases, but was reconfined each time. Finally, W. sent a complaint to the European Commission, stating that he was arbitrarily deprived of his freedom and that he had neither had a court hearing, nor received information about various decisions prolonging his confinement, nor had he been provided with adequate medical treatment. He also protested that he had lost all right to administer his personal assets.

The second account relates to the case of *Campbell and Fell v. United Kingdom*, of 28 June 1984. These events occurred in jail. Two prisoners, C. and F., with four other inmates, staged a sit-in in a corridor and refused to move from the spot as a protest against the treatment inflicted on another prisoner by the guards. A brawl broke out as the guards came to dislodge them, and thereafter C. was judged by the disciplinary commission of the prison and sentenced, amongst other sanctions, to 91 days of cellular confinement to his cell, which deprived him of any possibility of an anticipated reduction of his sentence. C. and F. issued several requests to see their lawyer, but these were either refused or delayed. When F. was authorised to see his lawyer, he could at first only meet him in the presence of a guard who followed the interview.

Moreover, a letter sent to C. by his lawyer was intercepted and F. was refused the right to correspond with an acquaintance. Finally, C. and F., after a certain number of internal attempts at recourse against these decisions, appealed to the European Commission.

The third account concerns terrorism (case of *Ireland v. United Kingdom*, 18 January 1978). Two communities had been opposing each other for a long time in the setting of a struggle for independence. Conflicts were violent, terrorism was used by both sides, but especially by members of the minority, who set up a clandestine paramilitary organization. These events led the country (the United Kingdom) which has jurisdiction over the region (Northern Ireland) to take a series of exceptional and drastic measures. Another country (Ireland), supporting the minority, applied to the European Commission to denounce these measures, in particular, imprisonment without prior trial and ill-treatment suffered by detainees: general brutality, kicks and punches and, for some of them, prolonged standing upright against a wall, covering and blinding with a hood, prolonged exposure to noise, deprivation of sleep and food. Ireland considered these treatments as degrading and as torture.

Last, the fourth account relates to *Bozano v. France*, 18 December 1986. The interviewees were presented with the story of a foreigner who, sentenced to life imprisonment *in absentia* for manslaughter in his country of origin (Italy), illegally entered a neighbouring country (France) that does not have a legal agreement with the first country allowing extradition in this case. Arrested during a routine control, he was then expelled, without being able to defend himself, to a third country (Switzerland) that does have an extradition agreement with the first country and whose authorities effectively extradited the refugee there. The prisoner appealed to the European Commission on Human Rights, denouncing the illegal procedure used by the police officers of the country of refuge. Instead of expelling him, as their country's law allowed them to do, these policemen in fact effected a disguised extradition.

At the end of each interview, a summary of the Court's decision regarding the case was given to the interviewees and they were asked to react to these judgments, still without being told the precise national context.

Given the complexity of the cases, the criterion for recruiting interviewees was that they had passed secondary school training. We also tried to recruit people who were as different as possible. A degree of homogeneity of group members was sought for, however, when proceeding with collective discussions.

After interviews were transcribed, several working sessions of the interdisciplinary team were devoted to the elaboration of a grid of analysis and to integrating reports written by different members. A

synthesis of results of that collective endeavour has been published (Bechlivanou *et al.* 1990). The more specific analysis, which had been entrusted to me as a social psychologist, will be reproduced in this chapter. The point of view chosen for writing my report was the connection between institutional dynamics and human rights. Its conclusions were confirmed by Piera Dell'Ambrogio and Dario Spini (see Doise *et al.* 1991) who have re-analysed the interviews.

This exploratory research did not at that point claim to draw directly on social representation theory. It supplied a harvest of rich material that provided indispensable information on how individuals from various social horizons comment on cases submitted to the European Court, cases that had been chosen by legal experts in order to represent the largest possible range of stakes at issue. In fact, the interviewees not only understood these stakes, they also expressed their positioning in a certain systematic matter, not unrelated to the expert thinking expressed in the text of the European Convention as well as in the reports of the judges accompanying their decisions.

Without claiming at all that the interviewees' comments would correspond to the entirety of the comments that a whole population would express, they constituted nevertheless a sufficiently rich constellation to encourage us to carry on studying these problems within the framework of social representation theory. In a certain way, this chapter presents the raw material that we work on, various aspects of which are studied with the tools of that theory in the following chapters. Any research on social representations presupposes a phase of familiarization with a combination of lay opinions and attitudes in the field concerned. In the present case, the phase of familiarization was all the more decisive in that it was carried out in a domain yet unexplored by social representation researchers.

Institutions and human rights

Thematic content analysis has provided us with a great number of qualitative indications. Given the nature of the material (group and individual interviews, directive and semi-directive interviews carried out in Paris, Geneva and the Italian-speaking part of Switzerland by interviewers with more or less professional skills and based on four different accounts), only the main themes will be illustrated with translated excerpts of interviews between quotation marks. These excerpts will not be classified according to the origin of the interviewees, but according to the various institutions mentioned. Themes concerning institutions directly evoked in the four accounts will successively be commented upon and thereafter more general opinions about the role of states and international institutions will be presented.

Psychiatric confinement

In order to justify psychiatric confinement, a person must be quite ill. However, our interviewees know that it is difficult to define madness and degrees of its gravity in a consensual way. For some people, to be truly mentally ill may mean to suffer from it to the point that the idea of continuing life becomes unbearable, but for others, it may imply above all becoming dangerous to oneself or others.

One should then, before all else, find a way to ascertain whether a person is truly ill or not, and whether his state of mind implies danger for himself and/or for other people. Numerous excerpts of interviews with the Winterwerp account mention that difficulty, but the most often named criterion is that of danger. 'If it is true that he endangers the lives of others, and I would say also if he endangers his own life in some cases.'

For most interviewees, the only safeguard against error consists in increasing the number of consultations with multidisciplinary 'experts'. In the first place, there are the 'specialists': psychiatrists and, for purposes of medical confinement, judges, but also family doctors (who have known patients for a long time and are therefore more likely to better evaluate the evolution of their illness); then there are family members and close friends: 'In my opinion, it is important to arrange for a decision to be taken by different people . . . but it's always a kind of compromise.'

However, in order that the opinion of the family can be taken into consideration, its members should not benefit in any way (in particular financially) from the confinement of a next of kin:

Let's say that at the beginning, we really are under the impression that it is a mentally sick person . . . who hurts his whole family, but the more one reads on, the more one thinks [. . .] that it is quite convenient for the family to have the person kept in jail . . . or in confinement. . . .

Coming to the professionals consulted, their specificities should complement each other. Doctors, especially psychiatrists, should make their diagnosis. Jurists, in particular judges, should see to the correct application of the law and to the respect of the individual's rights during the whole confinement procedure. One of the subjects mentions health insurance companies who, since they refund confinement expenses, have no interest whatsoever in seeing any of their clients abusively confined.

It seems obvious that institutions play an ambiguous role: at the same time they are both the guarantors of individual rights and also the source of their limitations, particularly concerning the right to personal freedom. Only formalized process for contesting a decision can help

solve this problem: 'At first he could request, if he disagrees with his psychiatrist, a second expertise from another psychiatrist. Because I do think that to contest a psychiatrist, you need an equivalent authority.'

The mentally ill person must be informed about the reasons of his confinement, which implies having access to the contents of one's medical file and of the legal documents enforcing confinement in a psychiatric institution:

It would be easy to answer yes, as long as he is capable of discussing it. The problem is how to know whether he is capable of doing that or not. On top of that, psychiatrists delight in playing wizards and in hiding their objectives or motives while pretending that communicating them would have a negative influence on the patient . . . I am always mistrustful when it comes to the benefits of ignorance. But after all, I am not a psychiatrist! But the patient should always have the possibility of discussing the issue, even if his suggestions were not be used for a reason or another.

Such opinions were expressed by people who believe the mentally ill persons are always kept informed as to the reasons of their confinement as well as by those who believe that such information is not systematically provided and who wish that it were.

To be informed about the motives of one's confinement is 'the least of courtesies' towards an individual who still retains glimpses of comprehension. However, one wonders about the usefulness of informing a patient who would be 'irresponsible or unconscious': 'He certainly has the right to be informed of the treatment given to him, etc. . . . including the prognosis that may be done on his case, in so far as such a prognosis would not aggravate his own case.'

Information is not just a right in itself (a legal right that should figure in the legislation), but a kind of *a priori* which enables the person to benefit from the guarantees to other rights (and notably the right to appeal, the right to express one's opinion on the necessity of a confinement, etc.):

Well, as soon as he is charged of being mentally sick, he is taxed of inability, of incapacity to evaluate his mental state . . . and from there the origin of all kinds of abuses in totalitarian states . . . to charge somebody of being mentally affected, hence, to confine him in an establishment.

Reasons advanced in favour of institutional functioning – guaranteeing and, at the same time, limiting the right to be informed concerning reasons for confinement – merge with those advocated in favour of the sick person's right to give his opinion on the prescribed treatment.

For most of our interviewees, the patient's consent to his treatment is a good starting point for the healing process. They wonder even whether it could be possible to treat somebody against his will, since a great deal of treatments administered nowadays in cases of mental illnesses refer to 'talking through': 'I think that recovery can only result from dialogue, it is not by concealing mental illness that the patient will get any better.'

Generally, talking things through is always considered necessary, all the more so since it would seem problematic to administer a treatment to somebody against his will: 'Exactly. I am not really familiar with psychiatric treatments, but I think that he ought to be able to give his opinion, and also that he should have the right to refuse treatment.'

Specific exceptions are sometimes detailed: 'No, because, in matters of alcoholism, drug addiction and also psychiatric problems, well, there are people who could injure themselves and others. Well then, even if they don't agree, that's it, then!'

Opinions are divided, especially as cases of refusal are mentioned, where patients evolved positively with the help of their families:

I know precisely of a person [. . .] who had a nervous breakdown [. . .] her family brought her to a psychiatric hospital, because they themselves were not capable of . . . of looking after her. Well then . . . at that psychiatric hospital they have . . . they drugged her with anti-depressants: she refused after one or two weeks! With no success at all! They went on doping her with anti-depressants . . . she came out of there, because, well, she requested it . . . she insisted so much that her family . . . seeing that she was really suffering in that psychiatric hospital [. . .] she was released after signing a letter of discharge [. . .]. Because she had the strength and because . . . she has that kind of personality which made her refuse a treatment and that, afterwards, when she was again administered that treatment, she still refused!

To summarize: the individual stricken by illness becomes all the weaker as he is seen to be incapable of taking a decision (apparently the only right often allowed to him, according to the interviewees, is the right to squander family wealth); he must therefore be protected and decisions taken on his behalf.

Mental illness is difficult to define; the advice of several persons, notably of specialists, must thus be sought. Having such an illness may render the patient dangerous to himself, to close relations, or to others in general. Degrees of dangerousness being hard to define, it is necessary to seek counsel before undertaking a non-voluntary confinement.

As an individual, the confined mentally ill person must be able to enjoy essential rights. However, for some people, the right to one's own survival

would be a superior kind of imperative, more important than his power of decision and which may limit his other rights; he would not have the right to self-destruction. In a similar way, dangerousness towards others requires the recourse to some superior right to personal integrity of others, which would supersede the patient's right to personal freedom.

Now then, if different institutions (legal, medical and even familial ones) intervene to limit certain rights (notably the right to individual freedom), these same institutions should be the guarantors of the respect of other rights (confinement imposed only when it is deemed necessary, quality of treatment administered, suspension of the confinement).

All this should not prevent the patient from being allowed to speak freely, especially since talking through is a kind of therapy, and the mentally ill person must enjoy the right to give his opinion and, possibly, be able to contest or refuse a given treatment.

A solution to most problems mentioned may reside, on the one hand, in cross-controls: commissions of experts, division of roles between doctors and legal experts and, on the other hand, in dialogue with the patient, even when it proves difficult or sometimes impossible.

Prison

When comparing interviews about imprisonment with those about psychiatric confinement, an important difference appears: the constraints inherent in the institution's proper functioning are invoked more often when the fate of prisoners is considered. The question of the dialectic between confined life in an institution and enjoyment of individual rights apparently poses problems of different nature. Most interviewees insist on the fact that the proper functioning of a prison necessarily imposes limits on the exercise of individual rights beyond those related to the situation of confinement itself: 'As soon as we accept the concept of prison, we accept a lot of things, because we transform the prison into something functional.'

Further, security reasons emphasize these constraints still further. 'But a prison has to stay a prison . . . for security reasons too . . . and to be locked up is already one thing and in addition there are always problems when there are a lot a people together.'

Independently of security problems, life in prison is often compared to that in other institutions, like factories, the army and even holiday camps:

Listen, it's already hard enough to organize a holiday camp without having everybody grumbling, see. . . . But well, I think that it's a question of common sense. We must try to satisfy people within limits of what is possible and reasonable, don't you think so?'

Notwithstanding the fact that there are characteristics common to all confined communities, it remains true that particular attention should be paid to the respect of rights of all parties involved. Not just prisoners but jailkeepers have rights as well:

That doesn't mean that they should . . . that they have all rights. Of course not. That does not mean that a prison. . . . A prison ought to function in a certain way, there are . . . there are rules. Now, naturally, if these rules are unjust or unbearable, one must work to change them effectively. The prisoners' rights must be respected. And also the rights of the warders. A prison must stay a prison, so what?

Exaggerations of all kinds should be avoided:

Let them know that they can express themselves and that they are going to be heard. But on the other hand, if they are given too many opportunities to make claims, if they know that their claims will always be taken into consideration, there will be a risk of abuses . . . that they may ask for more and more . . . that requests will always become more important. It is a question of power, it's really complex. Prison serves to punish, imprisonment is inhuman and quite rigid rules are needed if we want it to play its role, and power given to it should remain.

Among rights directly linked to internal organizational problems, there are those which are to be safeguarded when sanctions are enforced for offences committed in prison. The procedures for dealing with such offences provoked complex discussion.

When serious offences are involved, everybody seems to agree that sanctions should be implemented by a 'regular' court, which means that everything should proceed as if the offence had happened outside the prison: 'If it concerns trivial matters, that can be settled within the prison . . . but if it is something serious, there should be a court independent from the prison. Otherwise . . . abuses will abound!'

When it comes to lesser offences (but where is the limit of their gravity?), and notably to infringements of internal prison regulations, opinions are split. Some consider that sanctions should be issued by an external judge, others accept the idea that prison authorities alone should handle such matters, while still others advocate the creation of a court jointly composed of prisoners, warders, members of the prison administration and persons from outside.

An ideal vision would imply a kind of self-management of these problem situations by people directly concerned:

If we want to be optimistic and idealistic . . . one should imagine a prison as a kind of self-managed society where the prisoners themselves would function as judges for the infringements committed inside . . . a little like in some institutions for children

and:

I should think that this kind of mixed body, jointly composed of warders and of prisoners, would be able to settle things, to discuss, and finally to find common grounds for agreement.

Moreover, a procedure respectful of prisoners' rights would also produce an apprenticeship of legality: ' . . . if one does not respect law in prison, then they would not have understood anything . . . or rather, they would have understood that it is always the same who are right and that it is always the same who must respect law.' In all cases, the prisoner should have the opportunity of having a lawyer to assist him in his defence.

The majority of the interviewees seem surprised, even shocked, to learn that prisoners mentioned in the account could not contact their lawyer and talk freely with him. The right to be assisted at all times by a lawyer seems to be an inalienable fundamental right, as well as the respect for the secrecy of deliberations, spoken and written, between the lawyer and his client: 'For example, concerning the right to consult with a lawyer. I believed . . . I was sure that a prisoner could consult his lawyer at any time . . . it is bizarre and quite worrying, in my view.'

The sole reservation as to the confidential character of conversations with a lawyer is the potential for collusion with the client. Otherwise, no limitation of the right to be defended is admitted by the interviewees: 'But as for the lawyer . . . either they refuse a lawyer because they believe him to be an accomplice of the prisoner, or he has the right to see his client when he is in trouble, doesn't he?'

Any hindrance, any delay or any other restriction on contacts with a lawyer must then be removed. This right is fundamental because it is the principal means of defence of the prisoner, against arbitrariness of the institution as well: 'Yes, somebody who is not necessarily knowledgeable as to what he can or must do . . . he must receive valid information. At least he should be allowed to see his lawyer without any difficulty!'

Some even consider that the right of the prisoner to freely consult his lawyer reduces the stress from detention and contributes in this way to lessening tensions inside prison. Respect for the right of individuals would finally serve to guarantee the proper functioning of the institution:

What's more, it is a psychological support too . . . he can talk to somebody . . . it is important. He will feel better and will maybe act better afterwards . . . it also is in the prison's interest to have well-informed inmates, and not totally frustrated or rebellious ones. Because, when one has some rights and one knows them, one does not feel helpless . . . one knows the rules of the game, one knows within which limits one can act, one can make claims.

Such beneficial effects are also attributed to other contacts with the outside world. These contacts develop through correspondence and visits. Some persons interviewed acknowledge their importance, for the morale of the prisoner during detention as well as for improving his chances in regard to future social rehabilitation.

But it is normal that they be able to see family and friends, otherwise they would be even more depressed in prison and they would be alone when getting out, I mean that they will have lost contact . . . then imprisonment would not have served at all because if they come out of it 'worse' than when they entered, more angry with everybody . . . well, you see. . . .

Anyway, these points correspond to a right to privacy that interviewees believe ought to be respected. According to some of them, the right of entertaining a sexual liaison should also be envisaged, while preserving the rights of the other party and of the institution:

Well, on condition effectively that it does not involve danger! That this should not prove dangerous to the person visiting them! But in such a case [. . .] how to ensure complete intimacy in a prison? [. . .] I think that they must be able to be together, but that ... there must be . . . there must be either a bell or something. [. . .] And furthermore it must be carefully controlled, to ensure maximum security, and also to control that . . . it should not become a means . . . to smuggle objects that could be used for escape and similar things.

Contact with one's own children is considered favourably on the condition that their interests are taken into consideration:

Obviously, of course the prisoner, he wants to see his children! It is very important to him! [. . .] The person responsible for the children must also, if necessary, have the right to refuse . . . that the children see him. But if the father demands to see them, he too must have the right to ask it. The case must be examined by a qualified person . . .

who knows the children! Also, the opinion of the children must be respected! Because the child also has the right! [. . .] I mean: anybody, prisoner or not prisoner . . . has the right to see his wife! Has the right to communicate with his children! If they wish so too!

Mail and visits may be limited in several ways: correspondence can be read, censored, forbidden to some people; visits are limited in numbers, visitors can undergo a search and meetings can be held in the presence of a guard, visits are forbidden when the prisoner is held in solitary confinement. The most important justification of these restrictions is to prevent in all cases prisoners from pursuing reprehensible activities from within the prison, or even preparing their escape.

However, for some interviewees, there are risks to be accepted in order to safeguard a fundamental right:

As for letters, I don't think that they ought to read them [. . .] Yes, I think the danger exists that they receive some information allowing their escape. Still, such risk is to be incurred . . . that humanitarian right is to be respected.

If restrictions on the rights of prisoners, other than those regarding their freedom of movement, are envisaged, not all of their rights should be suspended and arbitrary restrictions should not serve to antagonize or to jeopardize inmates:

There is censorship for correspondence, which is understandable. There are probably . . . maybe abuses, but it is understandable, it is normal [. . .]. But even if one knows that it is important that the prisoner see his family and his friends in order not to be lost when getting out of prison, there are organizational problems, there are the nasty little tricks of the warders.

All this does not prevent other people from considering temporary restriction of mail as an acceptable sanction:

But really . . . this is not inhuman [. . .] deprivation of mail . . . in extreme conditions, well yes! It is in a box, you will get it when you are more reasonable again! Maybe this should be an acceptable sanction! I don't know! It doesn't look to me to be very nasty and certainly it is a valid punishment.

Being a prisoner does not imply that one may be deprived of the right to a private life, to external contacts, to protection against arbitrariness. We have seen that respect for these rights is often considered to be

conditioned by the necessity to safeguard institutional functioning and to guarantee security within the prison.

In other respects, the reason for detainment of an individual may also influence the way in which his rights will be envisaged; particularly, he must not be in a position to pursue reprehensible undertakings.

Most interviewees seem conscious of the difficulty of organizing prison life and of the necessity for regulations that prisoners must respect. Comparisons are made with life in society or life within communities (e.g. holiday camps) or institutions (e.g. the army, which was often mentioned during the course of interviews).

Although these comparisons may seem relevant, it must be noted that they were mentioned less often during interviews on the rights of the mentally ill. When some rights of patients had to be limited, it was because interviewees wanted to protect the patients better, or to protect the physical or psychological integrity of people close to them. That reason was hardly ever invoked in favour of prisoners. It was more of a question of the smooth functioning of the institution, which, in truth, has to ensure that some rights be enjoyed by the prisoners. Many restrictions are envisaged however.

The only rights which remain inalienable are the right to have a lawyer at one's side, the right to physical integrity and the right not to be subjected to the arbitrariness of others.

Terrorism, torture and arbitrary detention

Terrorism is approached mainly from a perspective of questionable measures used to fight it: torture and detention without trial. Terrorism is considered as a sort of anti-institution: it is not a matter of isolated persons, but of organized groups which, while fighting established order, do not hesitate to claim rights established in the frame of that order to combat it and to achieve their ends. Even if interviewees sometimes can approve of these ends, they also understand that society must defend itself.

As for torture, a concession at the level of principles seems hardly conceivable. 'Torture for me it is not defensible, whatever the case, be there a minority or majority involved.' Refusal in principle does not prevent problems of definition from surfacing. Weakening the psychological resistance of somebody is not necessarily torture:

Because, pushing things to the limits . . . one may consider the issue from an economical point of view. If a person is tortured, perhaps not tortured as violently as it occurs in Latin America . . . for example by leaving him during a certain period surrounded by noise or without sleep to weaken him psychologically so that he cracks

more easily, this could be justified if it helps by saving lives on the other side. Because general gain would be more important than the individual suffering of a person. At that level, it is justified, even if . . . legally, it is forbidden.

Isolated cases of torture may happen which would only result from individual initiatives:

The fact that one does not know is absolutely not an excuse. However, finally it is a little tricky to say: it depends on the number of cases. [. . .] Because there always are mad people everywhere! [. . .] Finally, violent people [. . .]. Well, if it happens in a police station, one cannot say that it is the whole nation.

Certain scenarios cloud the views of several interviewees:

No! but they know that if they get to it, they don't know who is going to plant the next bomb . . . there are going to be attacks, there will be fifty people dead. Must we have the information at all costs or not? And at what cost?

And without wondering about the pertinence of the scenario, the interviewees treat it like a case of conscience:

I won't say it formally: I shall never use torture! I cannot say that. If I were in such a situation, indeed . . . I don't know up to where I would go, I don't know. I think that . . . as much as possible, I would try to respect . . . human rights and the human being, as much as I could!

Some agree about resolving the problem by torture:

For sure, it certainly is worth it to save fifty lives or even two other lives . . . compared to the fact that one tortures somebody who has already committed an act of terrorism, who has been sufficiently abject to become himself a killer, well I mean, to react in such a way . . . if one can get information and save other innocent human lives, I should say it may possibly just about justify it. True, I agree with that.

Others are strongly opposed:

Evidently, it is not because someone is the worst bastard [. . .] it never justifies that he be tortured. Never! Well, it is respect due to a human being. To his physical and moral integrity.

This does not prevent the same person from understanding, without defending them however, that persons in position of authority would act differently:

But anyway, that excuses nothing. [...] The fact that one can understand the person who is going to torture justifies nothing. It is a question ... of principle and of right!

However the problem of efficacy remains: 'And anyway, you are not inevitably going to get a result with torture.'

Detention without trial appeals less to the imagination of interviewees, even though some reject it as categorically as torture: 'Imprisoning without trial, for me, is never justified.' The reasoning is fundamentally the same as for torture, rights must be respected, but perhaps not at once: 'No, but it is . . . jailing people without judgment . . . provisionally I mean. First, they imprison them and only thereafter they judge them. But it may be more urgent to put them out of the way, is it not? And to judge them later!'

Following the same line of thought, a distinction is made between what is legitimate and what could be understood: 'One cannot say whether it's normal, but it is quite logical that things happen like this, let's say . . . if they have no other means.'

Rejection of torture in the principle is also clearly justified through recourse to the argument that the means used by the terrorists themselves should not be adopted by authorities and that arbitrariness should be avoided:

Legally or constitutionally, one simply cannot say that there are situations without trial that would be normal . . . and also without communicating reasons for detention. Again, this is an open road to arbitrariness. It means that anybody could be chosen on the street, be imprisoned for six months, a year or two and all that without explanation or judgment. Anybody could be seized, for a matter of jealousy or just anything.

Finally: 'Yes but a police state is as dangerous as . . . as a bunch of terrorists, ah. . . . Ultimately, it would even be more dangerous!'

When mentioning terrorism, which often presupposes conflicts between a minority and a majority holding power, human rights are put forward as having to be in some way above the stakes of such conflict. They should offer protection against torture and against arbitrariness and they would need well-defined rules and procedures that can be adapted in times of emergency and should be applicable to any person, without discrimination in any way.

A terrorist arrested for an action already committed should enjoy the same rights as any other detainee, notably respect for his physical integrity. And this is all the more so because, as a terrorist, he is supposed to be member of a minority often considered to be discriminated against by those in power. As from his arrest, he becomes a potential victim of the judiciary system which must certainly not adopt the principles of terrorism that both attacks and seeks to pervert legal institutions.

On the other hand, terrorists arrested for preventive reasons do not always seem to enjoy the same rights as other detainees. If they are seen as potentially being involved in future terrorist attacks, it is their potential victims' rights to physical integrity that are given priority in the interviews.

In a sense, the same attitude is expressed as in the case of the dangers posed by mentally disturbed individuals: the interests of society come first, in this case the interests of non-terrorist individuals.

The frontier effect

The law must be applied equally to all, so a foreigner should stand to benefit from the same legal procedures as a citizen:

Some foreigner on French territory does some mischief, but . . . we cannot prove that he did it. Why expel him before a trial? It is not because he is a foreigner, it is not because his name is . . . that he should not get a fair trial according to French law. He has rights, he is a human being. He has every right to be judged like anyone else.

Once again, we come across a rejection of arbitrariness:

I think that in these cases, they should [. . .] avoid such a situation and legislate on it and by . . . allowing courts to legislate, and not according to a personal opinion of the court. [. . .] But according to criteria valid for everybody as you want! Which should not be left to the appreciation of a particular case, to state of mood and ... or to personal beliefs!

One of the reasons for rejecting discrimination can be the fate of the family:

Yes, especially if he has been in France for quite some time and if he already has a wife and children in France! If he's expelled without. . . . What will happen to his wife and to his children? What will become of them? They, they'll stay on the sidelines and he, the husband, he'll be returned to his country! It is not normal, is it.

The whole family might then as well be expelled:

Yes, if a head of family is expelled, they may as well expel his wife, his children and the whole lot! At least, in another country there will always be the nucleus, the family. [. . .] But they should not split half by half or quarter by quarter. It is all or nothing!

But what should happen to a foreigner who is an illegal immigrant? It should be noted that, for many interviewees, the right to egalitarian treatment should only apply to people in a regular situation:

Listen, a foreigner who's in the country legally . . . without any doubt! [. . .] Does a foreigner who entered the country clandestinely, who is in an illegal situation, benefit from the same rights? Well now, that's questionable! In the end it depends on what legislation the State has passed.

Hence, for some people: 'But if he does not have the right to remain, I mean in France, if he has not got a residence permit, if he has not got this or that, they expel him, they return him to his country, that is quite normal.'

Still more serious is the case of a foreigner who has committed a crime in his country of origin. This crime must be judged. And even if the country of refuge has not signed a treaty of extradition, he will be extradited without more ado if the seriousness of the deed justifies it. This will be even easier if he is an illegal resident in the 'host' country. The gravity of an offence justifies then, in the eyes of the interviewees, an exception to the existing laws, which have only been conceived for 'normal' cases:

I think that he has the right to be extradited! [. . .] Because, if he committed a crime in his country, I don't see why he should be living in another country under a false identity. When [. . .] you have done something, you must be punished for what you have done in the end. Whether he has done something important or futile. . . . You must pay!

