PREFACE

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Human rights are increasingly described as in crisis. Some scholars argue that the system of human rights has become too formalized and professionalized and is therefore too remote from those who need its protection. Others insist that it is a Western ideology that has failed to escape its colonial past. Observers of the contemporary political situation note that some authoritarian governments have threatened or closed down human rights organizations in their countries. The enthusiasm for globalization and a universal order of justice of the 1990s was transformed by the 2010s, in part by the growing inequality generated by economic globalization, including the increasing wealth and cosmopolitanism of the few and the poverty and isolation of the many. In place of a celebrated globalism there is now a rising populist tide that puts nation, religion, and race first—and that poses new kinds of threats to human rights.

But are human rights really on the verge of disappearing? It is certainly the case that many human rights institutions have become more bureaucratic and stodgy and that human rights organizations in many parts of the world are under threat. Yet the appeal of human rights has always resided in the ideal of justice, fairness, and equality that they represent. These remain appealing ideas globally, even if the institutions designed to promote and enforce human rights are in themselves increasingly unable to do so. Recognizing the continuing importance and strength of human rights requires looking for them in different places. These places are not simply the Human Rights Council or the regular meetings of the committees seeking to monitor compliance with human rights treaties, but also the offices of small NGOs and the streets of poor cities. Understanding human rights *in practice* requires looking at the way the ideas they promote have become part of everyday life for many people around the world.

Human rights, in this sense, refer to a set of ideals about how governments should treat their citizens and about how all humans should be treated. These ideals, moreover, have the imprimatur of a global consensus. Although there has been a great deal of sophisticated and valuable scholarship about whether human rights are “effective,” measured “effectiveness” is not the only way to evaluate the importance of human rights. After all, we do not judge the value of national laws because they are effective, but because they articulate goals that we would like to make effective. Most—national and international—laws, in fact, have an impact in the absence of sanctions, operating instead on the basis of voluntary compliance with a set of rules and ideas that people (or collectives) come to accept. But they are also routinely violated. Thus, even nation-state law is fundamentally a cultural project, an articulation of a vision of society that many, but not all, aspire to have. Lack of compliance with these laws is not viewed as an indication that the cultural project has failed. We can also think about human rights law and human rights norms in this way.

This book offers new perspectives to think about what human rights are and how they work in the world. It foregrounds the sets of ideas and practices generally labeled as human rights that travel and are transformed as they are appropriated, adopted, and redefined to fit particular social issues and struggles. Elsewhere, I have called the cultural dimension of this process vernacularization. This term refers to the way an idea or norm is redefined and represented in a way that is more or less compatible with the existing social world. This does not mean its meaning is changed entirely (although it may be altered), but rather to the altered mode of presentation. New ideas of gender equality coming from other parts of the world might, for example, be presented through the conventional figures in a familiar genre of a street play or painted on kites that are sold for kite-flying contests so that the kites land in random back yards when the strings break, carrying their message with them. The new idea is dressed in the clothes of the old to render it more understandable, acceptable, and relevant. In time, the human rights idea may altogether lose its grounding in the normative system in which it arose and become part of a different cultural formation.

Yet, framing ideas in human rights terms offers at least three important benefits to social justice activists engaged in “local” struggles. First, the “global” consensus about human rights adds legitimacy to a moral claim made by local actors. Using the human rights language suggests that these are not just ideas from a local community or even country, but ideas that have been created and agreed upon by virtually all the countries of the world.

Whether or not these human rights are implemented, the process of their creation through global debate and agreement provides an important level of legitimacy. Second, calling a social justice claim a human rights claim produces allies. Groups concerned with housing rights, poverty alleviation, educational inequality, racial discrimination in health benefits, and so on, can all join together as advocates of human rights, a process I observed among activists in New York City. Third, describing a particular issue as a human rights one renders this issue legible to a wider audience. For example, in 2008 a group seeking to promote the rights of battered women in New York City family courts turned to a human rights framework to show how the everyday struggle women faced in being heard and not losing custody of their children in court was an instance of a larger justice issue. By translating the difficulties these women faced in court into violations of their human rights, they presented these issues in ways that other justice activists could understand even if they might not have encountered this particular problem themselves.

In sum, the focus on how human rights travel and how they are transformed offers an invaluable corrective to those perspectives locating human rights only in formal institutions and laws. It shows how human rights are embedded in everyday social practice and activism. It challenges the idea that human rights are an entirely Western construct resisted by the postcolonial world by showing how these ideas are appropriated in countries around the world and how the international human rights norms and architecture are shaped by these countries' experiences. And it makes clear that although measuring compliance is important, this is not the only way to assess what human rights do. By examining the human rights system as a social justice ideology with universal aspirations, flexible enough to be reinterpreted and redefined in a variety of contexts and for a broad range of problems, it is possible to develop a more comprehensive and useful understanding of the way human rights work in our contemporary world. This book shows how it is being done.