

COMMENTARY

Interdisciplinary Approaches to Human Rights Scholarship in Latin America

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I. Introduction and overview

Human rights are the focus of research and teaching in multiple fields including law, philosophy, political science, sociology, anthropology, economics, psychology, history, literature and public health. Human rights are also the focus of advocacy and on-the-ground investigation by activists affiliated with nongovernmental organisations (NGOs), labour unions and social movements. Scholars interested in rights-based issues thus often face a dual challenge: that of crossing disciplinary boundaries in order to explore human rights questions, and that of bridging the academic-practitioner divide.

The challenge of crossing these divides is felt much more intensely among those working in United States academia than in other parts of the world. In Latin America, in particular, human rights scholarship has a far richer interdisciplinary tradition, due to the fact that social scientists in the region receive their academic training in educational environments that have historically been more open to collaboration among different disciplines than their US counterparts. The same is true in Europe.

Yet even scholars who have carried out interdisciplinary work on human rights for many years rarely do so in a self-conscious fashion. Nor do they often engage in far-ranging debate with other academics – let alone with practitioners – about the characteristics or implications of an interdisciplinary approach to the study of human rights. This is also true among area studies scholars – including Latin Americanists – who may forge ahead with interdisciplinary collaborative research on issues such as democratisation, transitional justice or political economy without explicitly addressing the interdisciplinary nature of their inquiry, or its human rights implications.

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For those studying human rights in Latin America – a region with its own rich history of analysis and activism on human rights, and its own painful history of abuse, neglect and social unrest rooted in the denial of rights – carrying out human rights scholarship across disciplinary and professional divides presents challenges seldom addressed openly. With an eye to stimulating such discussion, we convened a workshop on interdisciplinary human rights research in Latin America, featured at the 2004 Meeting of the Latin American Studies Association in Las Vegas.

In addition to ourselves, participants included: Jo-Marie Burt, a political scientist at George Mason University, whose work analyses state–society relations in the context of political violence and democratisation; Diane E. Davis, a sociologist at the Massachusetts Institute of Technology, whose research centres on urban politics and police reform in the developing world; Patti Petesch, a World Bank consultant with expertise in participatory development and qualitative research; Mark Ungar, a political scientist at Brooklyn College, City University of New York, whose research focuses on justice reforms in Latin America; and Arturo Alvarado-Mendoza, a sociologist from the Colegio de México who also focuses on policing and human rights issues in the region. Our discussant was John L. Hammond, a sociologist at Hunter College and the Graduate Center, City University of New York, whose research interests include grassroots education and popular mobilisation around human rights.

We asked participants to reflect on what an interdisciplinary approach to human rights entails – both in theory and in practice – drawing lessons learned from their own research throughout the region. The workshop provided an occasion to share these reflections with one another, and to engage in spirited discussion with an audience that included both scholars and practitioners from a wide range of Latin American countries, Europe and the United States.

This article synthesises our findings and analyses the challenges and future prospects of interdisciplinary human rights research on Latin America. It begins with a discussion of the *conceptual challenges* facing scholars – for example, the tension between universalist and cultural relativist approaches to framing human rights, and between ‘positive’ and ‘negative’ conceptions of such rights. It then analyses several related *normative challenges*: the practical consequences of an ontology that privileges civil and political rights over economic, social and cultural ones; the tendency of positivist social science to downplay the role of norms in shaping social and political outcomes; and the tension over whether or not human rights scholarship should aim for prescription of policy outcomes.

A discussion of relevant *methodological challenges* follows, including issues of measurement (particularly of economic rights); practical obstacles to

field-based research; and constraints on documenting abuse, formulating practical policy recommendations, and structuring collaborative training and other partnerships. We then discuss the main *characteristics* that might distinguish an interdisciplinary human rights approach from other types of academic or policy inquiry. We conclude with a discussion of potential *scholarly and policy implications* of our findings.