If needed, laws should be adapted to allow serious crime committed abroad to be punished: 'Or else, to amend, to amend that law.'

A sort of universalistic concept governs the necessity to be tried. Some people demand guarantees that democratic norms be applied; for others, this issue does not concern the expelling country: 'As a rule, they do not expel people to countries which . . . which haven't [. . .] where it is thought that they are not going to be tried according to our criteria. According to our democratic standards!' and

In fact, if each time we expel somebody, we have to consider what may happen to him in his country of origin, in the host country where he will move to, we would be obliged to keep all those who are staying illegally in France. [. . .] And you start to panic! But if you had to do that to everybody. [. . .] All those who left their country did have some problems in the beginning.

In the case of expulsion, nobody seems to find it excessive that the lawyer and the family are advised of the imminent departure.

From what precedes, a 'frontier effect' seems evident in the application of human rights. Depending on whether individuals are in their own country or not, they will take benefit from these rights to a greater or lesser various extent. And many interviewees are of the opinion that there is no need to worry about what will happen to the rights of persons being expelled or extradited.

It is also clear that the question of the legal status of foreigners receives special attention in respect of any unemployment crisis or xenophobic campaign. The problem has been tackled on several occasions in quantitatively amplified terms:

Well now, that's questionable! It finally depends on what legislation the State has brought in. [. . .] But I don't see how or in the name of what superior principle this could be accepted! Because it is always easier to handle a case when only one individual is involved. But when ten thousand are involved . . . and what about a hundred thousand . . . and then, what happens?

The mass deportation of foreigners is considered expedient, but as politically somewhat inept: 'Mass deportation? Yes, yes, yes, of course that would ease the task of our poor civil servants! [. . .] That would be more practical.' One should also consider that, however, each case has to be examined individually, even if thereafter collective departures of deportees originating from the same country may be organized:

Well, that being said, to do it collectively, I suppose that in the case of deportation of irregular immigrants in France, people in an irregular situation in France, there must be particular cases. They really can't be treated like that because we are not . . . It makes me think of mass deportation . . . of trains going to Auschwitz. Yes, that's exactly what it makes me think precisely of . . . but no, I think that we should be serious, there should be case-by-case trials and collective deportation.

The issue of mass immigration thus arouses sharp reactions, which may contradict principles stated in the Declaration of Human Rights.

The rights of the citizen (notably the right to work and to ‘remain amongst ourselves’) apparently should have precedence over the rights of foreigners. The personal rights of a foreigner are to be subordinated to the political, social and economical consequences of the actual or envisaged multiplication of similar cases.

In a sense, one could say that a foreigner does indeed exist as a person, but that decisions concerning him can only be taken considering his status as a member, not only of the community of foreigners already residing in the host country, but also as a member of the total population of all potential immigrants. This is felt to reduce his individual rights.

Where criminal acts are committed by foreigners, serious acts that offend against universal moral codes (generally involving the taking of life), these above all merit punishment and no immunity should be allowed simply on the basis of what interviewees consider legal technicalities or legislative flaws.

Nation states

We now look at the attitudes displayed by interviewees towards governmental and international institutions when commenting on the four different cases. Each quotation will be followed with a reference to the case discussed in the interview, using (E) for expulsion, (H) for psychiatric hospital, (P) for prison and (T) for terrorism.

While only a few people used the actual term ‘state’ or ‘nation’, many spoke of a country in general or of specific countries (France, Switzerland, Great Britain, etc.). It is often said that one has to expect different practices in the realm of human rights depending on the countries involved. In this sense, the term ‘country’ may be assimilated to that of regime: ‘It is obviously a Western country and not a country of the East [. . .] That could be anywhere, in France, in Belgium, even in Switzerland, but not in Geneva now, that should not be possible’ (H).

Many interviewees share the opinion that respect for human rights is very variable in different countries. Public opinion and sometimes highly concerned organizations seem to put up with serious offences happening in some countries:

I do not recall a single demonstration that was organized in front of the embassy of Nigeria when Nigeria expelled two million Ghanaians in a couple of weeks, in atrocious conditions. [. . .] I do not recall that the French League of Human Rights issued the slightest act of protest!’ (E).

Interviews on the expulsion of a foreigner condemned in his own country allow us to explore further the theme of links between country

and respect for human rights and, sometimes, to reach a practical conclusion. A democratic country should somehow trust other democratic countries and not meddle in their affairs:

Our court assumes the right to judge the laws of a neighbouring country? That's questionable! It would mean that in name of our own democratic criteria ... we claim the right to judge a neighbour's democracy. This is very problematic! (E).

On the contrary, for some interviewees, it is also valid that a foreigner, residing illegally in a country, should not be deported to his native country if he would there become the victim of serious human rights violations: 'I don't remember that people were ever expelled to dictatorial countries, eh! Or to . . . so-called people's democracies!' (E).

There are sometimes good grounds for putting aside internal affairs of countries, in order to avoid the risks of transgressing limits:

Of course, he can't be sent back to his country, let's be human, but here, in Switzerland, we have a policy of meddling in affairs of foreign countries and that, as soon as we can't anymore . . . we finally come to such situations where some ayatollah says that somebody must be shot anywhere in the world. You are no longer on your own. Another country is going to handle your affairs, to impose its law [. . .]. These are completely different matters, we cannot interfere in these things (E).

The case of terrorism is the most significant for the analysis of perceived connections between states and human rights, as it also calls on relations between states. They can mutually influence each other for better or worse:

In countries [. . .] that don't feel concerned, I don't think that there are a lot of results! [. . .] On the other hand, there is a pressure, I think, growing stronger and stronger, on countries which are pretending that they respect human rights. [. . .] There have been sanctions against South Africa, all the same! Lately, there has been that affair of the *Satanic Verses*, anyway, the European countries did react. [. . .] There is some kind of power of the media which is there and prompts governments in fact to react towards countries which don't respect them! (. . .) From that moment on these countries hold centre stage. Well, now it is the case of Romania. Finally, governments react! (T).

Governments support each other:

Support for a government may be much more inconspicuous and more regular, that's plain, because European or Western countries give in any case their support to Great Britain, otherwise there would be heavy pressure to modify the situation (T).

But other motives may intervene: 'The United States support the governments that suit them best to help overthrow others. Or to keep others in power' (T).

Let us also mention the term 'society', which seems to refer to more informal characteristics of community life such as attitudes and mindsets that are invoked as being very important explicative notions within a comparative context:

Now it's clear that Westerners . . . together with, slowly, the Eastern countries that are gradually moving nearer towards our way of thought . . . [. . .] I think that Japan could, it could absolutely adhere to human rights as we conceive them in the West, because it is a society that has become strongly westernized (T).

To conclude, if many look upon the state as the main source of rights, possibly also of human rights, it is the ultimate body deciding how these rights are applied. On this subject, one must take into consideration the fact that there are many differences between states, and many interviewees declare that these differences must be respected, at least to some degree.

The social reasons for these differences are not seriously analysed. At most, mention is made of the differences of society, of democracy, of regime. On that subject however, it is clear that most interviewees consider democracy a norm in the evaluation of other countries.

The case of foreigners also shows that human rights principles are not applicable without restrictions or conditions. Foreigners who have been admitted legally are clearly favoured in this respect, it is as if the state should be more concerned with the rights of those who respect its authority than of those who are intruders in some way. Even though interviews on terrorism show some kind of special mission of the state, some faith in communication and in negotiation, such an attitude is not often advocated when the problem concerns foreigners in an irregular situation.

International institutions

Nations, even those termed democratic, and the institutions they support, often restrict the rights of people. It may arise that these restrictions or

infringements seem unjust to interviewees. The idea is brought up of the possible intervention of neutral bodies, less directly involved and representing in some way a more universal concept of human rights.

This role as righter of wrongs will be evoked especially in situations of people confronted with abuses in institutions, particularly in psychiatric wards or in prisons: 'If the Court has come to the conclusion that the patient has not been briefed on the treatment, it means that he was quite conscious [. . .] and then there, a mistake has been committed' (H), 'So, it isn't because someone is in jail that he should lose all his rights. Well, it is normal that something just like the Commission for Human Rights should exist. To be used for controlling!' (P).

The reparation of wrongs is often symbolic, but that does not mean it remains without effect, even in cases of terrorism or when third countries are involved:

To be able to appeal as a last resort to the European Court of Human Rights . . . becomes part of a negotiation process. Because here, really, one can consider that negotiations occur, between lawyers on one side and the British Government on the other side! It functions mainly as a deterrent and the symbolic blame is important! (P).

Others show more scepticism:

The European Court of Human Rights, they have . . . reprimands, at least? After their judgment? Besides sentencing, what do they do? It's a reprimand, that's all. They have no power. It's the only power that the Court has? To state its opinion? At the level of a country, there are no consequences: people always do what they want (T).

Powerlessness may lead to compromises or to a search for negotiated solutions: 'I think that in these cases, if we try to put ourselves into the place of the European Court, we can only have mixed judgments, it's cutting a pear in two, I'd say!' (T). Unfortunately, human rights often seem to be merely an ideology:

A few minutes ago, we were talking about minorities, about terrorism . . . the question is to know whether we have the right, to fight terrorism, to jeer at rights: to torture, to jail without trial. I say: no! I don't agree at all! But to make a connection with human rights, I think that these people cannot do anything else because they have no choice effectively, they have no choice. So, human rights seem quite nice, they are an ideology (T).

The finality of international institutions for the defence of human rights is not really questioned. What may become a problem are the means these institutions use to impose the respect of these rights.

The efficacy of the European Court seems more evident when it handles individual cases than when larger collective stakes like terrorism are involved. However, unlike national institutions, it is only in very exceptional conditions, possibly during the development of questionable arrangements, that the institution of the European Court of Human Rights could possibly play a negative role.

Institutions as foundation and as boundaries of rights

In the frame of institutional functioning, human rights must be respected. That should even be the very reason for the institutions of our democratic societies to exist. Prison itself should become a training school for acquainting people with these rights. However, as soon as concrete examples are given, the functioning of institutions is supposed to impose boundary conditions and everything becomes a matter of measure and degree.

Institutions are the sources and the limits of human rights. And when rights are being threatened, yet another institution is often invoked in order to guarantee respect of rights through a procedure of an appeal against decisions of an institution. Anyone should be able to benefit from it, at least under certain conditions: foreigners, terrorists, mentally ill individuals and prisoners. Using this right, which is considered obvious, nonetheless has its own limits. Minor sanctions inflicted on prisoners should not necessarily offer an opportunity to start an appeal to a court. Mentally ill people should not have the right to ask for a fresh neutral expert each week. It is important to beware of collusion between lawyers and prisoners, and when the number of foreigners in a country is growing, often, individual appeals may no longer be acceptable. The institution is thus provided with quite a broad range of power within individual liberties. However, if authorities seem to depart at times from a proper respect for fundamental rights, it remains true that it should be possible for the matter to be brought before a neutral, and eventually international, authority.

The role played by such authorities is sometimes described as symbolic: 'It is especially used as a deterrent! And the symbolic reprimand is important!' (P). In last resort, their principal effect may well be the corroboration of an ideal adhered to by the participants: 'This has been judged by the European Court of Human Rights, hence by men considered to be quite democratic, therefore the result must coincide more or less with ideas that we share' (H).

Thus, lay theories reflect the opinion of experts who see in democratic functioning the ultimate referent of the human rights conception. We must then recall that the European Convention acknowledges only very few rights that should benefit from total unrestricted protection.

The Convention and the Additional Protocols are clear. Most rights granted, like the right to life, do not enjoy absolute protection; for example, when national security is at stake. Rights that are the object of absolute protection are very few, but they include the right not to be tortured and the right not to be subjected to mass deportation.

As we have seen, persons interviewed are not in favour of the absolute protection of all fundamental rights, and are certainly not opposed to mass deportation, or even torture in certain cases. We are provided here with an important lesson: if according to official declarations killing of an individual may be envisaged in extreme circumstances (war, self-defence, riots), collective expulsions or depriving a person of his dignity through torture or degrading treatment should never be accepted. However, interviewees tend to justify restrictions also for rights considered absolute in official declarations.

Demand for universality is not altogether missing in the interviews: either when interviewees forcibly proclaim the inviolability of certain rights, or when they consider that human rights constitute an ideal never entirely realized but an ideal that must be relentlessly pursued. And a majority agrees on one of the ways of reaching that ideal: the opportunity for any individual to appeal to a neutral arbitration authority.

Acknowledgment of the right to legal defence appears to be an important milestone in common-sense thinking on human rights. However it remains thwarted by what can be called a feeling for justice that mainly consists in a strong concern that crime should always be punished independently of the legality of procedures (for instance also by extraditing suspects even when no agreement between countries exists). In other respects, social psychologists are well aware, thanks to the research by Melvin Lerner (1977) already mentioned, that this feeling may also serve to justify arbitrary treatments inflicted upon innocent victims. But on the other hand, research by John W. Thibaut and Laurent Walker (1975) also teaches them about the importance people attach to procedural aspects. Indeed, the right to a fair and just procedure is part of the European Convention. Hence, lay thinking and expert thinking are intertwined in multiple ways.

Human rights are often considered as 'natural'. Historically, there is no doubt that the definition of these rights was not reached without difficulty. It necessitates social agreement, in the same way that protection of rights proclaimed necessarily calls for the creation of competent institutions. This institutional aspect again poses problems. In fact, while institutions are sources or guardians of rights, they also set limits to them. Our interviewees are conscious of that. Furthermore, Stanley Milgram (1974) and other researchers suggest that many people would also probably be ready to limit other people's rights at the behest of institutions, except maybe when they are confronted with

opposing demands from another institution (Meeus and Raaijmakers 1987).

The opposition between individual rights and institutional dynamics reminds us of the debate that took place during the preparation of the 1789 Declaration whose aim was to define rights and duties of man and citizen in the same text. That dual definition, as already signalled, was rejected by the majority, even though it was introduced in later declarations. The concept of the Declaration of Rights of Man and Citizen was really meant to reject any subordination of rights to obligations. Rights were invested with their own legitimacy which precedes and founds legitimacy of duties, the main function of which was to better protect rights. For several interviewees, that priority does not seem natural and at least one of them did not hesitate to use some freedom with historical reality:

Because then, another facet of this situation, it's that to all these rights, in my view, there are corresponding duties. All these rights imply duties. And for a couple of months, they have been going on and on about the Declaration of Human Rights and they forget that its complete title means that there are also the citizen's duties, they only give us half the title, we don't often hear about duties, unfortunately, because finally, the duties of the one are the conditions of the other's rights. When a father doesn't carry out his duties, it is the rights of the child that are flouted, to take an example that is obvious (E).

Yet it clearly is evident from these interviews that, for the participants, human rights are no fiction. The fact that procedures are required – and this is largely accepted – anchors rights strongly in the reality of social relations and may make these relations evolve. The vision of human rights as expressed in the interviews often challenges established order as well as the ideologies justifying that order. Institutions remain significant generators of all kinds of rationalizations aiming to ensure their reproduction by opposing collective and private interest. But they must come to terms with demands conveyed by those normative social representations that are in fact human rights.

3 Limitations and violations in context

This chapter focuses more specifically on limits imposed on fundamental rights in social representations. Legal aspects of these limits will not be analysed; what is of interest here is how they are conceived of in the common conscience, how these conceptions vary and how these variations can be explained. In this sense, one aspect of issues raised in the previous chapter will be studied more systematically; in particular the hiatus between the general adherence to principles and the frequent tolerance of practices violating them will be analysed.

At the same time, as in remaining chapters of this book, social representation theory becomes more explicitly the tool with which to study human rights. In social psychology, human rights have been studied as social representations above all. Authors like Jeannette Diaz-Veizades, Keith F. Widaman, Todd D. Little and Katherine W. Gibbs (1995) or Fathali M. Moghaddam and Vuk Vuksanovic (1990), who do not refer to social representation theory, nevertheless presented research findings compatible with those obtained within the framework of this theory, initially elaborated by Serge Moscovici (1961). We shall therefore start this chapter with a brief indication of what social representation theory implies for the study of human rights.

Human rights as normative social representations

At the broadest, social representations are defined as organizing principles of symbolic relationships between individuals and groups. They always imply a normative aspect because they are beliefs embedded in systems of norms. However, social representations of human rights are, more specifically, beliefs about norms that should regulate behaviour of public authorities towards individuals; norms that ought to be institutionalised. Bearing this in mind, I use the term of normative social representations to designate this visionary aspect of human rights representations.

Social representation research is based on three important assumptions (Doise *et al.* 1993) which are the underpinnings of the rationale for the investigations that will be presented further.

A first assumption states that the different members of a population under study effectively share common beliefs about a given social issue. Social representations are constructed in patterns of communication referring to common landmarks of significance to individuals or groups involved in symbolic exchanges. The study of human rights as social representations will therefore consist first of all in verifying whether such common reference marks exist and in defining how they are organised. If social representations can thus be considered as a kind of common mental map, making communication possible amongst members of a group, this may be attributed to the fact that they refer to institutionalized meaning systems. A question that will later be asked is to what extent the institutional definitions of human rights can serve as common references to members of different national and cultural groups.

A second assumption concerns the nature of the differences of individual positioning in a field of social representations. The theory by no means excludes the possibility that individuals may differ according to the strength and other modalities of their adherence to such representations. But it implies that these variations in positioning are themselves organized in a systematic way. The studies aim therefore at analysing axes along which individuals position themselves differently in relation to human rights.

A third assumption considers that taking a stand in the realm of social representations is always anchored in other symbolic realities of a social nature. There are many kinds of anchoring, and they have mainly been studied in three different ways (Doise 1992). First, the ties between variations of positioning in a field of representations and variations in adherence to other beliefs or value priorities are analysed. Beliefs and values are considered to be general in so far as they are supposed to organize symbolic relationships in several domains. It will therefore be necessary to verify whether they also intervene in the realm of human rights representations. Social representations are further studied in so far as they are anchored in perceptions that individuals build of relations between groups and categories of their social environment, perceptions that are of special concern to them. Such anchoring is of special importance for the understanding of human rights representations, which, originally, were often generated in periods of dramatic conflicts and social crises. Finally, a privileged manner of studying how these representations are anchored is to search for relationships between membership in social groups or occupation of social positions and modulations in individual positioning toward given representations. The underlying hypothesis is of course that shared social insertions lead to specific interactions and experiences that – possibly through the differentiated interventions of values, beliefs and social perceptions – modulate the positioning of a symbolic nature. In a specific manner, we also

expect such dynamics to intervene in the definition of individual attitudes towards human rights.

Elsewhere, Alain Clémence, Fabio Lorenzi-Cioldi and I (Doise *et al.* 1992, 1993) presented the main methods that are applicable to the empirical study of each of these main assumptions. This is not the occasion to come back to these methodological issues, but when a method is used for the first time, its general purpose will be briefly indicated. In the same way, results of statistical tests will not be described with technical details, since they have already been provided in previous publications addressed to specialized colleagues. Specific analyses have been done at certain points for this book, with the aim of facilitating a more condensed account of findings. However conclusions of these new analyses were always compatible with those resulting from previous analyses. I will just recall here that levels of statistical significance, using the usual conventions ($p < 0.05$, $p < 0.01$, $p < 0.001$, $p < 0.0001$), indicate the probability that the observed results could occur in the event that a variable related to a stated hypothesis would have been without effect.

As was already the case for the interview research, all research presented in the remainder of the book results from collective enterprises. The plural mode will therefore be used for pronouns referring to the authors of the research, even though not all perspectives developed in writing this book were necessarily discussed with the co-authors of reports already published. Previous publications remain definite references.

A study in five countries

Research by questionnaire on human rights limitations began in 1990 in France and in Switzerland in collaboration with Alain Clémence and Annick Percheron. It constituted the direct extension of the interview study reported in the previous chapter and it continued until 1993 with the addition of samples from Costa Rica, Italy and Romania, thanks to the collaboration of Lorena Gonzalez, Annamaria De Rosa, Rodica Stanoiu and Horia Vasilescu. Results from Romania only reached us after the preparation of a first publication (Clémence *et al.* 1995). Unfortunately, Annick Percheron died before we could start writing up reports on this research, which remains indebted to her. The original publication was dedicated to her memory.

In these five countries, participants were mainly students ending their obligatory schooling (approximately 15 years of age) or more advanced secondary school training (18 or 19 years old) and, when possible, a particular effort was made to recruit respondents from more and less prestigious educational streams. We do not claim that these samples are representative of each national context; furthermore we remind the reader that in each country studied the actual political system is based

on fundamentals claimed to be compatible with the guiding ideas of the Universal Declaration. Our main goal was not to proceed with a comparative survey, but to define principles organizing consensus and individual variability in the domain of human rights, as well as their links with individuals' positions in adjacent domains concerning, for example, their beliefs about the amount of control different authorities should be able to exercise over individual decisions and their adherence to some moral beliefs.

The main question we asked participants in the study was the following: *In your opinion, is any of the following events a violation of human rights?* In the original study twenty-one situations involving restrictions or violations of individual rights and individual liberties were presented. Participants indicated to what extent each situation was a violation of human rights on four-point scales: yes certainly (4); yes maybe (3); not really (2); certainly not (1). Some of these situations can easily be associated with a classic definition of rights defined by the Universal Declaration (for instance, to be condemned without a lawyer's defence or to be imprisoned for having protested against the government). Other situations, dealing with the rights of children (for example, obliging them to attend religious celebrations or to stop attending school) or other family affairs (for example, preventing one's spouse from going out alone), are less explicitly linked to rights defined in articles of the Universal Declaration. And lastly, some situations concern economic inequalities (for example, some people are paid higher wages than others) or health matters (for example, hospitalization in the case of contagious illness) and were initially not covered by the official definitions of human rights.

In the questionnaire used in Romania one scenario from the original questionnaire was omitted (concerning housing facilities for AIDS patients) and another one was changed: victims who were refused an apartment became 'a gipsy family' instead of 'a black person'.

The questionnaire also included several other sections permitting the study of anchoring of conceptions of human rights violations in other belief systems. Results from five sets of questions will be reported here. A first set of questions bore on the acceptability of some governmental initiatives, for instance, allowing officials to tap telephone conversations, suppressing elections or prohibiting demonstrations. A second set of questions concerned the acceptability of individual deeds such as giving in to blackmail, breach of promise or lying to protect someone. A third section dealt with managerial or governmental inquiries regarding employees (for example their religion, how they live or whether they are in good health) or individuals requesting naturalization (for example their political opinions, whether they are drug addicts or whether they have a criminal record). For each of these enquiries, respondents had to indicate

if they deemed it normal or not. A fourth set of questions concerned perceptions of social regulations as being or not being infringements of individual freedoms in the case, for instance, of compulsory vaccination, the obligation to wear a helmet on a motorcycle or declare one's income. Finally, a fifth set asked participants whether they considered as true or false statements that began with 'No matter what we do', and that were completed with sentences as 'there will always be rich and poor people, or good and bad people, and nations which do not respect human rights'.

In agreement with the three main assumptions outlined above, analyses presented here follow the three-phase model of studying social representations (Doise *et al.* 1993). For the five national groups studied, the hypothesis of a common organization in their representation of human rights violations will first be tested. In a second phase, inter-personal variations in positioning to human rights violations will be analysed. Groups of individuals differing from each other as regards their more or less restrictive manner of defining violations of human rights will be assessed. However, constructing such a typology is not a goal in itself: it is the purpose of the third phase to analyse links between positions in this typology and anchoring variables. Such variables will bear specifically on the range of powers attributed to authorities in different areas and on the latitude of initiatives individuals are allowed. In this study of anchoring, we will also pay attention to the age of participants, while anticipating somewhat the hypotheses of the next chapter bearing on the effects of progress in socialization.

Research participants were middle-school or secondary-school students (age varying from 13 to 20 years) in five different national contexts: France, Switzerland, Italy, Costa Rica and Romania. To homogenize the size of the samples, we retained (when applicable, by using a random sampling procedure) a sample of equal importance for every population studied, so that each national sample varied from minimum 234 to maximum 255 respondents.

Common understanding

Table 3.1 shows the means of the answers to the twenty questions about human rights violations used in the five countries.

The following are generally considered as human rights violations: racial discrimination, severe deprivation, beating children and violations of formal judicial rights. However, students denounce to a lesser extent violations that occur in private relationships, or when authorities take decisions regarding minorities.

In the present case, the idea of a common meaning system was researched by assessing the extent to which the perception of human rights violations was organized according to a shared hierarchy. In other

Table 3.1 Mean ratings on the human rights violation scale of twenty situations for the whole population and for the three clusters. In parentheses each situation is ranked by country and by cluster

<i>Situations</i>	<i>Countries</i>					<i>Typologies</i>			
	<i>Total</i>	<i>FR</i>	<i>CH</i>	<i>IT</i>	<i>CR</i>	<i>RO</i>	<i>1</i>	<i>2</i>	<i>3</i>
Imprisonment without lawyer's defence	3.58	(1)	(3)	(2)	(1)	(1)	1.73 (14)	3.87 (2)	3.73 (1)
Men and women left to die of hunger	3.37	(10)	(1)	(1)	(6)	(6)	2.02 (10)	3.64 (8)	3.38 (4)
Obliging children to work in factories	3.33	(7)	(5)	(3)	(9)	(6)	1.65 (17)	3.66 (5)	3.40 (3)
Prisoner condemned after riot without hearing by a tribunal	3.33	(4)	(9)	(5)	(8)	(4)	1.64 (18)	3.65 (6)	3.41 (2)
Imprisonment due to protest against government	3.32	(2)	(6)	(12)	(4)	(2)	1.91 (11)	3.78 (3)	2.99 (5)
Whites prevent Blacks from renting a flat	3.31	(5)	(2)	(10)	(2)	(9)	1.58 (20)	3.88 (1)	2.93 (9)
Divorce pronounced without informing children aged 10–14 of future caretaker	3.26	(6)	(7)	(9)	(7)	(3)	2.15 (6)	3.64 (7)	2.96 (7)
Parents oblige children to abandon their studies	3.17	(14)	(11)	(4)	(11)	(5)	1.79 (13)	3.57 (10)	2.99 (6)
Parental child-beating	3.16	(3)	(4)	(7)	(3)	(16)	1.72 (16)	3.59 (9)	2.96 (8)

Women obliged by government to veil their face	3.14	(8)	(8)	(16)	(5)	(8)	1.73	(15)	3.77	(4)	2.52	(13)
Pronouncing someone insane followed by confinement without hearing	3.02	(9)	(10)	(11)	(10)	(11)	2.09	(7)	3.44	(11)	2.65	(11)
Husband preventing wife from going out alone	2.83	(15)	(14)	(6)	(12)	(12)	1.62	(19)	3.33	(12)	2.43	(15)
Refugee suspected of murder expelled without hearing	2.75	(12)	(13)	(17)	(15)	(10)	2.06	(8)	2.81	(16)	2.84	(10)
Mayor prohibiting gypsies from settling	2.73	(11)	(12)	(14)	(14)	(13)	2.32	(4)	2.92	(14)	2.53	(12)
Wife preventing husband from going out alone	2.61	(20)	(15)	(8)	(13)	(18)	1.84	(12)	3.12	(13)	2.00	(18)
Killing a burglar who broke into one's home	2.56	(13)	(17)	(15)	(16)	(14)	2.28	(5)	2.68	(17)	2.45	(14)
Obliging children to attend mass	2.46	(16)	(16)	(18)	(17)	(15)	2.06	(9)	2.91	(15)	1.84	(19)
Higher salaries for some people	2.29	(19)	(18)	(19)	(18)	(17)	2.57	(2)	2.35	(18)	2.06	(17)
Contagiously ill people forcibly confined in hospital	2.23	(17)	(19)	(13)	(19)	(20)	2.57	(2)	2.19	(19)	2.23	(16)
Prohibiting smoking in a meeting	2.04	(17)	(20)	(20)	(20)	(19)	2.83	(1)	2.05	(20)	1.74	(20)

Note: Situations are ranked in descending order based on the means for the total population. Results for one item of the original scale not used with the Romanian sample are not presented in the table. Possible responses were: certainly not (1), probably not (2), yes probably (3) or yes certainly (4) a violation of human rights. Abbreviations: FR=France; CH=Switzerland; IT=Italy; CR=Costa Rica; RO=Romania

words, we tried to ascertain if some degree of consensus across different populations existed that some situations where rights were infringed were considered to be violations of human rights to a greater extent than others. Such consensus would mean that to some degree common standards were used when evaluating human rights violations.

To test the degree of agreement between the ranking of the twenty situations for the different national contexts, we used Kendall's W . This test is based on the correlations between the ranking of average responses to the twenty situations in the various countries. The higher the index, the more the ranking of the different situations is considered similar in the five countries. The value of the index is highly significant ($W=0.77$, $p<0.0001$); this supported the idea of a common basis in the cognitive organization of the perception of human rights violations across national groups.

A typology of respondents

To obtain a typology of respondents based on their conception of human rights violations, we ran a cluster analysis (procedure SPSS, Quick Cluster). This method extracts groups of individuals according to the similarity of their responses. The first cluster was composed of 127 participants, the second cluster included 634 individuals, and the third cluster consisted of 365 participants. The means for the twenty situations as a function of cluster membership are shown in Table 3.1.

The ranking of violations for the two main clusters, the second and the third, clearly overlaps the ranking found for the total population. However, these two clusters could be differentiated mainly in situations related to family affairs. Obliging children to abandon their studies or to attend mass, parental child-beating, and preventing one's spouse (wife or husband) from going out alone were less clearly perceived as human rights violations by respondents classified in cluster 3, as were also cases where women were forced to veil their faces and black people or gypsies were refused rented accommodation. Thus, individuals of cluster 3 shared a restrictive definition of human rights, whereas those of cluster 2 stuck to a broader definition of these rights.

On the other hand, responses given by members of cluster 1 were clearly atypical. If situations related to institutional definitions have relatively low means, situations not explicitly covered by these definitions receive relatively high means. This was clearly a minority position (11.3 per cent of respondents against respectively 56.3 per cent and 32.4 per cent for the other two clusters) opposed in every aspect to the position characterizing members of cluster 2, probably reflecting a relative lack of interest in the human rights cause, at least in the manner they were institutionally defined.

Anchoring in related belief systems

First, it can be shown that a large consensus between national groups was displayed in the answers to the different questions of opinion that we chose in order to study this anchoring.

Average rejection rates of respondents concerning various governmental infringements were respectively: for imprisonment without trial: 91.0 per cent, obliging children to work: 85.1 per cent, use of coercion to make people confess: 80.0 per cent, suppressing elections: 78.2 per cent, suppressing TV broadcast critical of government: 73.1 per cent, preventing freedom of movement: 71.9 per cent, declaring war: 62.2 per cent, tapping phone lines: 59.3 per cent, suppressing the right to demonstrate: 58.3 per cent, death penalty: 50.0 per cent, expulsion of foreigners against their will: 46.2 per cent. Convergence of ratings for the five populations was highly significant ($W=0.76$, $p<0.001$).

Responses to the question of the acceptability of different governmental inquiries about a candidate for naturalization showed a comparable rate of convergence ($W=0.79$, $p<0.002$) and such convergence was even higher in the case of inquiries by business management about new employees ($W=1.00$, $p<0.001$). Ratings of agreement regarding such inquiries made by corporate management were respectively, for religion: 12.3 per cent, private life: 32.4 per cent, militancy in unions: 50.4 per cent, criminal record: 71.4 per cent, and lastly health: 84.1 per cent. For governmental inquiries, ratings of agreement were respectively: for religion: 20.2 per cent, political opinions: 33.6 per cent, health: 54.3 per cent, mastery of host country's language: 56.3 per cent, addiction to drugs: 65.6 per cent, criminal record: 70.5 per cent, and occupational status: 71.3 per cent.

The proportion of participants who considered social regulations as infringements to individual freedom was as follows: for compulsory vaccination: 11.7 per cent, wearing a helmet on a motorcycle: 14.4 per cent, school attendance until 16 years old: 20.7 per cent, showing one's identity card to a police officer: 27.4 per cent, no smoking in a public place: 31.0 per cent, compulsory military service: 40.3 per cent, income declaration: 46.7 per cent, and obligation to vote: 47.4 per cent. Again the convergences between countries were highly significant ($W=0.80$, $p<0.001$).

Unacceptability of individual deeds was also assessed in a highly convergent way across countries ($W=0.82$, $p<0.001$) with the following proportions in the case of: concealing a contagious illness: 77.0 per cent, not revealing one's religion: 74.3 per cent, giving in to blackmail: 70.1 per cent, cheating in order to get out of military service: 59.7 per cent, sheltering an escaped convict: 58.4 per cent, using bribery to obtain an official certificate: 54.7 per cent, assisting a terminally ill person to end

his life: 26.7 per cent, denouncing a criminal: 24.2 per cent, breach of promise: 23.7 per cent, stealing to feed someone: 20.4 per cent, lying to protect someone: 14.5 per cent.

Agreement with fatalistic statements also converged across national boundaries ($W=0.84$, $p<0.001$). Such agreements were, respectively, for the statements beginning with 'There will always be . . .' the rich and the poor: 93.1 per cent, good and bad people: 92.2 per cent, nations superior to others: 86.6 per cent, people with or without a sense of honour: 85.8 per cent, nations which do not respect human rights: 76.5 per cent, born leaders: 74.0 per cent, whereas respectively 68.0 per cent and 65.9 per cent of respondents agreed with the statements: 'No single country can fully respect human rights' and 'War will always exist.'

How were individual variations in social positioning towards human rights violations linked to positioning in the different realms covered by the above issues? To investigate these relations, we computed five additive scores for each individual, namely the number of governmental actions considered unacceptable, the number of queries made by government and business firms considered to be unfair, the number of official regulations interpreted as infringements of individual freedom, the number of individual actions reported as unacceptable, and the number of agreements with fatalistic assertions.

These anchoring variables were then used as independent variables in a discriminant function analysis with the three clusters of the typology as dependent variables. The aim of such a statistical procedure is to estimate the weight of each of the different independent variables in defining dimensions or functions allowing differentiation of groups. The two functions were statistically significant ($p<0.001$). Function 1 accounted for 66.7 per cent of the explained variance.

The first function depicts the specific anchoring of the cluster of adherents to a restricted definition. In comparison with members of the first two clusters, individuals adhering to a conception that sticks more closely to the institutional definition of human rights cultivate a relatively more fatalistic conception of social reality, while expressing broader tolerance towards governmental interference and various social regulations. One can clearly identify the origin of a rather restricted representation of rights: larger power given to the government and acceptance of various social regulations in the context of a fatalistic conception of social relations.

The second function merges an extended definition with rejection of various governmental and managerial infringements, with a higher tolerance for questionable individual deeds and a better adherence to various social regulations. In other words, this conception focused on protecting the individual – even when he occupies a marginal social position – against authorities, while accepting their regulatory role.

The location of the atypical or unconventional position on each of these two functions reveals the complete opposition of its anchoring to those described previously. On function one, this position proved to be compatible with a mistrust of institutional interference, while rejecting any fatalism, and has thus some of the characteristics of a quasi-anarchic rejection of general order. But, according to the second function, that position can also hold to a relative acceptance of institutional meddling while objecting altogether to social regulations as well as to individual actions seen as questionable. Defending public liberties or indulging deviant positions seems not to be an important concern for members of that atypical cluster who tend to put greater emphasis on the rejection of daily constraints than of established order.

The last step of our analyses was to study the anchoring of the typology in groups defined by national context, by age and by specific criteria not yet presented.

A simple analysis of the relationship between national membership and clusters of the typology shows already that members of these clusters were not equally distributed in each national group ($p < 0.001$). The extended definitions were respectively over-represented in the Costa Rican and Swiss samples, while the restrictive definition was over-represented in the Romanian sample and the atypical definition in the French sample. However, as many differences in sampling of respondents occurred across nations, no generalizations can be drawn from the links observed.

We also found significant age differences ($p < 0.005$). In line with the findings described in the next chapter, the extended definition of human rights was rather more prevalent among older participants (60.8 per cent of them belonged to that cluster) in contrast to younger participants (only 51.1 per cent).

Positioning is also linked to opinions as to who is responsible for defending human rights ($p < 0.002$). Overall, a majority of participants consider that human rights should be defended by everyone (64.3 per cent), rather than giving priority to international organizations such as the United Nations Organization (15.5 per cent), the government (13.0 per cent) or associations such as Amnesty International (7.2 per cent). Respondents who felt that respect for human rights is everybody's concern more often adhered to an extended definition of these rights, whereas participants who relied more on government or on international organizations were more likely to adopt a restrictive definition.

In a similar way, fundamental value choices are linked to human rights positioning ($p < 0.001$). A majority of participants wanted more equality (61.6 per cent) rather than more freedom (21.6 per cent) or more solidarity (16.8 per cent) for everyone. Participants favouring equality were more likely to adopt an extended definition of human

rights (cluster 2), whereas participants favouring solidarity were more likely to limit human rights to public matters (cluster 3) and to avoid atypical definitions.

Summary of the five-country study

In spite of the limits set on the present study by the variability of the characteristics of national samples, the structuring function of some factors is nevertheless evidenced. First, we emphasize that most participants consider as human rights violations infringements of the right to a fair trial, the right to life and to physical integrity, the right to freedom of opinion and expression, the right not to be discriminated against and the right to education. Thus the participants in the five countries massively use the rights proclaimed by the Declaration as criteria for evaluating human rights violations.

In other domains positioning is more variable. Somehow, in the background of a relative consensus about human rights definitions, an opposition appears between kinds of positioning that claim more or less freedom for individuals in relation to social, political, economical and moral institutions or conventions.

Different or even contradictory logics may intervene in the evaluation of some situations. The case may arise that different values lead to disagreement, as in the evaluation of family situations, where concerns about cohesion, about well-being of children and their claims to autonomy may give rise to different evaluations. There may be ambiguous or uncertain responses to situations in which different rights of opposed parties are unavoidably violated, as in the cases of self-defence or enforced hospitalization of a contagious patient. It must be said that these ambiguities exist in official texts which give no clear indications for the resolution of such problems.

Fatalism has been mentioned as another source of variation; it must be understood as a widespread general belief favouring acceptance of strong social control, hence of limitation of individual freedom. Uncritical submission to political, economical and moral institutions, together with feelings of suspicion towards others, moderate attitudes in favour of human rights.

Two experimental studies of positioning

Statistical analyses should not let us forget that positioning is a matter of taking stands. Stands are taken in situations of communicative interaction, and on several occasions the inventor of social representation theory, Moscovici (2001), has insisted upon the central role that discussion takes in generating and modulating social representations.

Societies produce thoughts and representations because their members discuss and communicate. Thinking society is a talking society. Hence the importance of a study bearing on the effects of communicative interaction in the organization of social representations. Pascal Huguet, Bibb Latané and Martin Bourgeois (1998) used the original questionnaire of the previous study to study such effects.

Taking stands on social issues is also related to the actual position people occupy in the framework of symbolic societal relationships. Such relationships are organized around power or status differences, the sexual division of labour, national or ethnic group membership. Sociologists such as Pierre Bourdieu (1979) have studied the links between the structures of social positions and mental categories that holders of different positions use to make sense of the social environment. Many of his analyses could be considered analyses of social representations. I have borrowed from him my definition of these representations in terms of principles of positioning in societal relationships, linked to specific social insertions and organizing symbolic processes involved in these relationships (Doise 1986). Not all my colleagues would join me in stressing the societal functions of social representations, but Eric Tafani, Sophie Audin and Thémis Apostolidis (2002) do so. Another reason for reporting their research in this section is that they also used the same twenty-one-item questionnaire on violations of human rights in order to assess changes in responses of their experimental subjects as a function of the anticipated position that members of gender groups might hold in society.

Effects of communication

Huguet *et al.* (1998) study the effects of communication in the framework of social representation theory as well as in that of Latané's dynamic social impact theory. The latter theory assumes that 'macro-social phenomena emerge from ordinary communication via the interactive, reciprocal, and recursive operation of micro-level social influence processes'. According to this theory, one of the consequences of exchange of communication among individuals grouped together and separated from other individuals also grouped together and communicating among them is: a correlation which 'refers to a tendency for different beliefs, values, or practices to become more strongly associated as discussion proceeds . . .' (ibid. 1998: 832).

Ten groups of twenty-four undergraduate students at Florida University participated in the experiment. Members of each group were interconnected by a computer system in such a way that interaction within six subgroups was intensified: all four members of each subgroup could interact freely between themselves, but each of them could only interact with one other subject not belonging to his subgroup.

All participants were asked during a first session to what extent each of the twenty-one items of the questionnaire by Clémence and colleagues was to be considered a violation of human rights. Thereafter in subsequent sessions half of the groups were asked to communicate about six of these items, by sending messages with their opinion and the reason why they felt each item did or did not describe a violation of human rights. The six items to communicate on were the following: children being forced to leave school, women obliged to veil their faces, a mentally ill person being interned against his will, a wife prohibiting her husband from going out, a robber being killed and someone with a contagious disease being sent by force to hospital. The other five groups communicated on topics unrelated to human rights. In the last session, all participants again answered the whole questionnaire. For each group the procedure, including five communication sessions, took place during two and a half weeks.

A first important finding, unrelated to the specific hypotheses of the study, but of importance to us, is a confirmation of results of the previous study. Although the scale used was slightly different (six-point scale instead of the four-point scale in the original study) the mean ratings of the twenty-one items were strongly correlated ($r=0.84$, $p<0.001$) with the mean ratings of the original study by Clémence and colleagues (see Huguet *et al.* 1998: 840).

Addressing the more specific hypotheses concerning the effects of this peculiar kind of communication, results show clearly that between members of each subgroup the convergence of opinions was much higher after the sessions than convergence with other participants in the experimental condition or than convergence within subgroups that did not discuss the human rights items. However an even more important finding concerning positioning was the following: not only did correlations between ratings for the six items often become more significant after the discussion, but so did also correlations between several other items for the groups exchanging information about human rights. Only 14 per cent of 210 possible correlations were significant before the discussion sessions against 28 per cent after the sessions. This also resulted in differences in the factor structure before and after the sessions. Before the session the general structure was weak, only one factor explaining 18.6 per cent of the total variance emerged and it was mainly loaded with items, related to conjugal life, which are not central in the institutional definition of human rights. After the sessions, for the members of the groups with exchange on human rights issues,

... in contrast with the weak construct found before discussion, the principal component was both stronger – now explaining 25 per cent of the total variance – and more appropriate, now incorporating

mainly items related to Juridical and Medical Assistance, Racial Equity, and Child Welfare, more characteristic of international consensus of what constitutes a human right.

(Ibid.: 840)

That discussion is important in modulating positioning in human rights issues is clearly evidenced by this very controlled experiment on exchange of communication. Hence the conclusion of the authors:

The facts that previously unrelated opinions became inter-correlated and that a coherent factor structure emerged for the discussion groups suggest that a social representation of human rights was created, or at least re-constructed, providing support for a key but experimentally neglected assumption of social representation theory: The crucial role of interpersonal communication in the formation of social representations.

(Ibid.: 842)

A long tradition of research (see Moscovici and Doise 1994) bears on the structuring effects of discussion. In discussions people tend to stress what divides them or draws them together, to make explicit their disagreements or what they share in common. As a result some dimensions of the issues under discussion become more salient, with stronger positions being taken by individuals after discussion (see Doise 1978). Huguet and colleagues have shown that even a small number of very controlled exchanges of communication are already sufficient to obtain such effects.

Societal positioning

The experiment on the impact of communication dealt with social representation theory in such a general way that the specific predictions of the investigation could be applied to any representational content. The particular results concerning the nature of individual positioning in social representations of human rights are therefore to be considered a felicitous but not fortuitous by-product of the research which is all the more interesting because the researchers did not have definite expectations of the kind of change they would observe. Hence, when they (ibid.: 840) confirm: 'Thus, after discussion, participants' representations were closer to the definitions of experts in human rights,' I interpret these conclusions in terms of the theoretical framework presented in this book, and I conclude that individual positioning of the lay participants who have communicated about human rights became more directly a matter of taking stands in relation to important aspects of expert definitions of human rights.

Eric Tafani and colleagues (2002) from the University of Provence also used our violations questionnaire, but they went further than Huguet and colleagues in elaborating a heuristic device that would enable them to study the links between positions held in society and positioning in the realm of human rights. Their theoretical framework integrates our ideas about positioning and considerations about structural aspects of social representations that were developed by members of the Aix-en-Provence team. A basic assumption of this theory is that social representations are organized around a central core giving the representation its meaning and organization depending on social values and norms shared by the members of a given social group (see Abric 2001). Peripheral elements depend more directly on the context and are more variable. An interesting methodological development of the theory was first presented by Moliner (1995) and consists in a simple procedure for measuring the centrality of any component of a representation. It comes down to asking the members of a population under study to imagine that a given aspect of a social reality is not actualized, for instance, that in a group of comrades equality is not respected or that in a work setting people do not earn their living. The question is then asked if they would still find that in such circumstances conditions are fulfilled for a group to be considered ideal or for a work setting to correspond to normal expectations. Centrality of an element is then calculated as the proportion of persons answering negatively to this falsification or refutation question. As a high number of people do indeed consider that a non-egalitarian group is not to be considered an ideal group and that work without pay is not really a job, egalitarianism and remuneration can be considered central elements respectively of the social representation of an ideal group and of work.

Tafani *et al.* (2002) applied the same kind of reasoning to the analysis of answers to a version of the Clémence human rights violation questionnaire. For each concrete situation, 124 female and 124 male students of the University of Provence answered on an eleven point scale ranging from (-5) 'No, human rights are not respected in this situation' to (+5) 'Yes, human rights are respected in this situation'. Applying the ideas of Moliner on refutation, the more negative answers there are for an item, the more the right involved in the situation is considered to be an important constituent of human rights representations.

Considering the proportion of refutation responses, they observed that for eleven situations more than 80 per cent of participants judged that human rights were not respected. These situations (the refutation proportions are shown in brackets) are respectively related to judicial assistance (0.95), ethnical discrimination (0.94), child labour (0.93), freedom of expression (0.93), juridical assistance of prisoners (0.92),

child beating (0.91), gender equality (0.90), medical care (0.88), right to education (0.85), standard of living (0.84), arbitrary detention in case of mental illness (0.84).

Again these findings strongly converge with those of the original study by Clémence and colleagues as, with only one exception, those eleven situations were also ranked highest in the original research. Of course, such a high degree of convergence is less informative than the one found with American subjects, as in our original study a quarter of respondents were French pupils.

However, the importance of this research stretches far beyond the finding of convergence. The main objective of the research by our colleagues from the University of Provence was to study positioning and anchoring in a societal framework. They were specially concerned with differences due to the occupation of asymmetrical societal positions held by gender groups in our society.

It is well known that in French society, as in other Western countries, differences in salary still prevail between men and women, the latter often occupying less prestigious and less well-paid jobs. On average, they are also paid less than their male colleagues when occupying similar positions. This asymmetry was experimentally accentuated for a subgroup of the subjects who were provided with information that these differences are increasing, whereas another subgroup was informed that these differences are decreasing, and for the remaining subjects no information was provided (control condition). This experimental manipulation proved effective, as participants in the first condition compared to those of the second condition thought that differences in income for the two gender groups would increase during coming years and that in the year 2005 the gap would be greater.

However, what does all this have to do with positioning and anchoring in the realm of human rights? To analyse these aspects of social representations and their evolution in different conditions, a principal component analysis of answers to the 21-item questionnaire was carried out and five factors explaining 54 per cent of total variance were retained.

The first factor (19.20 per cent of explained variance) was highly loaded on items related to rights of children and women: child labour, rights of women and men to going out alone, child beating, veiling the face, children's right to education and freedom of religion and their right to be consulted in case of divorce.

The second factor (12.58 per cent of explained variance) grouped together situations related to judicial rights (right to assistance by a lawyer, rights of prisoners and foreigners), freedom of expression and rights of people in precarious health situations (dying of hunger, housing for AIDS patients).

The third factor (10.25 per cent of explained variance) refers to discrimination against ethnic minorities (blacks and gypsies) and to the protection of the rights of the mentally ill and of a burglar.

The fourth factor (6.25 per cent of explained variance) is related to matters of public health involving the confinement of contagiously ill people and the prohibition of smoking.

The fifth factor (5.76 per cent) is almost exclusively loaded on the item of differences in salary.

Scores on these factors were used to study the evolution of the centrality of classes of rights in different conditions. For female and male subjects separately, as in the first condition the economic situation of women was expected to deteriorate even more, whereas in the second condition they expected their situation to improve. Of course evolutions of the situations for men evolved in opposite directions for both situations.

Let me first point out that results on the first and fourth factor did not differ as a function of anticipated accentuation or attenuation of economic differences between gender groups. Apparently participants did not link their representations of rights in health, family and religious matters to changes in respective economic status of gender groups. However, for the other three classes of rights such links were established, especially by female subjects. When their salary differential is explicitly accentuated they accord less importance to differences in judicial rights and to the protection of ethnic minorities than when they are led to expect an improvement in their situation. By contrast, variations *vis-à-vis* the right to economic equality evolve in the opposite direction. When threatened, women give more importance to this kind of right, and their reaction is opposed to that of men whose economic privileges are said to be threatened. In such a condition men apparently value their economic privilege less.

As an intervening variable in changes of positioning Tafani and colleagues evoke social comparison and identification processes and contribute additional results to support their interpretations. Indeed, they also put questions to their participants as to how the majority of other members of their own gender group and of the other group would answer the 21-item questionnaire. However, these results seem to me less relevant for the general purpose of this chapter, which is to show how positioning toward human rights can be studied as expressing widespread general beliefs as well as being subject to modulations according to situational and societal factors.

Principles in context

There are limitations in expert definitions of human rights such as those retained by the European Convention as well as in social representations

of these rights. Reasons for limitations of human rights vary in nature; they are historical, cultural and ideological, as they are firmly anchored in general conceptions about relations between the individual and society. They were manifest in the responses of young people answering our violations questionnaire, and their modulations through situational and societal dynamics can be experimentally studied. In a certain way, rights can always be considered as constrained by contextual factors.

Depending on contexts, one justification or another may be actualized in favour of either broadening or restricting definition of rights that are deemed to be relevant for evaluating a situation. In any context, various motivations may lead individuals to question the pertinence of human rights principles. Both their own and their group's interests may interfere with legal considerations and perhaps the strongest motivation for challenging human rights, as seen in the previous chapter, may be the argument that institutions must remain able to function smoothly. Hence, there are many reasons to expect gaps to exist between, on the one hand, the strength of individual agreement with human rights principles, and, on the other hand, the certainty of belief that the same principles should be enforced in given concrete situations. Numerous instances of such divergences were found in the interview study presented in the previous chapter.

An experimental study by Alain Clémence and Christian Staerklé (to be published) bore on this problem. The objective of their study was to reproduce such divergences in more controlled situations by using methods of experimental social psychology.

The idea of people readily abandoning their 'nice' principles in their everyday lives is part and parcel of the most common clichés of folk psychology. However, here we present another approach to this phenomenon by introducing an analysis of specific characteristics of reactions to news items (*faits divers* in French) and to reports on human rights violations. In each case we expected condemnations of reported violations of individual rights to be more moderate than explicit declarations of adherence to these rights. This general hypothesis being stated, we propose to analyse in greater detail the kind of reasoning that intervenes in such factual judgments.

In general, such reasoning is strongly influenced through the context of the judgment and through the meanings that individuals attribute to events by anchoring them in a given representational universe. This meaning depends on social context and can be modified in multiple ways as a function of the objectives assigned to a certain form of questioning, for instance in a school setting. This point seems particularly important for our present purpose if one considers that participants in a research study may have to unscramble the meaning of a questionnaire by activating more or less strongly their human rights representations.

One could think that explicit reference to such representations would induce a more abstract or general level of appreciation and evaluation of a given incident. Participants are more prone to apply human rights principles for judging events of great general importance such as war, dictatorship, deportation or genocide. Events frequently broadcast as related to human rights issues are almost exclusively located in non-Western countries. The reaction in denouncing such flagrant violations is all the more easy as no direct responsibility of the denouncers is involved.

In this frame of reasoning, experimental results obtained by Moghaddam and Vuksanovic (1990) are particularly interesting. Their study illustrates convincingly how the normative aspects inherent in human rights representations are converted into ethnocentric dynamics and become sources of discrimination and bias. Moghaddam and Vuksanovic asked Canadian students to express their attitudes towards different human rights themes. For instance, participants had to declare the extent of their agreement with sentences like: 'Free speech should be granted to all members of society X without exception' or 'If a person refuses to work, even though employment is available, the X people should not have to support him/her'.

There were three experimental conditions. The questionnaires were identical except that the context referred to was Canada in one condition, the Soviet Union in another and the Third World in the last condition. Subjects were randomly assigned to one of the three conditions. Analysis of results clearly shows that Canadian students felt more strongly in favour of human rights when problems were evoked in a foreign context. A further study by the same authors also evidences a greater willingness of Canadian subjects to participate in group discussions about human rights when violations were located in a foreign context rather than in a Canadian one.

The reading of news items, depicting brief interpersonal events happening nearby (a person's arrest, theft or other law infringements), generally raises representational frames other than those actualized when events are depicted in an international context. In particular, as a reaction towards authors or victims of a transgression in their neighbourhood, people may experience moral or emotional feelings which are not necessarily associated with human rights principles.

For that reason, Clémence and Staerklé wished to examine directly effects resulting from different frames of reference provided to readers of short reports on particular infringements of basic individual rights. For some of the participants in their study, the frame of reference was explicitly human rights, for others it was just a news item. A basic assumption focused on the origin of this distinction: the reference to human rights should activate participants' positive representations of

such rights. Hence human rights violations in daily events should be forcibly condemned. Such a condemnation, however, presupposes that subjects establish a connection between the event and the human rights domain. Here an alternative hypothesis was envisaged, based on the fact that in our society human rights principles usually serve for evaluating violations related to important causes abroad, and not to everyday events in one's own country. For this reason, subjects could encounter problems in connecting events occurring in their environment with human rights principles and these difficulties would lead them to more moderate and possibly more equivocal condemnations than those directly based on their general sense of morality. Such differences in reaction are likely to occur when events happen in the subject's familiar surroundings.

The aim of actualizing different frames of reference is to enhance the likelihood of various normative effects intervening. Following this line of reasoning, it could also be thought that the condemnation of violations would be much stronger when the victims were better viewed, when they found themselves in strictly legal situations and in complete agreement with relevant social norms. Generally, people have a tendency to compensate their lack of knowledge in juridical matters by using justice norms penalizing victims and protecting institutions (Lerner 1977). As a consequence one can conjecture that violations will be better tolerated when victims themselves are considered by respondents to be in the wrong, or even in socially deviant or marginal positions. In such cases violation of their rights can be perceived as a just sanction or as a denunciation of their marginality.

The reported experiment is part of a programme of research carried out in the French-speaking part of Switzerland by Alain Clémence and collaborators. The experiments aimed to demonstrate that the condemnation of concrete rights' violations are more moderate than are expressions of adherence to rights' principles as defined in the Universal Declaration. We present here analyses of modulations in judgments about violations in accordance with systematic variations in the presentation of settings in which they occur. Strictly speaking, universal human rights are considered as being applicable to all individuals independently of the extent and the manner with which these individuals fulfil their obligations towards society in general and to their close relations in particular. For an expert eye, the condemnation of a violation should be independent of a victim's characteristics and behaviour. On the other hand, according to a more naïve view, the judgment of a violation is rarely made without considering the victim's characteristics. Somehow, depriving a war criminal of an equitable trial would appear to be less reprehensible than depriving someone who opposes the arbitrary acts of an authoritarian power.

In previous research, there were strong variations in subjects' answers. Two principles apparently informed subjects' beliefs. The first, already mentioned, is related to the interpretation itself of an event in terms of human rights violations. The second principle concerns the relationship established by the subjects between the victim's behaviour or normative situation and the violation of his or her rights in relation to beliefs in immanent justice or in a just world (Lerner 1977). According to this principle a fundamental right's violation becomes the (more or less just) sanction of an (more or less acceptable) act. Most subjects apparently use both principles: the first anchoring their judgments in a positive representation of human rights, and the other in their implicit conception of justice (see Clémence and Doise 1995). A prevalence of the use of one or the other of these principles seems to depend on judgmental context.

Experimental activation of contexts

The experiment was conducted in different schools of the Cycle d'Orientation (Middle School) in Geneva. Participants totalled 105 girls and 67 boys, aged from 14 to 16 years.

Participants were given the first part of the questionnaire, which included an introduction and the presentation of six events (see Table 3.2 on pages 80–1). The introduction allowed manipulation of the first experimental variable, by referring the study 'to the views people have on human rights' or 'to the views people have on news items'. Thereafter, participants received a brief description of six events, each containing, as in previous experiments, a real or potential violation of human rights as defined by the Universal Declaration of Human Rights or by the two international covenants concerning Civil and Political Rights or Social, Economic and Cultural Rights. The issues described concerned the prohibition of inhuman or degrading treatment, the right to asylum, the right to found a family, the right to free primary schooling, the right to inviolability of privacy, and the exemption of minors from the death penalty. The victims of the violations were individuals who had committed reprehensible acts (in the cases of inhuman treatment, violation of privacy and death penalty), having departed from social norms (in the cases of the violation of the right to family and to free schooling) or perceived negatively in the Swiss context (in the cases of rejection of the right to asylum). For each event, two vignettes were created in order to vary the context of the violation (for the exact wording of the vignettes see Table 3.2). A pre-test had measured the gravity of the perceived violations and made it possible to balance two variants of the final questionnaire. Participants were invited to indicate, amongst other things, to what extent they considered unacceptable (seven-point scale,

1: acceptable, 7: unacceptable) effective or potential rights violations; they evaluated in a similar way the behaviour or the situation of the victims of the violations.

In the second part of the questionnaire, participants had to position themselves regarding the six rights presented in the terms of the Universal Declaration of Human Rights (see Table 3.3 on page 82) indicating their agreement on a seven-point scale (1: not at all, 7: strong agreement).

Following an appropriate procedure, subjects had to freely associate rights and a description of events in the last part of the questionnaire. The aim of this memory task was to check to what extent participants had connected these two kinds of registers, the register of rights and that of violations. That part also allowed the researchers to evaluate the degree and quality of subjects' recollection of various parts of the depicted events.

Principles and tolerance of violations

A comparison was made of judgments on violations reported and agreement expressed with principles. Table 3.3 clearly shows that participants adhere almost without reservation to the rights proclaimed by the Universal Declaration but that their evaluation of the concrete violations of these rights is much more restrained. On agreements with the rights, all means show an average above 6, with the exception of the right to asylum, while in condemnations of the violations, averages tended towards neutral.

However, a remarkable exception occurs in this general shift accompanying factual actualization of human rights principles. It concerns prohibition of inhuman treatments, which participants seem to apply without reservation to the concrete situations. In the present case, the consensual adherence to this right would support its inclusion in the central core of human rights (see Amnesty International 1992: 68 *et seq.*). Certainly, one cannot exclude the fact that this strong judgment also corresponds to the nature of events presented in this item; participants would probably give up their formal adherence when confronted with individuals who had committed more reprehensible acts than the mere refusal to comply with an order or a request of an authority. In the preceding chapter, we have seen how some interviewees toned down their judgments about torture when it was inflicted on terrorists.

Consistent with the predictions, less severe condemnations of right violations were observed when the object of study was presented as dealing with human rights rather than with news items ($p < 0.01$). To better understand this result, we shall now inspect variations in answers for different events.

Table 3.2 Versions of news items with corresponding rights violations and official statements of these rights

Version 1	Version 2
<i>News item 1</i>	
Thursday at 7 a.m., police searched without a warrant the house of a young woman suspected of <i>heroin dealing</i> . After a meticulous search, police found some proof of the offence.	Thursday at 7 a.m., police searched without a warrant the house of a young woman suspected to be a <i>shoplifter</i> . After a meticulous search, police found some proof of the offence.
Violation: Home search without a warrant	
<u>Art. 12 UDHR</u> : No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference.	
<i>News item 2</i>	
In order to reduce the budget for education, a political party requested the abolition of free primary schooling for certain children. This measure could be applied to <i>immigrant children who only speak their mother tongue</i> .	In order to reduce the budget for education, a political party requested the abolition of free primary schooling for certain children. This measure could be applied to <i>mentally or physically handicapped children</i> .
Violation: Abolition of free schooling	
<u>Art. 26.1 UDHR</u> : Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.	
<i>News item 3</i>	
The Swiss government refused asylum to an <i>Algerian</i> political dissident and immediately deported him. The Swiss government argued that his request was unjustified because the life of the man was not in danger in his country.	The Swiss government has refused asylum to a <i>Chinese</i> political dissident and immediately deported him. The Swiss government argued that his request was unjustified because the life of the man was not in danger in his country.
Violation: Refusal of asylum	
<u>Art. 14.1 UDHR</u> : Everyone has the right to seek and to enjoy in other countries asylum from persecution.	

Table 3.2 (continued)

Version 1	Version 2
<i>News item 4</i>	
After a lengthy deliberation, a 17-year-old man was sentenced to death by an American law court. The young man was judged guilty of the murder of a 45-year-old man.	After a lengthy deliberation, a 17-year-old man was sentenced to death by an American law court. The young man was judged guilty of the rape of a 5-year-old girl.
Violation: Death penalty	
<u>Art. 3 UDHR:</u> Everyone has the right to life, liberty and the security of person. Art. 6.5. of the Covenant on Civil and Political Rights states that ‘Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.’	
<i>News item 5</i>	
He is 70 years old and she is 26. They are married and are expecting a baby. Their happiness would be complete if the father were not so old. Despite consideration of possible negative consequences for the baby, the couple decided to keep the child.	He is 27 years old and she is 26. They are married and expect a baby. Their happiness would be complete if the father had not tested HIV positive. Despite consideration of possible negative consequences for the baby, the couple decided to keep the child.
Violation: Ban on having a child	
<u>Art. 16.1 UDHR:</u> Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.	
<i>News item 6</i>	
This took place during the training of conscripted soldiers in Switzerland. Several young soldiers complained about physical punishment inflicted by certain officers. The soldiers testified to the harshness of punishment meted out by officers. In order to punish soldiers who refused to do the exercises, the officers did not hesitate to strike them or, even worse, to use electrical charges.	This took place in a school in Switzerland. Several pupils complained about physical punishment inflicted by certain teachers. The pupils testified to the harshness of punishment meted out by teachers. In order to punish pupils who refused to execute certain tasks, the teachers didn’t hesitate to strike them or, even worse, to use electrical charges.
Violation: Inhuman treatment	
<u>Art. 5, UDHR:</u> No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.	
<i>Note:</i> The order of presentation of news items was: 4–5–1–2–6–3. UDHR: Universal Declaration of Human Rights.	

Table 3.3 Mean judgment of violations and mean agreement with corresponding rights

<i>Right</i>	<i>Judgment of violation</i>	<i>In agreement with right</i>
Right to privacy	4.52	6.18
Right to free education	4.75	6.56
Right to asylum	4.39	5.54
Right to life	4.22	6.56
Right to found a family	4.73	6.65
Interdiction of inhuman treatment	6.77	6.23

Scale: Violation (1: acceptable, 7: unacceptable); Right (1: not at all in agreement, 7: in agreement).

News items and human rights reports

Judgments of three violations (death penalty, violation of privacy and suppression of free primary schooling) are clearly modified by the two experimental variables. The difference between the judgments of the two variants of the events exposed to the participants is probably to be explained by the difference in the evaluation of the victim's own violation; a murderer, a thief, a handicapped person seem respectively more acceptable to the participants than a rapist, a drug dealer and an immigrant. Therefore, sanctions against the former are more intensely rejected than sanctions against the latter.

Reference to human rights moderated the condemnation of the violation in comparison with the news items reference in three instances. For the news items situation, the overall average on the scale from acceptable (1) to unacceptable (7) for search without a warrant of a home, the abolition of free primary schooling and the death penalty was 4.94; whereas for human rights situations the same average was: 4.01.

This result has to be collated with those obtained in the third phase of the study. It appears that when recall is more precise, condemnation of violations is stronger in different cases, notably those of the death penalty, a ban on child-bearing and the violation of privacy. The more correctly participants recall elements of the situation, the more severely they judge it. Hence, the referencing effect to news items could be connected to a more detailed analysis of the situation. In this perspective, let us examine the cases of violations that are more often condemned in the news items condition than in the human rights condition. In the comparison of correct recall frequencies, one observes that 65 per cent of the participants in the news items condition have correctly mentioned at least one act; 65 per cent have also correctly indicated at least one violation against respectively 49 per cent ($p < 0.05$) and 52 per cent ($p < 0.08$) of participants in the human rights condition. When one

removes the item concerning the right to bear a child, analysis for the other items shows that 85 per cent of news items condition participants have correctly indicated at least one of the five violations against 66 per cent of human rights condition participants ($p < 0.005$). It would seem as if for events in Western countries references to human rights were less pertinent and prevented subjects from going into a more detailed analysis of the situation. Paradoxically, the absence of such explicit invocation would explain why subjects pay greater attention to reprehensible aspects of the acts.

This interpretation seems to be compatible with the results obtained by Moghaddam and Vuksanovic (1990), which indeed show that the human rights issue is considered less pertinent by Canadian students when dealing with right violations of their fellow countrymen than when dealing with violations happening in Soviet Union or in Third World countries. This interpretation is also compatible with the results obtained by Staerklé (1999; Staerklé *et al.* 1998) showing how the ethnocentric use of normative representations in connection with democracy and human rights occurs very readily in favour of Occidental countries and to the detriment of Third World countries. A situation of rights violations happening 'at home' is less easily analysed in terms of human rights. The paradoxical effect of such a bias is that we condemn less severely such violations in our own country when references to these rights are made explicit than when we are only reading common news items.

People's variability in dealing with the human rights issue is great, and this is anchored in different kinds of beliefs. However, variability does not prevent significant convergence between groups of people from different countries in their use of criteria for evaluating human rights violations, as we have seen in the five countries study and in two subsequent studies. In Chapters 4 and 5, other aspects of human rights trans-cultural generality will be analysed.

Experimental research provides evidence on another consistent pattern: the difference between a generally clear-cut adherence to human rights principles and restraint in the condemnation of the violations of these rights. Inclusion in common-sense feelings of justice and different contextualization of rights issues give rise to multiple sources of variation. We already know that through the analysis of interviews reported in the previous chapter. Experiments afford a clarification of situational and contextual aspects that intervene in the organization of our understanding and positioning in the realm of human rights.

Of the many consistent patterns or regularities, the most important one seems to be that the more a victim is seen as undeserving, the more the violations of his or her fundamental rights will be considered accept-

able. Nonetheless, the same individuals who accept violations in certain situations, declare their strong agreement with the human rights principles enunciated at a general level.

With regard to the general problematic of this book, we can already conclude that participants' positioning in relation to human rights limits and violations reflect well this double-bind of strong adherence to principles and moderated condemnation of violations in context. As a result of their adherence to principles, young people in different countries use similar criteria in their evaluation of infringements of fundamental rights. Principles utilized in elaborating judgments are clearly related to institutionalized definitions of human rights. However, other researchers (Tafari *et al.* 2002) have contributed experimental evidence to support the idea that the relative importance of various principles in making such judgments varies according to the actual or anticipated societal position of respondents.

Another conclusion to be drawn from research reported in this chapter is that when a rights principle is applied explicitly to a concrete situation, the connection with a general normative vision becomes less obvious. The universality and inviolability of human rights fade in favour of all kinds of social regulations, of an inter-individual, inter-group and societal nature. This often results in a complex intertwining of different considerations in the same judgement and widens the range of individual variations that can characterize judgments on violations of human rights.

Even if attitudes towards human rights remain very positive, it is true that violation is easily tolerated, especially when the victims are in a deviant situation in respect of moral and social norms. An ethnocentric use of human rights is often observed: paradoxically it may imply that in some situations violations would be considered less important the more they directly concern our own individual fate.

4 Socialization effects in Geneva

Members of society do not all have equal access to official definitions of human rights. In the previous chapter we reported experimental findings on the importance of societal positioning, but now we will analyse more specifically how, through variations in educational and professional socialization, individuals gain different access to the universe of rights. In the first part of the chapter we will address the question of advancement in schooling of Genevan youth as an indication of progress in their socialization, and in the second part we will study the effect of professional training and experience of a smaller sample of adults living in Geneva.

Young people and human rights

Is there a common pathway pupils and students follow when accessing human rights social representations along their advancement in the school curriculum? To answer this question, I conceived with Christian Staerklé, Alain Clémence and Fatima Savory a research programme (Doise *et al.* 1998) in which pupils and students in Geneva, coming from different school streams and educational degrees, participated.

While we were carrying out this study on human rights socialization, our concerns were naturally not limited solely to the description of the emergence of various patterns of main representations of these rights. On the contrary, by varying the questionnaires' contents as well as the characteristics of the populations interviewed, we multiplied the viewpoints to understand better the dynamics leading to different positionings in the field of human rights social representations.

The first research question concerned the access of younger people to the official definitions of human rights. Progress in socialization should allow a multiplication of relevant references that would remain valid when participants were asked to list human rights known to them as well as when requested to point out rights specifically applicable to children. However, multiplication of references should not necessarily imply an increase of rights evocations, it could also lead to more

systematic choices. One could conjecture that, with progress in socialization, some people would refer relatively less often to rights explicitly concerned with individual well-being and more often to rights concerning functioning of social organization as such. We expected that socialization would relate to choices of specific rights as more representative of human rights as a whole. In other words, we hypothesized an evolution in the level of prototypicality (using a technical term of cognitive social psychology) granted to different classes of rights.

A second research question was related more directly to the analysis of anchoring of various kinds of individual positioning. Attitudes of young people towards institutions should serve as anchors of their stances in relation with rights. The studies of Annick Percheron (1991) on beliefs in relation to rights of a representative sample of young Parisians and that of Nicholas Emler and Steve Reicher (1995) on adolescents' delinquency in Great Britain assign an important role to representations of institutional functioning. It will be our task to verify the importance of that role in the realm of human rights social representations.

A questionnaire was administered, between October 1994 and October 1995, to 849 students of Geneva, aged from 12 to 21 years. They were enrolled in compulsory or post-compulsory schooling. Socialization effects were analysed mainly on the basis of position in the educational programme. This variable was considered to be more important than age alone in respect of exposure to information about human rights

The questionnaire was in two sections. The first consisted of two open-ended questions. One was formulated as follows: 'For many years, there has been much talk about Human Rights. In your opinion, what are these rights?' The second question dealt with children's rights. Only those respondents who thought that these rights were not the same as the ones they had mentioned already were invited to answer the question: 'If they are not the same rights, please enumerate them below.'

The second section was composed of questions to be answered on rating scales. A first set of questions (qualified as questions on prototypicality) presented a list of thirty rights. For each right, respondents used a four-point scale to express their opinion as to whether the right was to be considered 'a bad, a rather bad, a rather good or a good example of a Human Right' (see Table 4.2 on page 92).

Two further sets of questions presented an identical list of fifteen institutions. Again using a four-point scale, respondents indicated first 'to what extent each of the following institutions or organizations could be useful for themselves personally' and second 'to what extent they could be useful for living together without too many problems'.

Respondents were also asked to indicate whether they liked, disliked (four-point scale) or did not understand: democracy, equality, power,

traditions, the Left, money, human rights, the Right, solidarity, political parties, trades unions and freedom.

This last set of questions aimed at identifying attitudinal positioning in regard to the institutional and political world.

Spontaneous definitions of human rights

In order to allow for automated textual analysis, the results of which will be presented below, a database was prepared with all the answers to the first open-ended question. To be able to verify the hypothesis of an increase of references to institutionalized definitions of human rights, a listing of all the statements produced was created and alphabetically ordered without reference to age or school level of respondents. With the help of four other colleagues, we indicated, for each right listed, either to which of the thirty articles of the Universal Declaration it was definitely related or that it was not related to any of them. Agreement by at least four judges was required before a stated right was considered as being definitely related with a given article of the Declaration; when no such agreement was obtained it was considered that the right was not related to any article with any certainty.

Results of this analysis show that the connection with progress in socialization is very clear for the increase in the number of rights that are unequivocally related with articles of the Universal Declaration ($p < 0.001$). Conversely, a negative connection could be verified in regard to the number of statements that could not be linked, unequivocally, to any articles ($p < 0.001$).

An increase of accessibility is particularly salient for those human rights most frequently quoted: they concern public liberties ($p < 0.0001$). Further in this chapter, we shall see that they are also the most frequently quoted rights by a sample of adult respondents in Geneva.

The analysis of the answers to the first open-ended question (for a translation of a sample of these answers see Table 4.1) was achieved by a programme for factorial correspondence analysis of textual data (SPAD-T; Lebart and Salem 1994). The purpose of this programme is to identify the dimensions governing co-occurrence of words in answers of the respondents. It helps to detect the organization of connections between the different semantic elements produced by respondents. Additionally, social characteristics of different subgroups of respondents can be projected on the resulting semantic field.

Let us now illustrate, with the help of the description of the three dimensions identified in the factorial correspondence analysis, the organization of the semantic field resulting from the answers of the total sample to the first open question (for a more detailed presentation see Doise *et al.* 1998: Figures 1 and 2).

Table 4.1 Examples of typical responses by typology based on open-ended questions (n=808)

<i>The Public</i> (n=190) 23.5 per cent	<i>The Libertarian</i> (n=117) 14.5 per cent	<i>The Concrete</i> (n=293) 36.3 per cent	<i>The Egalitarian</i> (n=208) 25.7 per cent
Freedom of worship	To think as one wishes	Right to housing	Everyone should have the same rights
Freedom of belief and religion	To go where one wants	Right to own property	All men are born and die equal
Freedom of expression	To go out when one wants	Right to have a motorbike	Man and woman must be treated equally
Freedom of opinion	To do what one likes with one's own body (drugs, alcohol)	Right to have clothing	An old man has the same rights as a young man
Freedom of movement	To have the relationships one wants	Right to eat and drink	Race should not differentiate types of men
Freedom of action	To eat what one wants	Right not to sleep outside	Nobody should be racist
Freedom of trade and business	Not to feel compelled to do certain things	Right to express oneself and to think	Treat all men in the same way, be they white or black
Physical liberty	To do what one wants (play, sports, watch TV)	Right to write	Every man has freedom in his civil and religious beliefs

Moral liberty	To dress as one wants	Right to work and to have one's place in society	No one has the right to kill
Freedom of press	To go to bed when one wants	Right to have days off	Not to beat a man if he has committed a crime
Right to vote	Have the right to become a police officer	Right to love and be happy	It is forbidden to massacre people
Equality of rights	Not to oblige a pupil to go to a circus when he is 15	Right to medical care	It is forbidden to torture
To live in freedom	To be safe all over the world	Right to have children	No man shall be a slave, he shall be free
Right to be tried by due process	Not to harm others	Right to have a family and a name	Every man shall be respected
Right to be a member of ethnic group	To do what the others do	Right to go to school	One must be protected when travelling in another country
Right to demonstrate		Right to a nationality	Right for foreigners to bring their family into the country
Right to privacy		Right to say yes or no	Right to refuse to go to war

The first dimension clearly involves an opposition between a negative and a positive pole. Prohibitions and infringements of human rights are found near to the first pole, which also attracts evocations of atrocities such as beating, killing, violating or racism, whereas the second pole refers to rights to be enforced and which are positively formulated, for example, housing, voting, living, eating. This dimension contrasts views of rights usually formulated in the negative terms of 'freedom from' or 'protection against', and, on the other side, statements referring to acquired rights usually referred to in the positive terms of 'freedom to'. The second dimension refers to notions related to concrete and individual rights, being close to students' everyday life (home, family, school, eating, . . .). These rights are opposed on the same dimension to more abstract notions, connected with public liberties (freedom, beliefs, equality, vote, . . .). And the third dimension shows more subjective stances (to want, to go, to do, to love, to believe) contrasted with more categorical definitions (sex, racism, differences, woman, child).

The projection of educational levels as supplementary variables onto this semantic field, shows a transfer of subjects' positions from the negative pole to the positive pole of the first dimension and from the concrete pole to the abstract pole of the second dimension, linked to the advancement in educational level.

To evidence further the nature of distinct answers and their connection with socialization, an additional procedure was set up by building a typology of students, based on the similarity of their coordinates for the three dimensions of the factorial correspondence analysis. This allowed a classification of students in four different categories. An investigation of the most typical answers (see Table 4.1 on pages 88–9) of each category indicates the relevance of a classification in terms of Public (190 respondents), Libertarian (117), Concrete (293) and Egalitarian (208) positions. Forty-one students failed to answer the question.

Links with socialization are particularly evident for the Public Rights group, where numbers rise with schooling (from 13 per cent to 44 per cent); with educational progress, more students evoke rights related to general societal functioning. The number of Libertarians (from 24 per cent to 3 per cent) has dwindled by the end of schooling; educational progress seems to eliminate this atypical and somewhat egocentric rights concept. However, it does not promote the endorsement of egalitarianism, either: 24 per cent in the earliest phase has become 17 per cent in the latest. The number of respondents quoting concrete rights more often does not seem to vary systematically with educational level (from 34 per cent to 37 per cent).

Spontaneous definitions of children's rights

To the question 'More recently, there has been also much discussion about children's rights. In your opinion, are they merely the same rights as the ones you mentioned before (the human rights), or do they also contain other rights?' a majority of respondents (80.8 per cent) judged that children's rights were at least partly different rights. The belief that there are rights specific to children, as compared to human rights generally, remained constant across educational levels. This result is considered as reliable because of the additional effort made by those who choose to mention additional rights for children.

The answers of those who stated other rights were handled by the same procedure as the one used for the previous factorial correspondence analysis. Again three dimensions were retained. As in the previous analysis, the first dimension contrasts negative words (related to abuses and mistreatments) with more positive terms; the second dimension contrasts words of protection and care with an evocation of more subjective rights (to express an opinion, to want to, to go out, to smoke) and the third dimension separates the semantic universe of forbidding, violence and war from all other scenarios. Inspecting the projection of the supplementary variables on the second dimension, one observes a link with progress in socialization. When they advance in socialization, youngsters have a preference for words of protection and dissociate themselves from more subjective rights. Interestingly, the two dimensions implying abuses or violence do not allow differentiation of students in regard to their socialization level. Indeed, representations of children's rights seem largely unaffected by progress in socialization.

Prototypicality ratings of human rights

Participants received a list of thirty rights, partially derived from the Universal Declaration. For each right, they had to indicate on a four-point scale whether it represented a good or a bad example of human rights. A factor analysis was carried out on scores for these thirty items. Such an analysis is particularly useful sorting out dimensions that allow us to define different profiles of individual answers. Factors evidence organizing principles of individual positioning in representational fields. Results of this principal components analysis are shown in Table 4.2. Above all, the first factor grouped concrete rights, like the right to choose one's own clothes or to have a dog, not really corresponding to usual human rights definitions as formulated in more general institutionalized terms. This is the Concrete Rights factor.

The second factor groups Fundamental Rights, such as the right to medical care, to have enough to eat, to live with one's family, to live in peace. These are the rights generally considered by our population as the

Table 4.2 Principal items of factors governing prototypicality ratings with mean responses on a scale from 1 (bad example) to 4 (good example)

<i>Factors</i>	<i>Items</i>	<i>Means</i>
Concrete rights (17.3% of variance)	To choose one's clothes	3.54
	To have a dog	3.30
	To have spare-time activities	3.72
	To study in one's mother tongue	3.54
	To choose one's country of residence	3.72
	To dispute school marks	2.84
	To legitimate defence	3.37
Fundamental rights (8.3% of variance)	To receive medical care	3.89
	To have enough to eat	3.83
	To live with one's family	3.82
	To live in a peaceful world	3.84
	To live in a healthy environment	3.73
	To have a job	3.87
	To have as many children as one desires	3.32
Rejection rights (6.4% of variance)	To smoke	2.32
	To go on strike	2.87
	To refuse to go to school	1.78
	To refuse a vaccine	1.89
	To organize a demonstration	2.96
	To abort	2.84
	To refuse military service	2.88
	To hide a contagious disease	1.69
	To help a seriously ill person to die at his request	2.91
	To hide one's religion	2.21
Public rights (4.3% of variance)	To elect one's government	3.44
	To be member of a trade union	3.19
	To own property	3.39
	To be defended by a lawyer in trial	3.76
	To be protected by the police against violence	3.60
	To choose one's career	3.76

most prototypical ones. The third factor may be assimilated with the Rejection of Social Restrictions or constraints (the right to smoke or to go on strike, to refuse to go to school, to refuse to get vaccinated, etc.). Respondents generally considered these rights as the least prototypical. The last factor concerns rights more specifically linked to the Public Rights domain, like the right to elect a government or to join a union.

Here again, a link with progress in socialization was observed, showing that students more advanced in schooling have much higher scores on the third and fourth factors. They consider thus the rights of Rejection

and the Public Rights as relatively more prototypical ($p < 0.001$) than less advanced students. The first factor's scores however go the opposite way ($p < 0.001$), the more educated students considering the Concrete Rights as less prototypical. The second factor's mean scores on Fundamental Rights seem to be unaffected by educational levels.

Overall results for prototypicality ratings converge with those obtained in the typological analysis of human rights evocations, especially concerning Public Rights choices. Results for other factors are also compatible with those of the typology, considering that the Concrete factor's rights also include rather atypical rights such as owning a dog or choosing one's clothes and that several Fundamental typical rights were also evoked by members of the Concrete rights groups of the typology.

Political and institutional anchoring variables

Historically, political theories are undoubtedly linked to conceptions of human rights, for example with regard to the importance attributed respectively to individual judicial rights or to social economic rights, the former being considered more fundamental by authors in the tradition of economic liberalism, and the latter are central in socialist or communitarian political theories (cf. Lukes 1993). It is during adolescence that individuals learn to apprehend the different values gearing positioning in the field of politics (Percheron 1993). Such values are also expected to offer important anchoring variables for human rights representations.

Adolescence is especially characterized by an evolution in the relations of individuals with different institutions. Before age 12 to 13, children have already been living in the institutional environments of family and school, but it is generally with the beginning of adolescence that they gain more freedom in relations with their family. Streaming in the school system becomes diversified to such an extent that the scholastic trajectory often finally sets the seal on important aspects of the future societal career. Research by Emler and Reicher (1995) reminds us of the importance that experiences with institutions may have during that period of life, particularly in generating so-called juvenile delinquency. And the work of Percheron (1991) shows how the amount of trust or mistrust in institutions intervenes in shaping their conceptions in the field of justice.

In the preceding section, we showed the effect of socialization in human rights positioning; in the present section, we will analyse how this positioning is at least partly related to attitudes towards institutions and politics.

How were these attitudes assessed? In order to measure attitudes towards institutions, questions were asked about the usefulness of fifteen institutions for themselves personally (private usefulness) and for living with others (social usefulness). In order to investigate more precisely the

organizing principles underlying individual stances towards institutions, a principal components analysis was made on the thirty scores for personal and social usefulness ratings analysed together. Ten factors emerged from this analysis.

The first factor (20.3 per cent of variance) was defined by higher loadings for the social usefulness of public organisations (Red Cross, hospitals, ecological movements, United Nations, law courts). The second factor shows loadings on the same items (8.2 per cent of variance), with the exception of ecological movements, for their private usefulness. The third factor (6.7 per cent of variance), related to finance, associates health insurances and banks, for both their social and private usefulness. The fourth factor (5.9 per cent of variance) combines media, newspapers and television, for both kinds of usefulness. The fifth factor (5.5 per cent of variance) links private and social usefulness scales for feminist organisations, as well as private usefulness for ecological movements. The sixth factor (4.7 per cent of variance), as well as all remaining factors, links both scales for one institution only, here for school. The seventh factor (4.2 per cent of variance) relates to religion, the eighth (4.0 per cent of variance) to sport associations, the ninth (3.9 per cent of variance) to political parties and the tenth (3.8 per cent of variance) to family.

The importance of these different organizing principles changes with educational progress. Depending on this progress, a lowering of the institutions' usefulness can generally be perceived. This drop is very clear ($p < 0.001$) for institutions related to finance, feminist organizations, religion but also for family ($p < 0.01$), while school is the only institution gaining in importance with higher education ($p < 0.001$).

In order to investigate political attitudes, respondents were asked either to evaluate on a four-point scale twelve terms or declare that they did not know them. The terms were: democracy, equality, power, traditions, the Left, money, human rights, the Right, solidarity, political parties, trades unions and freedom.

Attitudes towards the Left and the Right are considered important aspects of political positioning in countries like Switzerland. For this reason, we have from the start decided to treat them separately as anchoring analyses. They showed rather similar changes across educational levels in terms of diminishing frequencies of rejection and ignorance. However, with higher educational levels, positive attitudes (I like, I rather like) became more frequent (from 15.2 to 29.3 per cent) for the Left and less frequent (from 17.9 to 10.0 per cent) for the Right.

To allow a factor analysis of correspondence, answers were grouped into three categories: one of disliking (I do not like, I do not like much), one of liking (I rather like, I like), and an 'I do not know' category (including missing values). Before the analysis, three items were removed

because agreement was so high. Indeed, more than 90 per cent of respondents declared a liking for equality, human rights and freedom. This result is of course important in its own right, but it is not useful for differentiating respondents.

For the responses to the seven remaining items (democracy, power, tradition, money, solidarity, political parties and unions) the factorial correspondence analysis presented two factors. The first factor could be labelled apolitism, as it contrasts towards one pole the 'I do not know' expressions and the missing values with all others responses. The second factor opposes at one pole favourable attitudes towards unions, democracy, political parties and solidarity, together with a rejection of money and power, which may connote a collectivistic and communitarian interest, with at the other pole a position of individualism prioritising greed for power and money, combined with a rejection of solidarity and democracy.

Anchoring effects

We will next consider whether these institutional and political stances function as anchoring variables for students' positions in the human rights field; we also try to explain the reason why positions derived from the answers to the open-ended question about human or children's rights and which are more or less Positive, Concrete or Subjective, are privileged by some people and why instances of more or less Concrete, Fundamental, Rejection or Public rights are highlighted as prototypical.

We already know in which direction these answers move in relation to age, but we have not yet elucidated the effect of other anchoring variables. Which ones define positioning in the same direction or, inversely, move positions in a direction opposite to the one favoured by educational socialization? In other words, what are the variables favouring the development of awareness of human rights which are linked to educational level and what are the variables that hinder it?

In order to answer this question, linear regression analyses were made on factor scores related to Positive, Concrete, Subjective or anti-Violence positioning as manifested in answers to the open questions about rights and on Concrete, Fundamental, Rejection and Public scores for the prototypicality ratings. Factorial scores related to attitudes in the institutional and political field were introduced as independent variables, with the addition of attitudes towards the Right and the Left. A regression analysis aims to assess the relative weight of various variables (in this case, attitudes in the political and institutional realm) in the statistical explanation of variations of other variables (in this case, positioning in the human rights representational field).

The most significant effects of variables, going in the same direction as the effects of education, are in the first place effects of communitarianism and attitudes favouring school. Young people, who believe school to have more public and private usefulness, give less often Subjective definitions of rights in the two open-ended questions, resort less to a prototypical definition in favour of Concrete Rights or Rejection Rights but provide more often Positive human rights definitions and give higher prototypical scores to Fundamental and Public Rights. The only effect of this attitude variable going against educational socialization concerns Rights of Rejection. Advancement in schooling is positively related to Rejection scores, whereas attitudes to School are negatively related to the same scores. One should not forget that on the prototypicality factor, refusal to attend school and the right to contest school marks were highly loaded. Older students accepted such rights more readily, notwithstanding the fact that these do not express a favourable attitude to school.

Communitarian attitudes generally produce effects in the same direction as attitudes towards School except in matters of Rejection Rights; those with high scores on communitarianism consider Rejection rights as more prototypical while those with favourable attitudes to school consider Rejection Rights as less prototypical.

Ecological movements appeared rather recently in the political field and feminist organizations have raised new questions. Higher factorial scores in favour of these movements are related, for the two open-ended questions, to definitions that are more Subjective and less in Positive terms and of protection against violence, and to higher prototypicality ratings for Concrete, Fundamental and Rejection rights. These anchoring figures are not so clear as the previous ones, in some realms they converge and in others they diverge with the effects of educational socializing.

The anchoring variable of attitudes towards religion shows that a more favourable religious attitude accompanies spontaneous human rights definitions formulated in less Positive terms and children's rights definitions in more Subjective terms; such an attitude also elicits more Concrete, less Public and less Rejection based prototypical choices. Apolitism appears to be related to spontaneous definitions of human rights in Concrete terms, of children's rights in Subjective terms and to lower prototypicality ratings of Fundamental and Public rights. These two variables related to religion and to a relative lack of interest in politics are thus thwarting certain educational effects.

Other variables also exert anchoring effects, but to a lesser extent. Let me now reverse the approach and instead of presenting the effects of single variables on specific ways of positioning, I will present the constellation of variables that explain a given positioning in the field of rights. Here I will discuss only regression functions explaining at least 10 per cent of variation for one positioning.

Above all, prototypicality in Concrete terms appears to be anchored in the universe of institutional and political representations. Beliefs about the usefulness of most institutions encourage a prototypical choice such as this, except those about usefulness of school and political parties, which, as with Left-wing orientation and communitarian attitudes, lessen the prototypical aspect of these rights. A Concrete definition of rights seems to be correlated with a general trust in institutions that may express respect for the established order, but its importance decreases when other socializing organizations such as school and political parties are considered important and when communitarian values or Leftist political attitudes become stronger. A positioning considering Concrete Rights as relatively more prototypical probably reflects a confident and uncritical attitude, which could easily be shaken by positive experiences with school education, political parties, the Left and communitarian values.

Different elements of the same anchoring constellation, but not all of them, remain unchanged when positions on the dimension of Subjectivity specific to children's rights are taken into account: positive links are again observed with attitudes towards religion, feminist and Ecological associations and negative links with communitarianism and favourable attitudes towards school. The Subjective approach is also intensified by apolitism and it probably reflects a similar uncritical positioning as the one we saw at work in the prototypical choices of Concrete Rights.

Two more regression functions explain at least 10 per cent of variation in positioning; they both present a negative connection with attitudes in favour of religion together with a positive connection with communitarianism.

This is the case for prototypical choices of Rejection Rights: the importance of school, combined with importance given to religion, to family and to private usefulness of public organisations relate negatively to such choices, whereas attitudes in favour of the Left and of communitarianism intervene positively, in the same way as importance given to media and to feminist and ecological organizations. Such an anchoring pattern could reflect an opposition between, on the one hand, conventional and usual socialization bodies that are near to individuals and their families, and, on the other hand, socialization bodies that lead to broader and more societal perspectives. The rupture with established order embedded in this positioning might thus seem politically oriented and even extremist, for it also implies a relatively strong refusal to accord private or public usefulness to the school.

The pattern of links partly changes for prototypical choices of Public Rights. As for the Rejection positioning, connections are positive with communitarianism and negative with religion. However, the attitude towards the Left apparently plays no part while the attitude towards

political parties plays a role: a positive one when their usefulness is affirmed and a negative one what concerns apolitism. School attitudes show a positive connection and belief in social utility of public organizations as well. This might be an anchoring in a secular political positioning advocating public order in the general interest.

The study of anchoring in conceptions about important components of the institutional and political environment allows for a better understanding of individual positioning in the field of human rights. Constellations of anchoring add meaning to specific scores of positioning in the field of human rights.

Summary

By varying the nature of questions (open-ended questions about human rights and children's rights, prototypicality questions) we were able to diversify our analysis of the organization of human right attitudes among young people in Geneva.

We highlighted the reality of the multiple connections between the nature of such positioning and progress in an individual's education. In analysing the answers to the first open-ended question, we detected that human rights are more defined in a Positive and Public way by more advanced students. A typological analysis of the same results confirmed that the frequency of individuals holding more Public definitions increased with progress in education, to the detriment of definitions considered anomic or Libertarian, but also Egalitarian, although the latter link was less strong.

As for answers to questions on specific children's rights, factor analyses do not show links between scenarios of abuses and violence and progress in schooling. On the other hand, analyses show that such progress strongly orients the more educationally advanced towards using Positive terms of protection, education and care more frequently. The children's rights universe appears thus to exist as a universe somewhat apart, not only because its content is strongly organized around concerns about Abuses and Violence, but also because of its anchoring modalities in educational socialization that show the persistence of these concerns for all age groups.

According to the analysis of prototypical ratings, progress through education strongly reduces the importance given to Concrete Rights, but favours acknowledgement of Public and Rejection Rights.

We consider that these results converge, in the sense that progress through education emphasizes the importance attached to rights not merely related to the individual as such but to the individual considered as a participant in societal functioning. In the light of this general conclusion, we think that we can clarify the apparent contradiction between, on the

one hand, the declining number of Libertarians at more advanced educational levels according to the typological analysis (first open-ended question) and, on the other hand, the increasing importance of prototypical ratings given to Rights of Rejection by the most advanced students. Actually, in the first case, we can conclude that more Subjective claims as such are asserted, while in the latter case it would appear that Rejection Rights involve more directly a societal positioning claiming the freedom to contest decisions of public authorities.

The anchoring of spontaneous definitions and of prototypicality choices in representations of institutions and in political value choices evidently leads to a better understanding of positioning. An approach of the human rights field in more Concrete terms appears to proceed from general confidence in institutions, although positive experience with specific institutions, like school and political parties, can challenge this preference for Concrete Rights. Other anchoring patterns govern choices of Rejection and Public Rights. We have commented on the most important of them and illustrated their diversity. Each positioning with regard to human rights appears indeed to result from a systematic convergence of several anchoring effects in related fields of societal positioning.

Adult social characteristics and representations

In order to complement the conclusions of the study on socialization to human rights, some findings will be reported of another study with a more limited sample carried out in Geneva in 1992. One aim of this study by Monica Herrera and me was also to compare common knowledge about human rights with their institutionalized definition in the Universal Declaration. Therefore participants were asked in a first part of the questionnaire to list human rights known to them. Findings for other parts of the questionnaire will not be presented here (see Doise and Herrera 1994)

The population under study was composed of 96 inhabitants of Geneva who belonged to four different socioprofessional categories: nineteen local television journalists (Télévision Suisse Romande), aged for the most part between 30 and 40 years; thirty-three students of two commercial schools aged between 15 and 20 years; thirty university students aged for the most part between 21 and 25 years; fourteen local television employees, aged for the most part between 30 and 40 years. The gender proportion was roughly equal in the first three groups, while in the last group over three-quarters were female employees. With regard to the areas of life covered by the Universal Declaration articles, these four categories of participants are characterized by different experiences.

Journalists are often involved in communications dealing with human rights, hence they are deemed to be well informed on various aspects of these rights. Furthermore, for professional reasons, articles of the Declaration on freedom of opinion and of expression were presumed to interest them particularly.

Commercial school students are the youngest participants in the study. Not yet active participants in the world of production, most of them do not have the right to vote, being under 18 years of age. Their age and educational level correspond to those of groups that participated in the previous investigation, and it is assumed that articles about political and social economical rights would be less familiar to them than to other participants.

University students, as a result of the level of education and the information they possess, have many characteristics in common with journalists, but they hold a social position which does not induce them to prioritize and organize the rights domain around issues that interest people in charge of earning a living for themselves and their family.

Television employees work in the tertiary sector, notably in secretarial and technical jobs (video operator, radio technician). Like journalists, they are to be differentiated from the commercial school and university students through their longer contact and experience with different institutions such as marriage, working environment, unions or political parties.

Two coding processes were applied to the answers stating the different rights participants knew. First, each answer was compared with the articles of the Universal Declaration. Monica Herrera and myself independently processed this coding. In cases of disagreement, we agreed on a final coding. The same answer could be related to more than one article and more flexible criteria were used than those adapted in the socialization study. The aim was to indicate whether the right evoked could or could not be related to one or more articles of the Declaration, even if the content of the statement was expressed in such a general or vague way that it could not be covered in its entirety by an article of the Declaration. For example, 'To say what one wants' can be connected to Article 19 which confers freedom of expression, but this connection does not necessarily entail that it covers a right stated in the article (for instance, 'To say what one wants' does not mean that one may insult or slander somebody, or reveal a professional secret). Only a few rights mentioned could not be related in this way to articles of the Declaration.

The objective of another more elaborate coding was to prepare the answers for being submitted to a factor analysis of correspondence. They were reduced to a list of simple thematic units of which numerous examples will be presented below together with the description of additional selections and groupings of these thematic units in order to

ease the reading of results at the factorial correspondence analysis (SPAD-T, see Lebart and Salem 1994) and to use them for a comparative analysis of answers given by the four socio-professional groups.

In order to highlight the importance of the Declaration in accounting for the answers of the whole sample, I shall first report on the frequencies with which the coders related various rights to different articles. We shall then present the results of the factorial correspondence analysis on the thematic units. Taking the results of this analysis into consideration, we will finally study the connections between social professional insertions and the evocation of different families of rights.

The relative importance of classes of rights

Table 4.3 indicates the number of respondents who mentioned rights that could be related to articles of the Declaration. Results in the table bear on the vast majority of all answers; only a few rights had no connection with articles of the Declaration. These were the answers by five persons who mentioned rights related to conscientious objection, another four and three answers related to matters of consumption and of procreation, and two answers related to strike action and to environment, while peace and taxes were evoked only once.

In order to comment and summarize results we grouped the different articles in classes based on the work of René Cassin, an expert who represented France in the drafting committee of the Declaration (Agi 1980). This expert classification is presented by subtitles in Table 4.3.

The classification shows that the highest frequencies are to be found for articles connected with public liberties and political rights, fundamental principles, individual rights, socio-economic and cultural rights, and relational rights. For each of these categories, at least 40 per cent of respondents invoked rights that were connected with at least one article of the class. Much lower frequencies were noted for articles belonging to the grouping of judicial status and to the group of rights related to societal and international order.

Generally, respondents privilege references to public liberties. Most of them mention freedom of opinion, of thought, of conscience and of religion (Articles 18 and 19) as well as fundamental rights (Articles 1 and 2). They seem less concerned about socio-economic rights like those bearing on education, work and health. With still lesser frequency, they mention legal rights, democratic rights, rights to nationality, free association. The least mentioned are rights to asylum, rights to cultural life, and duties to community, but not a single mention was made of judicial recognition, the rights to rest and leisure or to general international order.

Table 4.3 Number of respondents mentioning rights related to the articles of the Universal Declaration ($n=96$)

	<i>Articles</i>	<i>Frequency</i>
Fundamental principles	1. equal in dignity	52
	2. no discrimination	54
Individual rights	3. right to life	50
	4. no slavery	18
	5. no torture	35
Judicial status	6. judicial recognition	0
	7. equal law protection	14
	8. effective remedy	19
	9. no arbitrary arrest	12
	10. fair judgment	21
Relational rights	11. presumed innocence	9
	12. right to privacy	14
	13. freedom of movement	49
	14. right to asylum	6
	15. right to nationality	13
	16. right to marriage	18
Public and political rights	17. right to property	11
	18. freedom of religion	71
	19. freedom of expression	82
	20. free association	22
Socio-economic and cultural rights	21. right to democracy	29
	22. social security	18
	23. right to work	46
	24. rest and leisure	0
	25. standard of living	45
	26. free education	46
	27. cultural life	4
Societal order	28. societal order	21
	29. duties to community	9
	30. general validity	0

Notwithstanding its descriptive nature, analysis of frequencies is interesting. More than forty years after the proclamation of the articles, the underlying principles still seem to inspire large numbers of answers, although big differences exist between the relative saliency of different categories of articles. The population studied seems to privilege a human rights vision that tends to neglect purely formal and judicial aspects.

It can already be mentioned here that the comparison of frequencies for each article by members of the various socio-professional categories

evidences few systematic differences. Journalists and university students tend to evoke more often Article 5 on torture, while commercial school students are less likely than others to mention the right to judicial appeal (Article 8), the right to work (Article 23) and the right to education (Article 26), and university students seem to feel more concerned than the others about the right to privacy (Article 12).

These first conclusions are to be completed by other analyses, aiming at a better identification of the organizing principles still ruling major oppositions in today's human rights definitions.

Glossary of rights

A factorial analysis of correspondence for textual data (SPAD-T) was applied in order to evidence the organizing principles of the representational field. Six factors were drawn from the analysis.

Only those thematic units showing at least on one factor a contribution equal to or exceeding the double (0.30) of the basic contribution of 0.15 were kept for interpreting the factors and for proceeding with further analysis. These units were still rather numerous, since 117 units met the criterion of importance of contribution for at least one factor. We therefore regrouped these themes into a reduced number of categories, using another objective criterion. This criterion was the similarity of positive or negative coordinates on the six factors. By definition, a thematic class contains all the thematic units which show identical positive and negative contributions on the six factors. Only fifteen units could not be grouped, with another one having coordinates in the same direction for all the factors. Once these categories were defined it became possible to define the factors in a straightforward way. Hence I start with describing thematic categories, starting with those that contain the higher number of units.

Units of the Equality class are connected to Articles 1 (freedom, equality, dignity), 2 (no discrimination) and 7 (equal protection by the law) as they included the following thematic units: white, skin colour, right to an identity, right to equality of treatment, racial equality, no differences, no discrimination, being born, black, equal law protection, same laws, all equal in rights.

The Freedom of Opinion category groups words connected with Article 19 on freedom of opinion and of expression: right to express oneself, right to an opinion, right to think freely, right to association, discovery, ideas, free behaviour, publishing, free expressions, free opinion, free thinking, free press.

The Freedom of Religion category relates to Article 18 and includes the following units: right to choose a religion, right to practise a religion, freedom to choose a religion, freedom of beliefs, freedom of

worship, freedom to practise, freedom of religion, free membership, tolerance.

The Access to Education and Health Care category (Articles 25 and 26) groups: right to education, school, basic education, instruction, to receive, rights to care, reasonable pricing, first aid and everybody.

Two categories were principally related to freedom of movement and of residency (Article 13). Freedom of Movement and of Marriage included the units: settling, free movement, freedom to choose, obstacles, residency, right to move, right to marry. The other one revolved more around the general idea of Free Access to Countries with the words: interior, country, to leave, to return, to travel.

Two other categories were connected to Articles 22 and 23 on the Right to Work and to Resources (needs, freedom to work, occupation, level of subsistence, roof over one's head) and to Article 26 on Education (access, children, compulsory, parents, free schooling).

Two four-unit categories related respectively to the Level of Subsistence (Article 25): right to eat, right to accommodation, water, food, and to Freedom: changes, errors, to start again, eligibility.

Three-unit categories again relate to Religion (to believe, right to religion, to practise) and to Consumption (right to consume, freedom of trade, being permitted).

The remaining categories only implied two thematic units and here we present the most typical thematic unit for each category, i.e. the one that is the least similar to other units already present in other classes: Ideology, Property, Politics, Utopia, Salary, Political Parties, Health, Foreigner, Sex.

Organizing principles of individual positioning

It was relatively easy to define the factors by taking into account units with loadings of 0.30 or higher and interpreting them in the frame of the general themes of the categories.

Factor 1 bears on an opposition between Material Well-Being and Freedom of Beliefs. Along this factor are grouped the greatest number of categories. Yet its interpretation is obvious: the factor is based on an opposition between what can be named rights to material well-being (work, health) linked to sufficient educational level and rights to freedom of beliefs (religious, ideological, political).

Factor 2 opposes Individual Liberties to Religion and Politics. Poles of the factor oppose individual liberties (settling, marriage) and belonging to religious or political movements. Evocation of collective causes would, as it were, hinder evocation of more individual liberties, and vice versa.

Factor 3 presents on one pole Freedom of Movement and on the other pole Defence of Acquired Rights. Freedom of movement between countries, associated to access to work and to resources, are in opposition with egalitarian principles, freedom of opinion and religion, access to education and to health care, sex. The opposition underlying the factor suggests that values conveyed by the latter notions could be endangered by too wide an opening of frontiers to those seeking employment and access to resources.

Factor 4 deals with Freedom as opposed to Indiscriminate Equality. On this factor freedom, linked to access to education, care, work and resources, is contrasted to demands for equality, associated with an evocation of sex. The general meaning of this opposition, even if more restricted, appears to be of the same nature as the one organizing the previous factor.

Factor 5 sets Freedom of Beliefs against Equality of Rights and Other Liberties. One pole is strongly saturated with notions connected to freedom of opinion and of expression, linked to education, whereas the opposed pole contains egalitarian themes but also freedom of worship, of movement, of marriage and of access to work and to care. Here again, civil liberties are seen in opposition with egalitarian concerns applied to several realms of social life.

Factor 6 disposes of Work and Subsistence in opposition with Equality and Other Rights. Rights to work, to subsistence and to consumption are opposed to concerns about equality, education, health and freedom to move and to marry. This factor may connote a defence of acquired prosperity as opposed to more egalitarian attitudes claiming access to the same privileges for others.

This study of positioning as revealed by the poles of the six factors highlights the persisting saliency of traditional stakes as those opposing material and spiritual goods, individual liberties and social constraints, freedom and equality. Furthermore, contemporary controversies, like those about immigration, are probably reflected in oppositions between evocations of themes related to freedom of movement or defence of acquired rights, and between those who stress the right to work rather than other social rights.

Socio-professional anchoring

Are differences in individual positioning related to social and professional characteristics? *A priori* we thought this would be the case, and we chose therefore to study four groups of people who had specific experiences with different aspects of the human rights issue.

To study the socio-professional anchoring of individual positioning, we proceeded as follows. For each individual and for each factor, we totaled the number of thematic units produced on each pole for the six factors. This resulted in twelve scores per individual. Based on these scores, twelve analyses of variance were made, taking as independent variables the four scholastic and professional groups.

A first regularity emerged from the analysis. On the eight poles giving rise to significant differences, the commercial school students always produced the fewest thematic units, whereas the university students were the most productive. This systematic difference is to be related to the overall differences of general production scores based on the total numbers of thematic units evoked by each individual. An analysis of variance proved significant differences ($p < 0.05$), and the Duncan test shows a significant contrast between, on the one hand, university students ($M=67.1$) and journalists ($M=66$) and, on the other hand, commercial school students ($M=45.6$); the scores for employees ($M=59.29$) being between those for the contrasting groups.

University students differ from commercial students for seven of the twelve specific comparisons. This result is evidently related to their greater productivity, although it appears especially evident for various themes related to Public Liberties; the remaining differences are to be found on themes of Material Well-Being, Equality in Acquired Rights, Work and Subsistence.

But why then are journalists, who produce virtually as many units as university students, not different on more dimensions from commercial students? This question is difficult to answer, but we believe that it is important to mention the factor poles on which they significantly differ from these students: poles of factors 1 and 2, respectively related to Freedom of Beliefs and Religious and Political Allegiances. It has probably to do with a set of concerns related to the free exercise of their profession. As for the major preoccupation with political and religious belonging, it is shared equally by the other professional sample, the employees, who differ from commercial students on this theme. In our opinion, this difference could also reflect a more traditional human rights stake, to which the younger respondents have been less directly exposed. Employees are also characterized by a relatively higher level of worry about the Right to Work, to Subsistence, to Consumption, which is probably to be related to the relative precariousness of employment that was about to affect Geneva at the time of our study.

Let me summarize these analyses of anchoring. University students, living on a campus where many nationalities mix together, have systematically shown themselves to be very familiar with the various aspects of the human rights issue, particularly when compared with younger commercial school students. Seen like that, one can talk about

an extrapolation of the educational socialization effect observed in the study reported previously. Journalists and employees also show an important pattern, but one that is more related to their professional circumstances and perhaps to concerns more suited to their age cohort.

The findings of these two studies in Geneva confirm that the Universal Declaration represents an important landmark in contemporary human rights representations. When adult respondents think of these rights, they particularly mention rights corresponding to the main chart; they hardly mention so-called new rights, like the rights of peoples, communities, linguistic or cultural groups or even the right to a healthy environment. Moreover, reference to the Universal Declaration increases with exposure to education, as shown by the study on socialization. Especially, public liberties are increasingly mentioned with advancement in education, and these rights are also the most often listed by the participants in our second study, who were on the average older than those in the first study.

The importance of a common reference does not mean that all rights contained in the Declaration have a similar status in social representations. In Chapter 1, we have seen how the Declaration itself results from an effort to reconcile conflicting interests, based either on visions notably more individualistic and legalistic or on visions rather more socio-economic and extolling solidarity. We now know that oppositions of a similar kind still characterize human rights social representations when adult respondents freely talk about these rights and when younger people adopt a more communitarian or a more individualistic positioning in the anchoring of prototypicality choices.

When adults talk about the rights to work, to education, to an acceptable standard of living and to health care, those rights are not often associated with civil and political rights, particularly the rights to religion, to move freely and to benefit of asylum. Organizing principles of oppositions in representations obviously refer to political stakes especially relevant in the issue of immigration, where the rights of the ones are supposed to clash with the rights of others. Among the participants in our socialization study, the opposition between more subjective and more institutionalized conceptions in answers to the open questions does not appear, as a whole, to be strongly branded by political interests. However, for these youngsters as well such interests become relevant when they are invited to express themselves explicitly on the prototypicality of certain rights.

Although progress in educational socialization plays an evident and important role, and certainly so for younger people, the analyses of anchoring for professionals suggest that educational levels do not fully explain all the positioning differences that were detected. Employees, for

instance, may show more awareness of some rights and talk about rights related to their specific social position more frequently.

Varied kinds of tensions characterize the representational field of human rights. Some are traditional: they set material well-being and freedom of beliefs, individual autonomy against religious allegiance. Other tensions relate to recent social, political and economical changes and oppose the right to movement of some and economic advantages acquired by the others. The international dimensions of these changes affect the very essence of the nation state, and this essence is called into question by the practical demands of adherents to the human rights vision, notably by those advocating equality of access to social rights even for those workers who are not citizens of their country of residence (Soysal 1994).

Social representations of human rights are alive and well, and they are far from being confined to homogeneous and consensual opinions. This is clearly shown in the findings of the two studies made in Geneva, which again provide significant indications for the existence of complex dynamics modulating human rights normative social representations. A question now awaiting a more precise answer is whether these representations, in spite of wide diversity in positioning, also give rise to a certain amount of common understanding diffused across national boundaries and related to institutionalized rights definitions.

5 Common understanding and variations

Is there any sense in attributing a universal meaning to human rights? After having studied expert literature and the reactions of lay people to cases brought in the European Court, and after having analysed variations in judgments on violations and in socialization processes, the question remains acute. The answer is not straightforward. We know for sure that attitudes towards human rights vary, especially as far as their relevance in evaluating concrete situations is concerned. Some classes of rights are considered as more important than others as a function of phases of socialization and people's professional characteristics.

A decisive feature of the universality of human rights in social representations remains to be examined: do members of different national and cultural groups converge in their understanding of the principles of human rights? There are many conflicting theories about this. During the public debate which took place before the Universal Declaration, the American Anthropological Association (Anonymous 1947) took a firm stand and denounced the concept of universal rights as a manifestation of Western ethnocentricity. Since then, other authors such as Alison Dundes Renteln (1990) have looked for foundations of universal rights in general values which orient a large variety of practices across cultural boundaries. Abdullahi Ahmed An-Na'im (1992) is not alone in reminding us of the fact that across the most diverse cultures at least some people do fight power abuses in the name of human rights. And of course, the problem of respect for the whole set of institutionally defined human rights exists, although one should mention that according to assessments made by Kathleen Pritchard (1989) degrees of enforcement of different families of rights are statistically linked over a large sample of countries.

There is no reason for the debate about universality of rights to end since periodically, large-scale violations of important rights become an issue of international politics and raise again and again the problem of the existence of international standards of justice. It is my conviction that given the importance of this controversy social psychologists cannot

just go on evidencing the factors that make people fail to respect human rights in so many circumstances. The time has now come for them to address the question of universality of rights in their research. In this chapter I want to show how social representation theory can provide them with relevant arguments.

A survey of students from thirty-five countries

In setting up the rationale of the research by Doise, Spini and Clémence (1999) presented in this chapter, we worked closely with Nick Emler of Oxford, Jorge Jesuino of Lisbon and Sik Hung Ng of Wellington, New Zealand (Doise *et al.* 1994). The method of investigation chosen consisted in a presentation of the entire text of the Universal Declaration to students of as many and as different countries as we could possibly contact. The main aim of the study was to ascertain whether groups of students in various countries would organize in a similar way their beliefs and attitudes concerning the thirty articles.

At this point, we deem it important to briefly summarize an expert view on the organization of the articles of the Declaration expressed by René Cassin, the French representative on the drafting commission. According to his speech to the United Nations General Assembly, delivered on 9 December 1948, the day preceding the vote (see Agi 1980: 330), the Declaration comprises six groups of articles. The first group of articles (1 and 2) enunciates the basic principles of equality, freedom, and dignity; the second group (3 to 11) focuses on the rights of the individual, such as security of the person and equal protection by the law; the third (12 to 17) concerns rights relative to inter-individual relations amongst which there are freedom of movement and the right to found a family; the fourth (18 to 21) involves civil rights such as freedom of expression or equal access to public service; the fifth group (22 to 27) deals with economic and social rights, for instance social security and the right to rest and leisure; and the sixth (28 to 30) covers societal rights relative to international law and order as well as to duties to the community.

Aims of the study

We shall first ascertain whether the groupings presented by Cassin remain meaningful today in the sense that they would still be mirrored in the answers of a large number of people in various countries. When the Declaration was drafted, it was not at all obvious that ultimately all the groups of articles would be retained by the vote of the General assembly. Strong disagreements (Agi 1980; Renteln 1990) divided those favouring an exclusive declaration of individual judicial rights and those

furthering a more socio-economic view. As seen in the preceding chapter, this antagonism is still present in contemporary human rights social representations. In Geneva, when individuals are asked about human rights, but doubtless elsewhere too, some of them spontaneously refer rather to socio-economic rights while others bring up rights principally concerning the individual or relations between individuals. A first objective of the present transnational study was to assess to what extent such an opposition, in differing countries, is still reflected in the answers of persons explicitly questioned about the thirty articles of the Universal Declaration.

Our interest is not limited to this kind of organization of the human rights field. A second objective of the study is to search for principles that govern differences between individual positioning in relation to commonly defined issues. More specifically, we expect that participants will differ in the relative efficacy they attribute to institutions, especially to government, and to themselves for getting rights respected. Human rights may be largely and generally accepted, but nevertheless systematic variations characterize the beliefs of people about the relative importance of what they do or can do personally in order to get these rights respected and about what institutions do.

After having evidenced the organizing principles of individual positioning, we shall study in a third phase their anchoring in the value systems and general beliefs of respondents. Such values and beliefs are considered general to the extent that they supposedly govern symbolic relationships in various domains.

For Milton Rokeach (1973: 5), tensions between values are at the core of their psychosocial definition: 'A value is an enduring belief that a specific mode of conduct or end-state of existence is personally or socially preferable to an opposite or converse mode of conduct or end-state of existence.' At first glance such a definition is compatible with the characteristic of absoluteness inherent in values. However such is not the conception of Rokeach, who says:

Gradually, through experience and a process of maturation, we all learn to integrate the isolated, absolute values we have been taught in this or that context into a hierarchically organized system, wherein each value is ordered in priority or importance relative to other values.

(Ibid.)

More recent theories about values are also concerned with their organization. This is for instance the case with the studies of Shalom H. Schwartz (1992: 3) on universals in value content and structure where conflict is also at the heart of his structural definition: 'Note that structure refers to

the relations of conflict and compatibility among values, not of their relative importance to a group or individual.' The organizational system of values described by Schwartz will be more extensively presented in the second part of this chapter.

Values on which the Universal Declaration of Human Rights was based were markedly rooted in a conflictive view of social reality. According to its Preamble, the Declaration was a reaction against the 'barbarous acts which have outraged the conscience of mankind'. As we know, this 'never again reaction' produced a definition of equal and inalienable rights for all human beings after a kind of ceasefire was agreed upon between those who were unconditional defenders of individual liberties and those who thought that values of solidarity merited greater attention.

Article 2 of the Declaration mentions explicitly sources of discrimination and conflict: 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.' Concerns that these differences were actual or potential sources of discrimination, injustice and conflict were certainly at the origin of the formulation of this article. It is our hypothesis today that respondents who perceive numerous conflicting relations between these social categories will also be more favourable toward the human rights cause. Research by Clémence (1994) provided support for a similar hypothesis on the link between the awareness of the existence of social conflicts and the readiness to claim support for different marginal groups. In the present research we not only ask respondents about perceived tensions, but also about discrimination that they have personally experienced as a function of their belonging to different groups and categories mentioned in Article 2 of the Declaration. Research on relative deprivation has shown that experiences of discrimination can lead people to commit themselves to collective action (see Guimond and Tougas 1994; Kelly and Breinlinger 1996), and we hypothesize that such commitment can be generalized to involvement in the human rights cause.

Another way of studying anchoring consists in investigating the role of shared group memberships. Respondents in each country obviously participate in specific historical experiences that shape their social representations, and therefore the effects of national group membership will be investigated. Human rights have often been considered to be a Western export article, and it is of course true that historically the idea was developed in Western countries as a further elaboration of Enlightenment ideas. The more such ideas prevail in a culture the more positive attitudes should be held toward human rights. It is difficult to measure directly the diffusion of such ideas, but one can assume that they are linked to democratization of society (as measured by Humana

1992) or to stages of human development as measured by the United Nations Development Programme (1996).

Method

Groups of university students from thirty-five countries were involved in the study. For three countries, two regional samples were obtained (Galicia and the Basque Country, England and Northern Ireland, Crete and Thessalonica). From now on, we will retain the names Spain, Great Britain and Greece for the more numerous sample of each of these countries and the regional name for the other.

While recruiting students as participants, we were aware of the fact that national samples would not be representative of their country's population. Above all, our purpose was to study persons with specific positions in national and cultural contexts that were as varied as possible, while trying to recruit in each country students enrolled in similar academic areas of study. In doing so, we maximized the chances of national differences becoming apparent in respondents' answers.

In most of the countries, we personally knew the colleagues in charge of the study: they translated the questionnaire into their university's working language. Most of the questionnaires were completed in 1994 and 1995, but the last data reached Geneva in July 1996.

The total number of questionnaires collected was 7,696. As shown in Table 5.1, we retained a final sample of 6,791, after deleting cases using criteria related to insufficient numbers of respondents in some groups, missing values and a high number of similar responses to different questions. The two genders were almost equally represented in the final sample (females: 3,423, males: 3,345, without gender identification: 23; modal year of birth: 1975). Crossing national affiliation and area of study (psychology, law, sciences, social work and various other fields) we obtained ninety-two groups of respondents. Table 5.1 also gives information about the countries' developmental status and degree of respect for human rights. A more detailed description of these characteristics will be given in the relevant result section.

For all countries, the questionnaire comprised two parts:

- 1 Part 1 was composed of the thirty articles of the 1948 Declaration. Subjects were asked to answer the same eight questions about each of these articles on nine-point bipolar scales. These were questions aimed at assessing general evaluation of understanding and importance of the articles, and the efficacy of individuals, political parties and government in having the articles respected. The wording of the opposed poles in the English version were: difficult – easy to understand, difficult – easy for governments to apply, clear – no

Table 5.1 Description of the population sample: number of subjects by country, type of studies and national characteristics

<i>Country</i>	<i>Number of subjects</i>						<i>National characteristics</i>	
	<i>Psychology</i>	<i>Law</i>	<i>Sciences</i>	<i>Social work</i>	<i>Other</i>	<i>Total</i>	<i>HD</i>	<i>HR</i>
Albania		127	44			171	633	*
Argentina	48	96	83	70	46	343	885	84
Australia	71	35				106	929	91
Austria	94	79				173	928	95
Basque Country	52					52	*	*
Belgium	78	108	55	49		290	929	96
Brazil	102			78		180	796	69
Bulgaria	101	97	81			279	773	83
Cameroon	54	48				102	481	56
Canada		66	96	97		259	951	94
Crete		28		54		82	*	*
Czech Republic	103	85	115	106		409	872	97
Ecuador	156	152	145			453	764	83
Finland	48	70		65		183	935	99
Germany	45		74			119	920	98
Greece	97	69				166	909	87
Hongkong			33		48	81	909	79
India	127					127	436	54
Indonesia	21	27			43	91	641	34
Italy	194	89				283	914	90
Ivory Coast	44	22				66	357	75
Japan	226				99	325	938	82
Mexico					61	61	845	64
Netherlands	72	66		74		212	938	98
Northern Ireland	80			49		129	*	*
Philippines	103		63	42	26	234	665	72
Portugal	140	52	50		75	317	878	92
Romania		77		69		146	738	82
Russia	45	31				76	804	54
South Africa	54	33				87	649	50
Spain	91	81				172	933	87
Switzerland	111			31	55	197	926	96
Tunisia	68	29			64	161	727	60
United Kingdom	112				38	150	924	93
USA				92	51	143	940	90
Yugoslavia	132	75	64			271	*	55
Zaire		32				32	371	40
Zimbabwe	29				34	63	534	65
TOTAL	2,698	1,674	903	876	640	6,791		

Note: National characteristics: HD=Human Development Index (UNDP, 1996); HR=Human Rights Index (Humana, 1992).

*data not available.

clear implications for individuals' responsibilities toward others (reversed scale), political parties can – cannot do much to enforce this article (reversed scale), relevant – not relevant to my rights as a private individual (reversed scale), I can personally do a great deal – very little for the respect of this article (reversed scale), I don't agree – I agree with every aspect, I am willing – not willing to join other concerned people to defend this article (reversed scale).

- 2 Part 2 was made up of at least four common sections for all groups of subjects surveyed. These sections dealt with:
 - (a) Values: Rokeach's (1973) eighteen terminal values were used and will be detailed when factor analysis of the answers is presented. They were completed by two items borrowed from Michael Bond (1988), namely 'harmony with others: sociable

<i>Article 1 – All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</i>		
Difficult article to understand	4 3 2 1 0 1 2 3 4	Easy article to understand
Difficult for governments to apply	4 3 2 1 0 1 2 3 4	Easy for governments to apply
Clear implications for individuals' responsibilities towards others	4 3 2 1 0 1 2 3 4	No clear implications for individuals' responsibilities towards others
Political parties can do much to enforce this article	4 3 2 1 0 1 2 3 4	Political parties cannot do much to enforce this article
Article relevant to my rights as a private individual	4 3 2 1 0 1 2 3 4	Article not relevant to my rights as a private individual
I can personally do a great deal for the respect of this article	4 3 2 1 0 1 2 3 4	I can personally do very little for the respect of this article
I don't agree with every aspect	4 3 2 1 0 1 2 3 4	I agree with every aspect
I am willing to join other concerned people to defend this article	4 3 2 1 0 1 2 3 4	I am not willing to join other concerned people to defend this article

Figure 5.1 Example of the first page of the questionnaire used by Doise *et al.* (1999)

Note: The same scales are presented in the following pages of the questionnaire for each of the remaining articles of the Universal Declaration.

and accommodating' and 'respect for traditions: perpetuation of rites and customs' and by eleven values taken from the Preamble to the Declaration (dignity for all humans, freedom all over the world, freedom from fear and want, freedom of speech and belief, friendly relations between nations, improving standards of life for everyone, justice everywhere, rebellion against tyranny and oppression, social progress, teaching and education to promote respect for human rights, universal respect for and observance of human rights and fundamental freedoms). All these items were evaluated on a nine-point scale (1=not important at all versus 9=extremely important) following the procedure already used by Sik Hung Ng and colleagues (1982).

- (b) Perceived conflicts: respondents were required to answer the question 'In your view, to what extent are there tensions or conflicts between . . .?' (1=no conflicts and tensions versus 4=frequent conflicts and tensions). Eleven sources of social divisions taken from the second article of the Universal Declaration were then listed (in the following order: race, colour, sex, language, conviction, religion, political opinion, national origin, social origin, wealth, family origin) and two other potential sources of conflict were mentioned: age and region.
- (c) Experienced injustice: questions were also asked about possible injustice experienced in relation to respondents' membership of the aforementioned categories (1=never treated in an unjust manner versus 4=very frequently treated in an unjust manner).

Most of the groups answered additional questions on experiences of interpersonal injustice and on explanations of human rights violations. However, as these questions were not presented to all national samples, results will not be reported here.

The rationale for choosing the content of the questions in the second part is, to an important extent, influenced by the Declaration itself. This is the case for the sections on values, on discrimination and the experience of collective injustice whose contents and formulations are based on the Preamble and Article 2 of the Universal Declaration.

Shared meanings and Cassin's classification

The thirty articles of the UDHR were classified into six groups by the main author of the drafting committee. Is this classification still relevant fifty years later in analysing the responses of students in various countries? To answer this question we checked first if an interpretable overall pattern appeared for the whole population when using the most simple index: their average responses on the eight scales for each article.

Indeed, answers for the eight scales were sufficiently correlated for each article to be integrated in a common score. The average scores of the total sample for each article were submitted to a hierarchical cluster analysis, privileging the criterion of homogeneity within classes.

This analysis resulted in the division of the articles into two main clusters contrasting all of the more social rights (Cassin's classes 5, 4 and 3) and basic individual rights (protection from torture and slavery and right to life, Articles 3 to 5) with a cluster of judicial individual rights (class 2), principles (class 1) and the three articles concerning societal order (class 6).

The first main cluster can be subdivided, in turn, into two subclasses. One class aggregates the more social articles: relational rights (Cassin's class 3 except Article 14), public liberties (class 4) and articles dealing with economic, social and cultural rights (Cassin's class 5), and the other aggregates the three articles referring to the more basic individual rights.

The second main cluster can be subdivided into three classes: a class of individual rights was made up of the remaining individual judicial rights (Articles 6–11) and of the rights concerning asylum (Article 14); a class of the two introductory principles and a class of the three articles referring to societal order (Articles 28, 29 and 30).

We can already conclude that the differentiations made at the time of the Declaration still remain relevant for describing the organization of responses by individuals from different countries. The results of the cluster analysis almost fully replicate Cassin's classification, his ideas remaining valid for describing the organization of the field of the Universal Declaration extracted from the mean responses of our total sample.

An important question to be answered concerns the validity of the classification of rights across countries. A simple way to probe this validity consisted in checking the frequencies of differentiation between the two main clusters over the thirty-eight national samples. Results could not be clearer: for all samples a significant difference was found between the two main clusters in the sense that for each national group significantly higher scores were obtained for the cluster of basic and social rights than for the other main cluster. Furthermore, for thirty-five national groups, basic rights were scored significantly more positively than social rights, the general distinction between the two subclasses of the first main cluster being confirmed in that way. Differences between the three other classes (corresponding to the subclasses of the second main cluster) are less clear-cut. However, still for twenty-seven groups, principles and individual rights obtain higher scores than societal rights. These results clearly support the idea of a common organization of responses in relation to the different groups of rights in various countries, especially where the opposition between basic and social rights on one

hand and the other rights on the other is concerned. But also, more specific oppositions between basic and social rights are very common, such as those that differentiate between societal rights and the total of principles and individuals' rights. Therefore we can conclude that the hypothesis of a common organization across countries of the set of articles is corroborated by our findings. Furthermore this common organization is clearly related to the organization defined by an expert about half a century before our research.

Organizing principles of individual positioning

To extract the organizing principles of differences between individual attitudes or positioning, the relevant parts of the questionnaire were submitted to two kinds of analysis. A first kind can be considered 'pan-cultural' according to Kwok Leung and Michael Bond's (1989) definition: statistical operations were performed across all the subjects of the thirty-eight national groups, not taking into account their national origin. Another kind of analysis aimed at removing the nationality effects by subtracting the national mean from each individual score. These analyses are 'individual-level' analyses in the sense of David A. Kenny and Lawrence La Voie (1985; see also Florin *et al.* 1990). We shall call this kind of analysis 'individual'.

Results of both analyses converge to a very large extent and shall therefore be the object of a single interpretation. Of course, we are aware that both kinds of analyses are not independent, one score serving as a base for calculating the other. However, convergences in results of both analyses confirm that between-country differences are not the only source of systematic variations between individuals.

Results for the first part of the questionnaire were submitted to both kinds of analyses in order to investigate individual positioning in the field of human rights. As predicted, responses for the thirty articles on each scale were very strongly linked (for the whole sample alpha values indicating the overall correlation between the answers to the thirty articles varied from 0.93 to 0.97 for the eight scales). This indicates that, indeed, attitudes towards the different classes of rights are highly connected. Respondents, while expressing more or less favourable attitudes to different groups of articles, nevertheless express highly consistent attitudes to the whole set of articles.

The next step in our data analysis was to rerun a procedure of clustering on mean individual responses for all articles on the eight scales. This time the objective was to define a limited number of groups of respondents, members of each group positioning themselves similarly towards the articles of the Declaration and differently from members of other groups.

For both kinds of analyses (pancultural and individual) a solution in four groups of subjects was obtained. Table 5.2 summarizes the mean responses of these four groups of respondents on the eight scales.

The four groups were clearly distinguishable from each other by their positions on scales and this finding confirms the relevance of the differentiation between scales bearing respectively on general evaluation and importance of the articles, on efficacy of individuals or of government in having the articles respected. Results from the pancultural and the individual analyses strongly converge: a cross-tabulation between the two classifications showed a highly significant degree of overlapping.

A first group (respectively 28 per cent and 29 per cent of respondents for both kind of analyses) have the highest scores on all types of scales. They can be considered Advocates of the idea of human rights. A second group (21 per cent and 25 per cent of respondents) considers that human rights concern them personally but that it is not very easy for governments to do anything. This response pattern could be typical of Personalists. A third group (23 per cent and 18 per cent of respondents) may be called pessimists or Sceptics. It was they who had the lowest scores on all scales. A last group (28 per cent and 28 per cent of respondents) considers that they are quite powerless in achieving respect for human rights but that the government can be more efficient. This response pattern is typical of Governmentalists.

Organizing principles of anchoring variables

In order to anchor individual positioning towards human rights in related symbolic meaning systems, it is necessary to investigate first the organization of positioning in these fields. Therefore we now describe

Table 5.2 Mean responses of four groups obtained by cluster analysis

<i>Scales</i>	<i>Advocates</i>	<i>Personalists</i>	<i>Sceptics</i>	<i>Governmentalists</i>
Agreement	8.34 (0.66)	7.64 (-0.04)	6.21 (-1.19)	7.81 (0.14)
Understanding	8.49 (0.65)	7.71 (-0.07)	6.53 (-1.12)	8.04 (0.13)
Government	7.54 (1.51)	4.24 (-1.46)	4.89 (-1.07)	6.38 (0.48)
Responsibility	7.86 (1.11)	7.11 (0.28)	5.21 (-1.33)	6.18 (-0.53)
Political party	7.78 (1.00)	6.92 (0.09)	5.57 (-1.21)	6.51 (-0.31)
Private importance	8.40 (0.66)	7.98 (0.23)	6.35 (-1.29)	7.81 (-0.04)
Helping	7.12 (1.24)	6.57 (0.60)	4.52 (-1.28)	4.64 (-0.98)
Effort	7.99 (0.95)	7.45 (0.37)	5.28 (-1.68)	6.68 (-0.21)

Note: Results of individual analysis are presented in parentheses. For exact wording of scales see Figure 5.1. The analysis was done on the basis of the average individual responses on each scale for all articles.

results of factor analyses of answers to the different sections of the second part of the questionnaire.

Values

The questions about values have a double origin. As we found very high correlations between the various values taken from the Preamble, we decided to calculate a mean index of the responses given to the eleven questions. The construction of a single index enabled us to limit the weight of this set of variables in relation to Rokeach's (1973) eighteen terminal values and to the two values taken from Bond's (1988) studies on which our value measurement was based.

Once these variables were formed, a principal component analysis was run on the twenty-one remaining value scores. We retained five factors explaining respectively 55 per cent and 54 per cent of the total amount of variance for the pancultural and individual analysis. The five factors will be described together with an indication in parentheses of the average scores for the total sample on the nine-point scale ranging from 1: not at all important to 9: extremely important.

Factor 1 in both analyses groups the Preamble values (7.56) as well as values which Schwartz (1992) called universalistic: a world at peace (7.98), equality (7.82), and a world of beauty (7.13). The freedom (8.29) and family security values (8.12) are associated with this Universalism factor.

Factor 2 (corresponding to factor 3 of the individual analysis) will be called Happiness, and comprises values of happiness (8.16), inner harmony (7.93), mature love (7.84) and pleasure (6.76).

Factor 3 (factor 5 of the individual analysis) groups the following values: salvation (5.80), respect for tradition (5.54), national security (7.19) and social recognition (6.69). This factor is considered as related to Traditionalism.

Factor 4 on both analyses, a Social Harmony factor, grouped the following values: wisdom (7.66), harmony with others (7.51), friendship (8.05) and self-respect (7.92).

Factor 5 (factor 2 on the individual analysis) mainly comprising values of an exciting life (7.15), of accomplishment (7.64) and comfort (7.14) is considered as marked by Hedonism.

With the exception of the social recognition and pleasure values, all other values are clustered together in a similar way on both analyses, even if the factor orders are different.

Perceived tensions

Thirteen items formed the question about perceived conflicts and tensions between individuals belonging to different social groups. We retained

four factors for both analyses. They accounted respectively for 59 per cent and 58 per cent of total variance.

Both analyses group the same items together, even if the order of the first two factors is inverted. Mean scores on a scale of 4 points (1: no conflicts and tensions to 4: frequent conflicts and tensions) again figure between parentheses.

Factor 1 (factor 2 of the individual analysis) groups differences in terms of fortune (2.80), social origin (2.62) and family (2.08) and can be called a Social Status factor.

Factor 2 (factor 1 on the other analysis) groups tensions between individuals of different languages (2.18), sexes (2.32), regions (2.03), age (2.09) and national origin (2.54) and will be called an Ascribed Identity factor.

Factor 3 differentiates in terms of conviction (3.04), religion (3.19) and political opinion (3.22); an Ideology factor.

Factor 4 groups race (3.28) and skin colour (3.21) in an Ethnicity factor.

Experiences of injustice

The questionnaire enumerated again the same sources of conflicts and tensions and asked how often respondents had been personally treated in an unjust manner because they belonged to a category mentioned (1: never treated in an unjust manner, 4: very frequently treated in an unjust manner). Three factors were retained for both analyses on these reports of collective injustice experienced. Together they represent 53 per cent of the total variance for the pancultural analysis and 51 per cent for the individual one. The patterns of items retained for the factors on both analyses are the same.

Factor 1 assembles differences in Social Status, namely fortune (1.51), social origin (1.40) and family (1.27) to which differences in age (1.66) and region (1.43) are added.

Factor 2 groups sources of injustice related to Ethnicity, race (1.24) and colour (1.20) linked with nationality (1.37) and language (1.39).

Factor 3 adds sex (1.61) to the discrimination in terms of Ideology: convictions (1.81), political opinion (1.69) and religion (1.44).

It seems that personally felt discriminations are linked more closely than perceived discriminations. The link of gender and ideological discrimination could for instance indicate that gender discrimination is interpreted by respondents as caused by sexual prejudice.

Individual analysis of anchoring

The first study of anchoring was aimed at analysing the links between the four kinds of positioning in the field of human rights and positioning

concerning value choices, perceived tensions and personal experiences of injustice without the interference of national differences. Therefore a discriminant function analysis was carried out with, as independent variables, the twelve individual factor scores for the anchoring variables described in the previous section and as dependent variable membership to the four groups of individual human rights positioning.

In this analysis the three discriminant functions were statistically significant. However we will not comment on the results for the third function, since it does not account for an important amount of variance.

Results for the first function confirm the importance of Universalism and Social Harmony values which are positively linked with the Advocate and negatively with the Sceptic positioning. Therefore this function reveals an anchoring in a universalistic positioning with concerns about social harmony and apparently not related to perceptions and experiences of social conflict.

With the second function most kinds of experiences and perceptions of conflicts are related. The function contrasts on the one hand Governmentalists, who are also characterized by higher priority accorded to Personal Happiness, and on the other hand Personalists who more often report experiences of collective injustice in relation to Social Status and Ideology and awareness of tensions between Social Status, Ascribed Identity and Ethnicity categories.

We can conclude from this first analysis of anchoring that giving priority to Universalism values and to Social Harmony is systematically linked to more favourable representations of human rights, whereas opposed value positioning is related to more sceptical representations. A more acute awareness and experience of social conflicts and injustice can lead to personal involvement as opposed to a strong confidence in governmental action.

Anchoring in national contexts

How are the four kinds of positioning evidenced in the pancultural analysis spread over the different national groups? A simple chi-square test on the frequency of Advocates, Sceptics, Personalists and Governmentalists as a function of different national affiliations proved to be highly significant ($p < 0.001$).

Table 5.3 reproduces percentages for each positioning in the thirty-eight national groups. We indicated in **bold** or *italic* numbers the percentages that were either 10 per cent higher or lower than the average percentage for the total sample. A correspondence factor analysis was carried out, mapping links between positioning and national affiliations. This analysis aimed at detecting the overall organization of data reported in Table 5.3.

Table 5.3 Percentages of each type of positioning by country (pancultural analysis)

<i>Country</i>	<i>Advocates</i>	<i>Personalists</i>	<i>Sceptics</i>	<i>Governmentalists</i>
Albania	15.8	26.9	37.4	19.9
Argentina	43.1	24.8	12.5	19.5
Australia	28.3	17.0	21.7	33.0
Austria	20.8	17.9	12.7	48.6
Basque Country	46.2	9.6	11.5	32.7
Belgium	34.1	14.5	21.7	29.7
Brazil	22.8	40.0	15.6	21.7
Bulgaria	20.8	19.7	23.7	35.8
Cameroon	13.7	64.7	13.7	7.8
Canada	39.0	17.8	21.2	22.0
Crete	41.5	29.3	8.5	20.7
Czech Republic	20.3	9.3	18.8	51.6
Ecuador	39.7	29.8	10.6	19.9
Finland	30.1	21.3	12.6	36.1
Germany	20.2	14.3	15.1	50.4
Greece	39.8	23.5	11.4	25.3
Hongkong	16.0	<i>11.1</i>	24.7	48.1
India	21.3	<i>11.0</i>	63.0	4.7
Indonesia	8.8	38.5	30.8	22.0
Italy	30.0	32.9	13.8	23.3
Ivory Coast	27.3	56.1	10.6	6.1
Japan	6.8	8.3	65.8	19.1
Mexico	41.0	27.9	4.9	26.2
Netherlands	26.9	12.7	26.9	33.5
Northern Ireland	16.3	23.3	31.0	29.5
Philippines	32.1	42.7	14.1	<i>11.1</i>
Portugal	31.9	24.3	12.0	31.9
Romania	51.4	9.6	6.8	32.2
Russia	9.2	19.7	21.1	50.0
South Africa	35.6	20.7	21.8	21.8
Spain	48.3	16.9	8.1	26.7
Switzerland	29.9	29.9	14.2	25.9
Tunisia	21.7	43.5	23.0	<i>11.8</i>
United Kingdom	22.7	13.3	36.7	27.3
USA	30.1	19.6	25.9	24.5
Yugoslavia	22.1	16.6	22.5	38.7
Zaire	34.4	53.1	12.5	0
Zimbabwe	12.7	30.2	31.7	25.4
TOTAL	28.2	22.9	21.1	27.7

Note: **Bold** or *italic* numbers indicate the percentages that were either 10 per cent higher or lower than the average percentage for the total sample.

From this analysis (see Doise *et al.* 1999: Figure 2) it is clear that a first dimension opposes Sceptics to Advocates and Personalists. Relatively more Sceptics are to be found among students of Japan and India than among students from other countries. The second dimension contrasts Governmentalists and Personalists. On this dimension students of Cameroon, Ivory Coast and Zaire occupy the most distinctive position, relying more on their personal commitment than on governmental efficiency, but respondents from several other Third World countries, such as the Philippines and Tunisia, tend to share such Personalist positioning. Interpretation of the third dimension opposing the more global attitudes of Scepticism and Advocacy to the more differentiated attitudes of Personalism and Governmentalism is less straightforward.

To which anchoring variables are positions on the two first dimensions related? Let us first answer this question by investigating the links with national characteristics as reported in the last two columns of Table 5.1.

Scores on the first dimension opposing Sceptics to all others are not related to indices of development and respect for human rights. However scores on the second dimension opposing Personalists to Governmentalists are related to these indices. Hence, the developmental status, as measured by a general index of human development (United Nations Development Programme 1996) is related to an important extent ($r: 0.76, p < 0.001$) with positions on the second dimension, whereas such a relation for the first dimension is not significant. Although this study does not bear directly on actual respect for human rights one can evidently hypothesize that attitudes toward human rights are related to the way they are institutionally enforced in a country. An index of democratization considered as guaranteeing such respect was computed on data reported by Charles Humana (1992, scales 19 to 28). Again the correlation with positions on the first dimension is non-existent, but the correlation with positioning on the second dimension positions is significant ($r: 0.58, p < 0.001$). No correlations for the third dimension are significant.

The observed correlations make sense: global attitudes of scepticism versus optimism regarding human rights issues can be culturally determined but apparently they are not linked with the degree of human development and actual reinforcement of these rights in a country. Stronger belief in the government's efficiency than in one's own is related to governments' achievements in the area of human development and actual enforcement of rights respect. However, it should be noticed that such governmental efficiency apparently does not motivate individuals to commit themselves more personally to the cause of human rights, they tend to rely relatively more on governmental action.

First conclusions

In our thirty-five-countries research, the coherence of attitudes to the whole set of the thirty articles of the Universal Declaration was systematically evidenced, and we did not easily detect systematic variations of individual attitudes as a function of classes of articles. On the whole, people who were more (or less) than others in favour of one group of articles also favoured more (or less) the other articles.

Our evidencing of an important amount of shared understanding of the Universal Declaration articles confirms previous findings about the role of official definitions of human rights in pupils' assessment of human rights violations and in lay people's spontaneous definitions of such rights. But such common understanding does not prevent individuals from positioning themselves differently in relation to human rights. They may adhere more or less to the cause of these rights, they may hold stronger beliefs about their personal efficacy and the efficacy of government or political parties. Differences in positioning are related to national characteristics such as general human development or level of democratization, as well as to individuals' value choices and their perception and experience of social conflict. They are apparently also related to specific cultural characteristics, as those shared by Indian and Japanese participants in our research.

Furthermore, notwithstanding the general coherence of their attitudes towards the whole set of articles, individuals nevertheless differentiate between classes of rights according to a logic not unlike the one practised by the authors of the Universal Declaration.

A new survey

Common understanding, organization of individual positioning, patterns of anchoring: the reader will recognize the rhythm of the three phases that marks our research on social representations of human rights. Dario Spini (1997), who co-authored the thirty-five-countries research, adopted the same rhythm in a new study in order to assess important aspects of individual positioning and anchoring in value structures more precisely.

The Universal Declaration again provided the main component of the research instrument although this time not all articles were used. Questions were formulated about nine articles as well as about the general issue of human rights. The criterion for choosing the articles was to obtain a balanced presentation of main classes defined by Cassin and confirmed in the cluster analysis of the thirty-five-countries study. The nine articles that were retained were: 1, 3, 10, 13, 16, 18, 23, 25 and 29.

Let us rehearse the subject of each article again. Article 1 proclaims that equality and dignity are inherent in all human beings. Article 3 bears on the right to life, to freedom and to the security of individuals. Article 10 states the right to full judicial equality and to a fair and public hearing by an independent and impartial tribunal. Article 13 is about the right to freedom of movement and residence. Article 16 confers on men and women of full age equal rights to marry and to found a family. Article 18 defines the right to freedom of thought, conscience and religion. Article 23 declares everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Article 25 refers to everyone's right to a standard of living adequate for the health and well-being of himself and his family. Finally, Article 29 mentions the duties owed by everyone to the community in which alone the free and full development of one's personality is possible.

The order of presentation of the articles was kept constant for all questionnaires, namely: 3, 25, 10, 16, 1, 23, 13, 18 and 29. This order was defined partly at random, in such a way that articles belonging to the same class defined by Cassin did not figure together. Questioning about human rights as such always came at the end and contained the only explicit reference to human rights. Thus, at the moment they answered questions about specific articles, participants were not yet aware that the general issue under study was human rights.

The eight questions put to participants about these nine articles and human rights in general were also new. Their terms had been previously tested in an investigation carried out in Geneva (Spini and Doise 1998). The rationale of the new questions was to dissociate different aspects of involvement by individuals and governments. In addition to studying the personal versus governmental efficacy issue, the new objective was to investigate the relevance of a distinction between beliefs about what can or should be done in the realm of human rights and what is effectively or really done by individual and governmental actors. These two new dimensions will be defined here as normative and effective aspects of involvement. As regards the personal and the governmental involvement, two questions bore on the normative and effective aspect each time.

The eight 9-point scales used for each article and for the general issue of human rights were the following: (1) personal-normative: 'I can(not) do a great deal (anything) for the enforcement of this right', 'I (don't) have a share of responsibility for the enforcement of this right'; (2) personal-effective: 'I am (not) sufficiently committed to the enforcement of this rights', 'I am (not) concretely involved in the enforcement of this right'; (3) governmental-normative: 'my government can(not) do a great deal (anything) for the enforcement of this right', 'my government has (doesn't have) a share of responsibility for the enforcement of this right';

(4) governmental-effective: 'my government is (not) concretely involved in the enforcement of this right', 'my government is (not) sufficiently committed in the enforcement of this right'.

Anchoring variables

In Spini's investigation the two main anchoring variables were value priorities as measured with the ten types of values described by Schwartz (1992) and membership of national groups chosen for their different degree of development according to the Human Development Index proposed by the United Nations Development Programme (1996).

The choice of Schwartz's instrument for measuring values was made in order to reach the maximum precision in measuring types of anchoring in relation to the two kinds of involvement attributed to individuals and governments. Schwartz distinguishes ten types of general value choices and uses more specific values to measure them. The following is a list of the types of values, with definition in terms of goals in parentheses (see Schwartz and Sagiv 1995: Table 1): Universalism (understanding, appreciation, tolerance and protection of the welfare of all people and for nature), Benevolence (preservation and enhancement of the welfare of those with whom one is in frequent personal contact), Conformity (restraint on actions, inclinations and impulses likely to upset or harm others and violate social expectations or norms), Tradition (respect, commitment, and acceptance of the customs and ideas that traditional culture or religion provide the self), Security (safety, harmony and stability of society, of relationships and of self), Power (social status and prestige, control or dominance over people and resources), Achievement (personal success through demonstrating competence according to social standards), Hedonism (pleasure and sensuous gratification for oneself), Stimulation (excitement, novelty and challenge in life), Self-direction (independent thought and action, creating, exploring).

However, the theory of Schwartz is not limited to a mere listing and classification of value choices considered as desirable goals, varying in their importance as guiding principles for orienting individual actions. According to the theory, oppositions between types of value choices are organized on the basis of more general orientations corresponding either to more individual or collective interests. In this way, five types of values are linked to individual interests (Power, Achievement, Hedonism, Stimulation, Self-Direction), three (Benevolence, Tradition and Conformity) to collective interests and two (Universalism and Security) are of a mixed nature.

These structural aspects of value choices were largely confirmed in a study with samples of students and teachers in twenty countries (Schwartz 1992). The measurement instrument used contains a list of fifty-six

specific values and more recently Schwartz (personal communication to Dario Spini) slightly modified this list which now contains fifty-seven values. This particular list is reported in Table 5.4.

The choice of countries by Spini (1997) in composing the samples of university students (mainly from psychology and law studies departments) was done by trying to obtain samples from five different cultural or geographical areas (see Banks and Textor 1963; Hofstede 1983). In interpreting data this difference has to be taken into consideration together with related differences concerning the developmental status of countries in accordance with a classification based on the Index elaborated by the United Nations Development Programme (1996). Sixteen countries were included in the study; the scores for the Human Development Index are reported in parentheses, as well as the number of respondents for each country: (1) African countries: Ivory Coast (357, $n=195$), Senegal (331, $n=158$) and Uganda (326, $n=200$); (2) Asian countries: India (442, $n=200$) and the Philippines (665, $n=206$); (3) East European countries: Bulgaria (773, $n=210$), Estonia (749, $n=210$) and Yugoslavia (not calculated by the UNDP in 1996, $n=200$); (4) Latin American countries: Argentina (885, $n=226$), Chile (882, $n=129$), and Costa Rica (884, $n=104$); and (5) West European countries: Finland (935, $n=256$), France (935, $n=181$), Great Britain (924, $n=117$), Italy (914, $n=129$)

Table 5.4 Lists of single values used to measure value types by Schwartz (1992)

<i>Types</i>	<i>Single values</i>
Universalism	Equality, social justice, broad-minded, protecting environment, unity with nature, world of beauty, world at peace, wisdom, inner harmony
Benevolence	Honest, helpful, loyal, forgiving, responsible, true friendship, mature love, meaning in life, spiritual life
Tradition	Accepting one's portion in life, devout, humble, respect of traditions, moderate
Conformity	Self-discipline, honouring parents and elders, politeness, obedient
Security	National security, family security, clean, social order, sense of belonging, healthy, reciprocation of favours
Power	Social power, authority, wealth, preserving one's public image, social recognition
Achievement	Successful, capable, ambitious, influent, intelligent
Hedonism	Pleasure, enjoying life, self-indulgent
Stimulation	Daring, varied life, exciting life
Self-direction	Curious, creativity, freedom, choosing own goals, independent, self-respect, private life

and Switzerland (926, n=182). The whole sample was composed of 2,903 respondents.

The development index includes the Gross National Product per capita, the degree of literacy and life expectancy at birth. Generally scores of more than 800 are considered to reflect a high degree of development whereas scores beneath 500 reflect a low one. Hence all levels of human development are presented in the sample. Inspection of the indices also reveals that India and the Philippines do not belong to the same developmental group; the first being at a low level of development and the latter at an intermediate one. It would have been possible to group the sixteen countries in four groups; considering only the indices of Human Development India is at the same level as the African countries and the Philippines would be at the level of the East European ones. A more geographical logic was respected, also taking into consideration that Hofstede (1983) reported a high degree of cultural similarity between India and the Philippines.

Common understanding confirmed

To objectify the way judgments were made on the eight scales concerning the nine articles and the human rights item, a hierarchical cluster analysis was performed on a matrix composed of mean answers to the ten types of rights on the eight scales. The result of this analysis evidences three classes of rights. The first class is composed of three rights: rights concerning marriage (Article 16), freedom of thought and conscience (Article 18) and duties to the community (Article 29). The finding of the previous study that duties to the community are clearly linked to the first generation of human rights is corroborated.

The second cluster contains four rights. Two are classically categorized as socio-economic rights: the right to work (Article 23) and to an adequate standard of living (Article 25). The two other rights of the cluster are the right to an impartial tribunal (Article 10) and to freedom of movement (Article 13).

The third cluster, separated from the other two classes of rights, includes what could be termed fundamental rights. First of all, the general question concerning human rights used to anchor the most prototypical human rights articles is part of this cluster. Two articles are tightly linked to the general human rights issue: the right to life, liberty and security (Article 3) and to freedom and equal dignity (Article 1).

In order to assess the stability of this solution, the same cluster analysis was performed for respondents in each of the five cultural areas separately. The results for the five groups of countries are again very similar to results for the total sample and confirm the relevance of a distinction of three kinds of human rights: fundamental human rights,

individual rights, and socio-economic rights. There seems indeed to be a common meaning structure of rights in which judgments about one's own and the government's involvements are framed; all articles except one are located together in the same class for at least four groups of countries. It is only the classification of the right to freedom of movement that is unstable, as it is found in three different classes according to groups of countries; for only two groups, this right is part of the socio-economic cluster (for the samples of East and West European countries) as was the case for the overall structure.

Hence, the conclusion seems warranted that Spini's research findings, like those of the thirty-five-country study, show that understanding of human rights is organized according to a common differentiation system in different countries. Another finding is that human rights in general are responded to in much the same way as fundamental rights are.

Normative and effective positioning

Confirmatory factor analysis confirmed the relevance of the four dimensions of personal, governmental, normative and effective involvement for organizing individual differences in answering scales even if normative and effective individual involvement were always strongly linked. Both kinds of involvement of the government were not so strongly linked.

In order to study variations of positioning as related to socio-cultural areas and classes of rights, the scores for the freedom of movement article were discarded as this article did not occupy a stable position in the cluster analysis. Thereafter, mean scores per class of rights – fundamental rights, individual rights and socio-economic rights – were computed for the four kinds of involvement and for the five groups of countries. Significant differences were found as a function of class of rights, kind of involvement and groups of countries.

A consistent finding is that participants generally attribute more normative responsibility to government than to individuals. For all classes of rights government is expected to assume high responsibility in ensuring that they are respected whereas individuals do not have to assume such a high responsibility indiscriminately; they are expected to be more concerned with respect for fundamental rights than with respect for individual rights, and still less with respect for socio-economic rights. But overall government is clearly invested with more normative responsibility than individuals ($M=7.74$ versus $M=6.40$).

Inspection of scores for effective governmental involvement reveals that this kind of involvement is not equally strong for the three classes of rights: government is generally more effective in ensuring respect for individual rights than in warranting respect for socio-economic and

fundamental rights. It seems to be the first generation of rights – freedom of thought, right to found a family, as well as respect for societal rights and duties – that are considered to be in reality primary objects of governmental concern even if respondents expect the government to be more concerned about all families of rights. There seems to be an important discrepancy between expectations about governmental intervention ($M=7.74$) and the perceived contributions of the government ($M=5.65$), especially concerning fundamental and socio-economic rights.

On the other hand individuals differentiate their effective contributions less according to classes of rights involved. In general there is also less discrepancy between expectations about what they should or could do ($M=6.40$) and what they actually do ($M=5.47$) to have rights respected.

It can already be concluded that the four principles of involvement were actualized with discernment by participants. The general differences that were discussed were found for all five groups of countries, even if they were not always equally strong.

Indeed, differences between countries do exist. They vary in a parallel way for the two principles of personal involvement. On normative involvement scores, findings (all differences mentioned are statistically different at $p<0.05$ level on post-hoc analyses) show that respondents of East European countries ($M=5.42$) think that they can do less for the enforcement of human rights than those from West European countries ($M=6.24$), who in turn give lower scores than those from African countries ($M=6.62$). These scores are clearly in contrast with those obtained by respondents from Asia ($M=7.08$) and Latin America ($M=7.14$) which do not differ significantly. Results of an analysis of variance for effective personal involvement scores are also highly significant and show the same contrasts: East Europeans ($M=4.39$), West Europeans ($M=5.23$), Africans ($M=5.84$), Latin Americans ($M=6.19$) and Asians ($M=6.30$). These findings confirm a result from the thirty-five countries study, namely that personal involvement seems less important for respondents from Western Europe and from East European countries that recently changed their political regimes.

Answers for governmental implication diverge much more. First, as could be expected, scores relating to normative involvement of governments are more consensual than scores relating to their effective involvement. The study of contrasts between groups of countries shows that for normative governmental involvement only two groups of countries respond differently. East European respondents appear to be less demanding in matters of governmental contributions ($M=7.46$), whereas respondents from Latin America are the most demanding ($M=8.13$). The other groups – Africans ($M=7.66$), Asians ($M=7.75$) and West Europeans

($M=7.79$) – do not produce average scores that differ between them, although they are different from the two more extreme average scores.

On an analysis of contrasts between scores relating to effective governmental involvement respondents from the two Asian countries obtain the highest scores ($M=6.57$). Next come the West European respondents ($M=6.05$) who, although less positive than the Asians, are more positive than all the others, including the Africans ($M=5.44$) and East Europeans ($M=5.32$) who do not differ among themselves in giving intermediate scores, higher than those of Latin Americans who produce the lowest scores ($M=4.78$).

It seems difficult to integrate these findings with those of the previous study. A convergent finding bears on the relatively high efficacy of European governments observed in the thirty-five-countries study and in the present study if one relates governmental to individual efficacy. But on the whole, Spini's new findings bearing on national anchoring of positioning are not just a replication of previous ones. The systematic distinction between factual contributions and expected contributions requires a new analysis of convergences and differences between countries. Even if a common understanding of human rights issues in relation to the Universal Declaration has been confirmed, the importance of a systematic study of the roles attributed to different social actors in achieving respect for rights is again confirmed. Of special relevance is the analysis of convergences and divergences of beliefs about what actors do and what they should do.

Values and commitments

In studying the impact of value priorities on respondents' positioning, explanatory variables were the ten types of values defined by Schwartz and measured by the most valid indicators retained by Spini using a procedure of confirmatory analysis.

By way of summarizing findings I comment here on the results of a regression analysis that produced fifty-four significant coefficients on the 120 that were computed (10 values \times 4 involvement dimensions \times 3 classes of rights). When comparing the impact of value types it appears that values of Universalism were the most active (11 significant coefficients on 12), followed by values of Achievement (10), Conformity (7), Power (7), Self-Direction (6), Stimulation (5), Hedonism (4), Security (3), Tradition (2) and finally Benevolence (0).

Hypotheses concerning the anchoring impact of Universalism and Benevolence were the same, since they are together constituents of a general orientation to Self-Transcendence. It was predicted, in line with conclusions of the Genevan study (Spini and Doise 1998), that these value choices would have a positive impact on individual and govern-

mental normative involvement, and a negative impact on effective governmental involvement. To a certain extent individuals who adhere to universalistic and altruistic values should carry higher expectations related to themselves as well as to the government, whereas they also are likely to believe that they, but not the government, live up to these expectations. Universalism was also expected to have a higher impact than Benevolence, as universalistic values belong to the foundations of the human rights vision.

Concerning values of Universalism, results confirm the hypothesis; they have a positive effect on individual involvement (normative and effective) and on normative governmental involvement for the three classes of rights. The more one favours universalistic values, the more one claims to be personally committed and the more one expects the government to be involved in human rights issues. On the contrary, adherence to the same values intervenes negatively in judgments about the actual contribution of government in realms of fundamental and socio-economic rights; the more one adheres to universalistic values, the less one thinks government contributes sufficiently to having these rights respected (although the same link is not significant when individual rights are involved). Overall, results confirm the hypothesis of a strong anchoring in universalistic value choices of positioning toward individual and governmental involvement.

In the structural model of Schwartz (1992) values of Benevolence figure next to those of Universalism. Contrary to hypotheses, this type of value has no impact at all. Apparently, differences in concern about others do not influence more principled positioning towards human rights.

Opposed to Self-Transcendence are a set of Self-Enhancement values composed of values of Power, Achievement and Hedonism, the latter class being also related with the values of Openness to Change (Schwartz 1992). Hypotheses are that these values would be linked negatively to normative involvement of individuals and government, but positively to effective governmental involvement, in agreement with findings of the study in Geneva (Spini and Doise 1998). In other words, adherents to these values do not think that they should or could commit themselves to the human rights cause while thinking that government is actually involved sufficiently in defending the cause.

Power values are not strongly related to human rights positioning, but all significant regression coefficients tend to confirm predictions. Links are negative with normative and effective personal involvement in fundamental rights. But above all, links are negative for normative governmental involvement for the three classes of rights, whereas this relationship is inverted for the link with effective normative involvement of government in fundamental and socio-economic rights (the link with

individual rights is also positive, although not statistically significant). It is therefore evident, that the more a person is interested in power as such, the more she or he thinks that the government is acting sufficiently in support of human rights.

Another type of values of the same family are Achievement values. This type of value has relatively strong effects on human rights positioning, but they do not go in a direction predicted by hypotheses. They are quite similar to the effects of Universalism as they affect positively normative individual and governmental involvement for the three classes of rights, and they also affect in the same sense effective personal involvements for all the rights and effective governmental involvement for individual rights.

For the Hedonism values on the border of Self-Enhancement and Openness to Change, the first observation is that these values do not have a very strong effect. However, significant effects are negative, as the more respondents adhere to hedonistic values the less they think they can do something for fundamental and socio-economic rights and the less they agree that government is sufficiently involved in the actual protection of the same rights.

Another family of values is more oriented to Conservation and comprises values of Conformity, Tradition and Security. For these values, effects are predicted that are opposite to those of Self-Transcendence values. Hence those values ought to have a negative impact on normative and effective personal involvement and on normative governmental involvement, but a positive one on effective governmental involvement.

Conformity values show the predicted effects for governmental involvement. The more respondents adhere to these values the less they think that government could or should intervene in favour of the three classes of rights and the more they are satisfied with the actual governmental contribution to have fundamental and socio-economic rights respected (results go in the same direction for individual rights, but not significantly). Individual normative involvement seems not to be linked to Conformity values, but positioning toward effective individual involvement for individual and socio-economic rights shows a positive link: more conformist individuals tend to believe they do enough to support these rights.

With Tradition and Security values, the only significant links are observed with effective governmental involvement: adherents to Security values are relatively more satisfied with actual governmental intervention for the three classes of rights, and adherents to Tradition values show the same links for fundamental and socio-economic rights.

For Conservation values the overall conclusion is that they intervene consistently in the realm of effective governmental involvement (7 regres-

sions coefficients out of 9 are significant). Hence, the idea is confirmed that these values convey an unquestioned acceptance of the role of governmental authorities in solving societal problems, and also those related to human rights issues.

The remaining two classes of values belong to the Openness to Change group and they should demonstrate links that are opposed to those of Conservation values, hence positive links with both kinds of individual involvement and with normative involvement of governments and negative links with effective governmental involvement. For Self-Directed values, links in the predicted direction were not found for governmental involvement, as only a significant predicted positive link was assessed for normative involvement in individual rights. Impacts for personal involvement were all in the predicted direction, and significantly so in five instances, except that the link with effective personal involvement in socio-economic rights was not significant. It can therefore be concluded that Self-Directed values such as those favouring individual liberty and independence nowadays imply that individuals consider that they should invest their efforts in the human rights cause and that they are satisfied with their actual investment.

Effects of Stimulation values are all negative in the case of normative governmental involvement, and they are also negative for effective governmental involvement for individual rights and normative personal involvement for the same rights. The main finding with these values seems to be that those searching for an exciting and varied life do not hold high expectations concerning government, and they nevertheless seem to think that government does not fulfill these expectations in a satisfactory way.

To conclude this section on anchoring in values, it should also be noted that positioning toward fundamental rights is better explained by value choices in the five groups of countries (average of explained variation=10.55 per cent) than positioning as regards to individual rights ($M=7.75$ per cent) and to socio-economic rights ($M=5.40$ per cent). Kinds of positioning are also explained to a different extent, variation in normative personal involvement is better explained ($M=11.27$ per cent) than governmental normative involvement ($M=7.47$ per cent) and effective personal ($M=7.33$ per cent) and governmental involvement ($M=5.53$ per cent).

Hence the normative aspect of human rights social representations especially concerning fundamental rights is more strongly anchored in individual value choices. In each socio-cultural group, normative involvement of individuals is always better explained than other involvements. In all five country groups relationships between value priorities and positioning are organized in a similar way. Anchoring of human rights

social representations in values proceeds in a similar way in different cultures.

When students of different countries are invited to read all the articles of the Universal Declaration or a part of them, their answers reflect an important degree of common understanding. In this sense human rights can be considered normative social representations that can function as shared landmarks for members of different national groups. This is an important conclusion for those who want to further intercultural discussions about human rights in order that such rights become more effective contractual principles organizing human interdependency.

It remains true that individuals, within the same countries as well as between countries, differ in their positioning toward human rights. These differences concern the respective roles attributed to individuals and to governments in ensuring that rights are respected. The research by Spini (1997), in particular, has shown that expectations about governmental contributions are higher everywhere than are evaluations of their effective interventions. However, expectations and evaluations are modulated to some extent by value choices of individuals, as well as by their beliefs and experiences related to discrimination and social conflicts.

An important issue that concerns colleagues from anthropology and cultural psychology is the problem of the universality of rights, whereas political scientists discuss the danger of the human rights idea being used as a tool for promoting Western imperialism. Discussions remain lively, and social psychologists can certainly not ignore different stands taken by their colleagues. With the studies reported in this chapter our intention was to enter the debate, investigating the nature of common understanding and the differences of positioning for the kind of populations we had access to. Certainly, other populations should be investigated, but we can already conclude that for social psychologists a sound way of participating in the debate on the universality of human rights is to ask members of different cultures to express their opinions on the content of official documents ratified by representatives of their governments. Recent research by various authors suggests that in similar matters (values, opinions about democracy) large-scale international studies with systematic sampling procedures are now possible (see Albala-Bertrand 1996; Diener *et al.* 1995; Inglehart 1995; Schwartz and Sagiv 1995).

Conclusion

On the universalism of human rights

Research reported in this book approached the study of human rights as normative social representations from different angles. I am of course aware of the obvious fact that human rights nowadays are more than an uplifting vision; they have become at least partly institutionalized in judicial and political realities and for many people they function as ethical principles governing life choices.

As long as social contexts vary, representations of fundamental rights will vary. The idea of studying human rights as organizing principles of individual positioning anchored in multiple social and symbolic relations should not make us forget the idea of shared knowledge. In interactions between people, between individuals and groups, existing symbolic landmarks orientate the thinking of persons involved. Social representations of human rights are based on shared references held by members of different national and cultural groups.

Shared representations and variations in positioning

The more specific contribution of social representation research on human rights when compared to other social psychology research bears on the issue of common understanding. This will be evidenced in a brief description of research findings presented by Rex Stainton Rogers and Celia Kitzinger (1995) and by Jeannette Diaz-Veizades, Keith F. Widaman, Todd D. Little and Katherine W. Gibbs (1995). These colleagues have clearly decided on a research strategy that privileges the study of variation and they have neglected the aspect of shared meaning.

Stainton Rogers and Kitzinger (1995: 102) conclude the report on their research with the assertions that 'Rights, made operant as expressed configurations of propositions, are multiplexly construed: here, 10 representations were identified and profiled'. According to them, 'No common bedrock, in terms of a consensual endorsement or rejection of propositions, was found to ground the manifold'.

Their research procedure, carried out in the discourse analysis tradition, consisted in sending out a questionnaire to eighty people, chosen either because they had no specific involvement in human rights issues, or because they were well known for having such an involvement. The questionnaire contained forty-one statements on rights that came from very different sources: classic texts on human rights, journal articles, some of them polemic, and ten interviews. According to the authors, these statements covered the following five areas: 'Who has rights? Where do rights come from? What is their scope? Who protects and violates rights? And under what conditions can rights be overused?' (Stainton Rogers and Kitzinger 1995: 90).

Respondents were asked to sort these forty-one items into eleven classes, respecting more or less the principle of a normal distribution (Q-SORT technique). Ten factors were retained from a principal component analysis of the data provided by the fifty-seven individuals that returned the questionnaire. The first five factors were named in the following way: Rights in Radical Political Discourse, Rights as Grounded Universals, Rights and Responsibilities, Rights and Democracy, Rights as a Socio-Political Construction. The remaining factors were not named but they were briefly summarized in the article.

The ten factors corresponded to criteria that respondents privileged in their sorting task and they were interpreted by the researchers as types of discourses held on the issue of human rights: 'We take this as saying that the expressed representations form a set of free-standing, alternative understandings. Rights, in public discourse, we deduce, are best taken as a manifold of integral discourses that stand in mutual complementarity one to another' (ibid.: 102).

In my view this interpretation is valid. Individuals proffer a variety of discourses in relation to rights, their foundation, their links with institutions, the commitments and problems they give rise to. However, the existence of such variety has not been proved to be incompatible with a certain degree of common understanding of these rights. Stainton Rogers and Kitzinger were not concerned about evidencing what was common in the understanding of their respondents, and they also did not try to anchor variations of positioning in other symbolic universes or realms of discourses.

Diaz-Veizades *et al.* (1995) shared more of our concerns, as they used the Universal Declaration to study what we call organization of individual positioning as well as its anchoring in related symbolic fields. However, they departed from the original document when they reformulated the thirty articles of the Declaration, contextualizing them as we did in our study on positioning toward violations (see Chapter 3). They constructed 116 more concrete items, such as: 'If a person does not make enough money to support his or her family adequately, the family

should be aided by the government,' 'There are times when people should be kept from expressing their opinion,' 'Women and men should have equal rights in divorce or the ending of marriage,' or 'A person's home is his or her 'castle' and should not be interfered with by others.'

For each item respondents, mainly North American college students, expressed their degree of agreement on a seven-point scale. But many items, according to the authors, 'had very low variance because of high rates of endorsement, so they could not correlate highly with other items. After these low-loading items were deleted, 38 items were re-analysed using an iterated principle factor analysis' (Diaz-Veizades *et al.* 1995: 317). Clearly, we are confronted here with a logic different from the one we have adopted. Diaz-Veizades and colleagues favoured the study of systematic inter-individual variations to the detriment of that aspect of social representations that we were interested in, the common meaning of human rights. Eliminating about two-thirds of the items in their questionnaire, they were able to retain four factors. A first factor, called Social Security factor, concerned access or entitlement to an adequate standard of living (e.g. food, housing, medical care). A second factor, labelled Civilian Constraint, dealt with the acceptability of limiting individual civil and political rights. The theme tying items together for the third factor was that of Equality, evidenced most clearly by items dealing with equal access to basic rights for all individuals regardless of race, gender or beliefs. Finally, items with the highest loadings on the fourth factor involved Privacy issues (*ibid.*: 317–21).

Without using the term, they also analysed anchoring, in showing, for instance, that respondents adhering more to a Civilian Constraint conception of rights were those who obtained higher scores on a Nationalism scale and lower scores on Internationalism and Civil Liberties scales. The same respondents expressed political preferences more likely to favour Republicans over Democrats, as opposed to the preferences of adherents to a Social Security conception who favoured Democrats and had higher scores on Internationalism.

On different occasions we have observed patterns of anchoring, and they certainly are important aspects of human rights social representations. However, the aspect of common understanding and agreement reflected in the adherence of a large number of respondents to most of the rights was overlooked by Diaz-Veizades and colleagues. The basic tenet of our own research programme is that analyses of shared meaning, diversity in positioning and anchoring are to be combined.

In an investigation with Monica Herrera and Marguerite Lavallée that took place in Quebec (Herrera *et al.* 2000), we again studied these three aspects of human rights social representations, using the thirty articles of the Universal Declaration. No differences in general attitudes toward human rights were found between French-speaking students,

who during the 1995 sovereignty campaign intended to vote in favour of sovereignty, and those who were in favour of maintaining the current federal status of the Province. In this historical context, persons with different political opinions adhered with the same intensity to the principles of these rights. Divergence between Pro-Sovereignists and Anti-Sovereignists was founded on the apprehension that one kind of political regime would offer more guarantees for the respect of the rights than the other one in which more discrimination was expected to occur. In particular, Pro-Sovereignists expressed strong concerns about political and linguistic discrimination in the anticipation of a status quo outcome of the vote.

The coexistence of political divisions in contemporary France, together with a very widespread adherence to a common human rights vision has also been discussed by the philosopher André Comte-Sponville, who pushes the argument to its extreme implications:

Human rights? They are an important landmark. They are a useful limit. But I challenge any political party to found a policy on them. What do human rights propose for fighting unemployment, war, or the insolvency of national health insurance? Which economic policy, which foreign affairs policy, which reform of public education? None, of course. That is the reason why we confront each other on all these issues, while still adhering to more or less the same ideas in relation to human rights.

(Comte-Sponville and Ferry 1998: 147)

Social psychologists often restrict their studies to the analysis of multiple modifications that ideas undergo when they move across group boundaries. Such studies of transformations and even of subversions of social visions are without doubt necessary and they lead to a better understanding of social reality. They illustrate for instance the ethnocentric use that is often made of human rights ideas which paradoxically can become instruments for accentuating intergroup prejudice (Moghaddam and Vuksanovic 1990; Staerklé 1999). Of equal importance, however, are studies examining the more universal characteristics of human rights representations.

One of the reasons for the relative neglect of social psychology in this realm may have been that the theoretical tools of the discipline were until now not adjusted to the study of normative visions on society and inter-societal relations. Human rights cannot be understood without focusing on normative historical visions as described by Lauren (1998). Such a vision was clearly expressed in the Preamble to the Declaration itself that

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international to secure their universal and effective recognition and observance. . . .

With the advancement of theoretical and methodological tools elaborated in the frame of social representation theory, social psychologists interested in the societal dimension of their analyses are now better equipped for the study of normative societal visions.

Indivisibility or consolidation of rights

In very different political regimes, government authorities claim that priorities between classes of rights must be determined in order to promote respect for at least some rights and to create necessary conditions for ensuring that more of them are respected. The problem of priorities is of course not the same for those in charge of elaborating policies and those who study human rights as normative social representations. Research on social representations tackles the question whether rights proclaimed in the Universal Declaration are considered by respondents to be a coherent whole rather than a kind of ragbag in which conflicting realities are thrown together in the name of an utopian vision (see De Senarclens 1988). Even if strong social desirability reflecting mere compliance with social norms may affect individual responses, the nature of these norms should be studied as well as the range of variations that they allow. This is what we have tried to achieve.

Respondents to our questionnaires distinguish classes of rights, just as judicial experts and institutional definitions do. After all, there is an International Covenant on Civil and Political Rights and a different one on Economic, Social and Cultural Rights. In opposition to the ideas of many judicial experts who attach less importance to social economic rights, the respondents in our thirty-five nations study consider these rights to be the most important, together with fundamental rights.

How can one explain the strength of the links observed between attitudes toward different classes of rights? On this subject, Moscovici (1993) was very explicit in stating that the same organizing principle intervenes in social representations of human rights. Largely diffused representations are not restricted to a political and formal vision of democracy that would bear only on a 'very limited fragment of public and private life' (*ibid.*: 35). Social representations of democracy and

human rights cover a larger reality, they involve ‘The passion of human rights . . . the surprise of the Declaration of Human Rights considered to be a guiding idea that nobody challenges, even if their realisation may be object of discussions’ (ibid.: 39–41). The concept of a guiding idea involves:

The diffusion of the democratic principle in all spheres of existence, including the sphere of knowledge. The Declaration of Human Rights mutated into a cultural representation of our world. [. . .] The representation that emanates from the Declaration of Human Rights is not that of protest against abuses, but that of an affirmation of a policy and morality for our epoch. Something irreversible and general apparently happened: democracy seems no longer to have an alternative in our culture.

(Ibid.: 42)

Such representational dynamics can generate trends to consolidation that Manuel Antonio Garretón (1992) sees at work in recent historical transitions from authoritarian regimes to democratic regimes in several South-American countries. Once democratic policies replaced authoritarian regimes, all sectors of social life did not become automatically democratic:

A flexible scheme of relations between the *economic model*, *political model*, *social organization model* and *cultural model* is called for when we ponder on the democratization and modernization tasks ahead of us, without resorting to rigid and globalizing schemes, and based on definitions generated by the historical actors themselves. These models are not *universally determined* other than the fact that their relations are historical and that they vary for each country and for each historical period.

(Ibid.: 22–3)

Respect of some political rights does not automatically lead to respect for other democratic rights:

Democratic transitions from military regimes or dictatorships are processes that only restore a particular type of system. Unlike revolutionary and development processes, they do not resolve other societal problems besides those inherent to the political system. The resolution of other social problems come under *democratic consolidation*, which involves the *social democratization*, which is the task of sociopolitical actors who form an historic long-range majority.

(Ibid.: 23–4)

Hence the necessity to

distinguish between *democracy* as a type of political system, and *democratization* as process that increasingly involves the inclusion of citizens into social life and its benefits, equal opportunities, structural changes in this respect, and participation at the various levels that affect individual and collective life.

(Ibid.: 25)

Hence a factual distinction between more formal judicial rights and social economical rights may subsist in this perspective of democratic consolidation whereas social representations may anticipate their coexistence in a future situation of overall democratization.

After the Fall of the Berlin Wall, the introduction of political rights in many countries did not necessarily put in motion the consolidation process described by Garretón. According to Johan Galtung (1998: 214) it is the growing asymmetry or hierarchization of power relations between nations in the field of culture, politics, arms as well as economics that led to a worsening of economic conditions in many countries, and to a spread of pauperism:

The days of balancing one superpower against the other, of extracting more aid from one by threatening to lean towards the other, are gone for the time being, although new power centres may emerge. All this at a time when human needs are not met, as amply documented by UNDP Human Development report publications. With capital using increasingly productive technologies, permanent work positions are lost to contracts, long term or short term, and to unemployment. With the state losing tax revenue because firms and jobs are exported, instruments for the redistribution of welfare are lost, in both the First and the Third World.

Universal principles and contextualized practices

Coming back to our research on social representations, findings show that respondents manifest consistent attitudes when they are confronted with general principles or articles of the Declaration. Such strong coherence disappears when they react to contextualized presentations of human rights issues. In such cases institutional and normative representations of rights do not seem to be applied directly in different realms of social reality. In more spontaneous evocations of rights moreover, choices are made between different families of rights. Hence, in many situations links with a comprehensive normative vision dissolve and the play of inter-individual and inter-group regulations and of retributive justice

beliefs often undermine the indivisibility and inviolability of fundamental rights. Even though attitudes towards human rights remain highly favourable, violation of those rights may be tolerated when potential victims are themselves considered to be violators of rights or when they occupy marginal or problematic positions in relation to social norms and laws. For instance, many people in democratic countries would not hesitate to refuse free primary education to children of clandestine immigrants.

Contextualization introduces several kinds of limitations in the representational universe of human rights. On the other hand, awareness of overall interdependence between members of the human species is growing steadily; it is cause and effect of the inherent power of the human rights vision. Our findings show that respondents adhering to universal values adhere more often as well to the principles of human rights. Other studies show that they are also more likely to engage in actions to benefit the environment and nature in general (Axelrod 1994; Seligman *et al.* 1994; Stern and Dietz 1994), even when human social issues are not directly at stake.

Notwithstanding the fact that universality of human rights is always contextualized, general principles of rights may be invoked by different parties involved in a decision. Hence the need, strongly felt by participants in the initial interview study, to create adequate institutions that should decide to what extent fundamental rights are respected in a given situation. The principal characteristic of a normative social representation will certainly remain its insufficient realization in most social contexts. Otherwise, it would no longer have any reason to exist. It is precisely the violations of rights that often make people aware that these rights should be enforced, that they have to become part of social reality.

Many systematic variations between individual opinions exist in relation to important aspects of matters of human rights enforcement. Some of these variations were analysed in previous chapters, namely those related to positioning concerning the respective roles of individuals and governmental institutions in promoting respect for rights. Variations in evaluations of violations of rights were also studied. In all these realms, differences in positioning within national groups exist, and their study is as important as the study of differences between national and cultural groups.

Although we did not study the gap between strength of adherence to the principle of a given right and relative tolerance of violations of the same right in different countries, there is no reason to doubt that such discrepancies would appear in many situations all over the world. This discrepancy is perhaps the most universal characteristic of normative social representations of human rights. What we do know is that research findings, especially those reported by Spini (1997), show that in

several countries, where respondents adhere to the principles of human rights, an important difference exists between what social actors are expected to do and what they are perceived to do. Social psychologists, aware of dissonance research initiated by Leon Festinger (1957) and of Lerner's (1977) just world belief paradigm, also know that there are practically no limits in individuals' capacity to rationalize and justify inconsistencies between principles and facts, especially when their own responsibility is involved (see Joulé and Beauvois 1987).

Very powerful sources of variations characterize human rights representations which none the less also carry equally strong claims to universality. Where should one look for the origin of these claims? Even if one accepts that human rights could be a constituent part of so-called human nature, the answer to this question would not necessarily be easy. Indeed, historically, it took a very long time and a considerable collective effort for human rights to be seen as an inherent part of human nature. This was not only the case for the famous Article 24 of the Declaration proclaiming the right to 'periodic holidays with pay' which evidently is related to labour demands of the past century. In a broader historical perspective, rights to freedom of movement and residence, to marriage, to own property, to freedom of opinion and expression, to change one's religion and to be equal before the law are also more or less recent societal constructions. The fact that their genesis can be traced historically does not mean that they are nowadays applicable only in conditions that are similar to the ones that led to their first formulation.

Maurice Cranston (1983: 3) expounds on the idea of natural law in his search for an explanation of the historical permanence of right ideas. He reminds us of the fact that already in the city-states of Ancient Greece citizens enjoyed the rights to freedom of expression and to equality before the law and he argues:

In the Hellenistic period, which followed the destruction of the city-states, people could no longer think of these as *civil* rights, because there was no civil society in which to realize them; and so the Stoic philosophers reformulated them as universal rights, something which men under all forms of government and all times were entitled to enjoy. They saw these rights not as rooted in civil law, but in a higher law, which reason and nature combined to reveal to men; it was not altogether unlike that law of the Gods that some religious thinkers had always said existed above and beyond the law of princes and magistrates. But the Hellenistic Stoics saw no need to invoke the deities. For them, the law that was higher than any positive law was natural law.

In other words, once certain rights have been obtained in given social conditions, they continue to function and to be diffused as normative

social representations, attributed to human nature as such, even if the original conditions of their coming into being are no longer there and are no longer remembered.

It seems that, a similar conception transcending specific social conditions also underlies the conclusions of a discourse held by Václav Havel (1999: 6) during the air raids by NATO forces on Kosovo:

I have often asked myself why human beings have any rights at all. I always come to the conclusion that human rights, human freedoms, and human dignity have their deepest roots somewhere outside the perceptible world. These values are as powerful as they are because, under certain circumstances, people accept them without compulsion and are willing to die for them, and they make sense only in the perspective of the infinite and the eternal.

Unlike the Stoics, the President of the Czech Republic invokes the name of God in this context.

Philosophical perspectives

In a posthumous publication with the title 'Intergroup relations, social myths and social justice in social psychology', Henri Tajfel (1984), who inspired much of my own work on intergroup relations, presents stimulating thoughts on the absence of specific concerns for justice in settings of intergroup relations.

The main assumption of the author is clearly stated:

. . . the fabric of intergroup relations in society at large, i.e. their social, historical, economic and cultural determinants and constraints, *create* the diversity of widely diffused social myths about people's own and other social groups. These myths, be they called *representations collectives*, social representations or *social* (as distinct from individual) stereotypes, constitute in turn a crucial part of the background affecting the collective aspects of social behaviours of masses of individuals.

(Tajfel 1984: 696)

The author regrets that the collective characteristics of justice beliefs as expressed in those myths or social representations have not been studied sufficiently by social psychologists, who have focused their analyses almost exclusively on justice in interpersonal relations without taking into consideration the specificity of intergroup relations. In numerous historical situations of intergroup conflicts, an individual does not have

to construct his own justifications of inequity or injustice, so long as acts which are oppressive, exploiting, cruel, unjust or generally 'inhuman' are committed against certain groups whose members are socially or culturally characterized as being beyond the range within which apply certain principles (whatever they may be) of interpersonal conduct.

(Ibid.: 698)

Entitlements that are taken for granted in private settings and in interpersonal relations, such as claims to have one's basic individual rights respected, are not considered at all appropriate in various intergroup settings. Numerous historical examples provide evidence for the recurrent fact that concerns about equity do not affect the decisions of public authorities and of their constituencies in relations with other groups, and Tajfel concludes that 'individually constructed justifications are not necessary in these cases because they are already socially and culturally *available*; and that the most important ingredient of these culturally available notions is the supreme good of the "community"' (ibid.: 711). Often, references to principles of justice or equity that should govern relationships between individuals as well as concerns about elementary private interests are totally absent in settings of intergroup relations, especially when they become conflictual.

As an argument in favour of this fatalistic conception, Tajfel mentions the distinction between private and public morality proposed by political philosophers such as Stuart Hampshire (1978) and Thomas Nagel (1978). These authors analyse problems encountered by public authorities who try to resolve tensions that arise between the pursuit of private interests and the promotion of general well-being for the whole constituency. The issue of the universality of fundamental rights across or beyond membership group boundaries is not in the focus of their theoretical analyses.

However this issue has been extensively treated by philosophers who have recently developed perspectives different from those that oriented Tajfel's thinking. For instance, Jean-Marc Ferry (2000), Will Kymlicka (1995), Charles Taylor (1994) and Sylvie Mesure and Alain Renaut (1999) reached the conclusion that respect for universal individual rights is compatible to an important extent with respect for particular rights and duties linked to membership in specific communities. Concrete cases that are discussed by these philosophers are social rights in countries of the European Union (Ferry), linguistic pluralism in Quebec (Taylor), conceptions of citizenship in France (Mesure and Renaut) and the rights of Autochthonous Peoples and communities of immigrants in North America (Kymlicka).

Without entering into the specifics of their conceptual systems, I consider that these political philosophers adhere to the basic assumption

that human individuals share a common generic identity in which their individual rights are rooted. They also admit that universal rights may imply the right for an individual to benefit from the advantages provided by the practice of a specific cultural way of life. In this sense they propose an integration of fundamental principles of individual and collective rights. From communitarian political thought these philosophers borrow the idea of collective identities historically differentiated and traditionally maintained in cultural communities. Identity is not only generic but is also contextualized in a body of particular rights and duties that may be largely compatible with the principle of universal human rights. Communitarian rights themselves are invested with an idea of universality when they admit the claim that cultural diversity should be respected as long as basic human rights are not violated. Finally, the rights to benefit from membership in cultural groups would warrant cultures to remain different.

An especially difficult problem is treated intensively by John Rawls (1993) in his study 'The Law of Peoples' where he elaborates upon conditions of co-operation between liberal societies and 'well-ordered' hierarchical societies which do not respect egalitarian political rights but which should be considered 'as members in good standing of a reasonable society of peoples'. Three conditions are to be fulfilled for a society to take part in a relation of equality with other societies: 'that it respect the principles of peace and not be expansionist, that its system of law meet the essentials of legitimacy in the eyes of its own people, and that it honor basic human rights' (Rawls 1993: 78–9). It is supposed that well-ordered hierarchical societies, even if they do not grant egalitarian political rights to their members, nevertheless function according to laws which are considered legitimate by their own people. Relationships between such societies and democratic societies can remain mutually satisfactory, while this is not the case for relationships with tyrannical and dictatorial regimes where 'external pressure of one kind or another may be justified depending on the severity and the circumstances of the case' (*ibid.*: 80).

Of course, I do not claim that research findings reported in this book confirm the validity of theoretical constructions developed by political philosophers. However, I do consider that conclusions about the common understanding of institutionalized human rights definitions are compatible with the idea that such declarations can serve as common landmarks in debates and conflicts between communities or cultural groups.

Feelings of despair and powerlessness can lead to a frenzied search for signposts of all kinds provided by providential figures, moral certitudes, national traditions, social order and religious fundamentalism. The renewed interest in communitarian ideas may become part of this search and threaten democracy and human rights enforcement.

Respect of cultural particularity may imply limitation of access to rights for some people, non-autochthones, foreigners, non-native-speakers, apostates. The claim for cultural rights – which I do not believe is necessarily incompatible with human rights principles (Herrera and Doise 2001) – can be perverted into a renewed attempt to create exclusion and limitations. The universalistic vision of human rights requires foundations that group membership alone cannot provide and that go beyond boundaries of given cultures. It necessitates the building of a space for encounters where discussion and egalitarian relationships, but also solidarity between people from different cultural backgrounds, become as much part of social reality as are relationships built on the sharing of consensual cultural values.

Intersocietal foundations

When the Committee on the Philosophic Principles of the Rights of Man, convened by UNESCO in 1947, started its discussions, it did not take much time for its members to come to the conclusion that no consensus could be achieved on the ultimate foundations of human rights. Today, it is no more likely that such a consensus would be obtained.

Half a century later, Jean-Louis Margolin (2000: 59), a specialist of the history of South-East Asia reminds us in comments on the issue of the so-called ‘Asian Values’ of the fact that in that part of the world certain political regimes safeguarded the idea of fundamental individual rights during various historical epochs, as was the case in Western countries. Nevertheless, he remains very sceptical about the possibility of reaching a consensus concerning the foundations of human rights:

Furthermore as agreement on foundations of rights is much more tricky to achieve than a *practical* agreement on a certain number of juridical norms, a strategy of circumventing would be more appropriate for obtaining a minimal normative consensus: rights should move around more easily when they become as much as possible dissociated from their founding principles.

According to Lauren (1998: 224), members of the special committee of philosophers used such a strategy in 1947: ‘They determined that their purpose was not to achieve doctrinal consensus among all ideologies, but rather to develop a formulation of what common grounds for agreement might be found in order to draft an international bill of human rights.’

Searching for common foundations of human rights in various philosophical, religious and other ideational systems will probably remain a

Sisyphian task, as long of course as Francis Fukuyama's (1992) prediction about mankind coming to the end of history is not fulfilled. It is not in singular systems isolated from each other that a basis of universality has to be sought, but in the growing necessity for socio-cultural systems to construct a solid and permanent base of peaceful coexistence. If humans want to continue living together on this planet as members of different national and cultural groups, a minimal consensus on rights has to be reached. To define in political philosophy conditions for Nations to coexist was attempted by Rawls as seen above, but recent history has also taught us some lessons.

The Cold War epoch was marked by the elaboration of several agreements and conventions on rights. Even if not all countries ratified and enforced all these rights, the idea of peaceful coexistence gained momentum, especially after the confrontation between Kennedy and Krushchev on the occasion of the missile crisis and notwithstanding the multiplication of regional wars and conflicts. Opposed ideological powers accepted the political division of the world and recognized, at least in principle, the reality of a sphere of influence for each camp.

The Final Act of the Helsinki Pact in 1975 not only institutionalized the recognition of political sovereignties in Western and Eastern Europe but also included clauses on human rights as a result of the pressure of non-governmental organizations. The Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights entered into force in 1976. After the Helsinki Pact, human rights could function as important institutional landmarks for dissident groups in various countries of Eastern Europe. Universalistic philosophical ideas were powerful forces that helped to batter down the Berlin Wall and the apartheid regime in South Africa.

With many other philosophers, Ferry (2000: 285) considers economic relations as a possible source for developing 'a spirit of civility which basically underlies bargaining (sense of compromise, of negotiation, of conciliation, strategies of forecasting and engaging in alliances, rational calculus, methodical organization, art of postponing satisfaction and learning in this way the "democratic patience").' However, I cannot but agree with Galtung's (1998) idea that international relations should become more egalitarian and democratic for having these effects generalized across national boundaries.

One of the founding ideas of human rights is the necessity of establishing mutually satisfying relationships between different groups and cultures. In such relationships social comparison processes play an important role, people establish relationships on symbolic levels, comparing their own fate to the fate of others, and many cultural groups are now narrowly intertwined through direct and indirect symbolic relationships.

The more relationships between cultural groups, rather than specific characters of cultures as such, became focused in intercultural studies, relationships between researchers and members of the cultures studied changed and as a result many anthropologists no longer adhere to the sceptical position of the American Anthropological Association (Anonymous 1947) rejecting the idea of universal rights.

For sure, relationships between ethnologists and the peoples they study are only a small part of intercultural relations. However, they are part of the whole and can even be considered as prototypical because cultural issues are directly at stake in such relationships. For this reason, I will comment here briefly upon a particular incident that illustrates in a paradoxical way the complexity of intercultural relations involving anthropologists.

The story starts with the description of the tragic fate of the 'Ik' as described by Colin Turnbull (1972). The members of this Ugandan tribe were deported from their hunting grounds and lived in a new environment in conditions close to starvation and in a state of utmost social disarray. The anthropologist 'describes them laughing when their children fall in the fire; taking pleasure in removing food from the mouths of the old and the infirm; refusing food to their parents, their children, their husbands and wives' (Appiah 2000: 58).

The fate of the Ik community became famous through the play that Peter Brook staged in 1975 at the 'Bouffes du Nord' in Paris and in 1976 at the Royal Shakespeare Company's Round House in London. In this play the artist attenuates the cruelty attributed to the Ik people and stresses the anthropologist's arrogance. More recently, other anthropologists returned to the site of the Ik, and they now challenge the veracity of some of Turnbull's observations and criticize his apparent indifference toward the fate of the population he studied (Grinker 2000). But it remains a fact that through the book of Turnbull and Peter Brook's theatrical productions, the destiny of the Ik became a matter of public concern and of heated debates on the relativity of human values. More important, however, for my present concern is the reaction of members of that community when they were told about the way Turnbull had described them in his book: 'It is not too surprising that when Bernd Heine, a later student of the Ik, told them what Turnbull had written about them, they responded by asking whether they could sue him' (Appiah 2000: 59). Is this not a prototypical example of how events considered as an illustration of cultural relativity tend to be finally interpreted by participants of the same culture, for the better or the worse, in international judicial terms?

Even if anthropologists would still challenge the idea of universal values, their own relationships with the cultures they study are now embedded in a framework of universal values. The institutional backing

of this framework is being elaborated in the United Nations Draft Declaration on the Rights of Indigenous Peoples (Aboriginal and Torres Strait Islander Commission 1996) which contains an Article 16 stating explicitly: 'All forms of education and public information shall reflect the dignity and diversity of indigenous cultures, traditions and aspirations. In consultation with indigenous peoples, governments shall take measures to promote tolerance and good relations between indigenous and other peoples.' The next article stipulates in addition: 'Indigenous peoples have the right to their own media in their languages. They shall also have equal access to non-indigenous media. Government-owned media must reflect indigenous culture.' These measures should enable members of autochthonous societies to defend the dignity of their community on equal terms with members of the surrounding society.

A universalistic vision is an inherent force in the evolution of relations between peoples. Such a vision is part of the overreaching vision of human rights. Rights that would only concern relations between citizens of a nation or members of a cultural group cannot be the foundation of an international order. The normative social representations which are human rights do not deny the importance of religious, national, cultural, linguistic, political, gender or other group memberships for individuals. However, in order to remain human rights visions, they urge the construction of a universe of law in which such differences should not be decisive: 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, . . .' (Article 2 of the Universal Declaration).

After everything has been said, it is still the democratic system that offers the most solid institutional guarantees for the respect of human rights. One may be tempted to believe that the democratic form of social organization is intrinsically more fragile than totalitarian political regimes seem to be. Manifestations of totalitarianism sometimes contaminate democratic regimes, when established authorities try to jugulate opposition forces in the name of superior interests of the nation or of specific cultural values, not only in cases of external threat. And certainly, at an international level, where too often power relations prevail, democracy as a political system is not yet a congenial part of a well-established stable social order.

According to Claude Lefort (1984: 32) the following would be a recurrent characteristic of democratic regimes, and, in my view, it also accounts for the difficulty of establishing democratic international and intercultural relations:

The political originality of democracy, which passes often unnoticed, is expressed in this twofold phenomenon: on the one hand there is a

power that is obliged to constantly seek its foundations since law and knowledge are no longer embodied in the figures of those who exercise power; on the other hand there is a society that is receptive to conflict of opinions and debates on rights, because the landmarks that allowed men to position themselves firmly in relation with each other have dissolved.

Since time immemorial, relationships between critical thinking and political power, between Plato and Dionysius of Syracuse, have been at the source of numerous problems. Collusion between commitment to a cause and holding of power positions often results in ideational absolutism and intolerance. Fascinated by the power of ideologies, intellectuals lose, or run the risk of losing, their critical stance (see Lilla 2001). The cause of human rights carries in its vision the orientation instruments for avoiding these pitfalls. People who adhere to this vision have to build a *savoir vivre*, a skill in getting along, in order that individuals and groups of different origins and conflicting convictions may encounter each other in a space that is not yet natural, that does not necessarily involve the sharing of the same life style or priorities of values, but that necessarily involves distancing from all kinds of absolutism.

The construction of a secular public forum at a societal level as well as at an intersocietal one, where absolutism gives way to discussion and negotiation, is a difficult undertaking and needs relentless efforts in defining policies of human rights' enforcement. Many attempts to build such a forum, and almost as many failures, have marked recent history. This will not prevent the vision of human rights from persevering. After all, there are reasons to hope *and* to undertake, and to succeed. Why not?

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