II. Challenges

Conceptual challenges

All participants in our LASA workshop strongly agreed that the meaning and scope of human rights remain disputed – not only across fields, but within them.¹ As Diane Davis pointed out, there is a definite tension between law and the social sciences. While lawyers tend to advocate a conceptual framework for human rights strictly defined by international law, social scientists often employ broader conceptualisations. As she explained, ‘This is not to say that both categories of scholars will not share common views about what constitutes a human rights violation, especially the most egregious acts (genocide, mass killings, torture, etc.). But they will not always share the same urgency about which rights abuses are of highest priority for examination or alleviation.’

Moreover, there is considerable variety within the social sciences as to how human rights are understood, and conflict continues over the meaning and scope of human rights. By way of illustration, we culled statements from different professional associations to illustrate how distinctly their members understand human rights. Some associations adopt very general statements on rights, embedded within broader platforms for ethical conduct. For example, sociologists frame human rights in terms of the ‘public good’,² political scientists describe them in terms of ‘freedom’,³ and geographers address rights in the context of the promotion of an all-encompassing ‘well-being’ (broadly defined in terms of ‘individual, social, and environmental “health”’).⁴

¹ As Charles Beitz has indicated, the drafters of the *UN Declaration of Human Rights* enumerated but did not define human rights in an effort to gain consensus on the cornerstone document for the modern human rights regime. Their strategic compromise resulted in the conceptual ambiguity that has followed. Charles Beitz, ‘What Human Rights Mean,’ *Daedalus* 132, 1 (Winter, 2003), pp. 36–46.

² American Sociological Association (2004), *ASA Code of Ethics: Introduction*, available at: <http://www.asanet.org/members/ecointro.html#e>.

³ American Political Science Association (1997), *A Guide To Professional Ethics in Political Science*, Third Edition, available at: <http://www.apsanet.org/pubs/ethics.cfm#state>.

⁴ Association of American Geographers (1998), *Statement on Professional Ethics*, available at: <http://www.aag.org/Publications/Other%20Pubs/EthicsStatement.html>.

Other disciplines are more precise: anthropologists tend to conceptualise human rights around ‘principles of respect for concrete human differences, both collective and individual, rather than the abstract legal uniformity of Western tradition’, and advocate ‘expanding the definition of human rights to include areas *not necessarily addressed by international law* [including] collective as well as individual rights, cultural, social, and economic development, and a clean and safe environment’ (emphasis added).⁵ Psychologists pledge to ‘respect and protect civil and human rights’ and are attuned to ‘cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups’.⁶

Such differences give rise to correspondingly distinct analytical and policy priorities. What constitutes human rights? Which rights are of highest priority for consideration or alleviation?⁷ The question of priorities, in turn, is closely related to a second significant conceptual debate, identified during the workshop – that over the distinction between ‘negative’ and ‘positive’ rights. In traditional liberal legal and political theory, negative rights are *freedoms from* abuse, integral to ensuring personal safety and privacy by reigning in an oppressive or intrusive state, as well as deviant members of society. Among the most widely recognised negative rights are the non-derogable rights of the person cited in Article 7 of the *International Covenant on Civil and Political Rights*: ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment ...’⁸

Positive rights, by contrast, are *entitlements to* certain things – claims that individuals make on the state for the fulfilment of basic needs, for example, that they cannot fulfil through their own efforts (e.g., welfare for the weakest or least able members of society). In this classification scheme, civil and political rights most often fall under the rubric of negative rights whereas economic, social and cultural rights are labelled as positive ones.

Yet as Shareen Hertel pointed out, there is growing controversy over this negative/positive rights distinction – and the underlying premises that negative rights are much less costly for the state to fulfil than positive ones,

⁵ American Anthropological Association (1999), *Declaration On Anthropology And Human Rights*, available on <http://www.aaanet.org/committees/cfhr/ar95.htm>.

⁶ American Psychological Association (2003), *Ethical Principles of Psychologists and Code of Conduct*, available at: <http://www.apa.org/ethics/code2002.html#general>.

⁷ See Rolf Kunnemann, ‘A Coherent Approach to Human Rights,’ *Human Rights Quarterly*, 17, 2 (1995), pp. 323–42.

⁸ Full text of the ICCPR is available electronically from the Office of the UN High Commissioner for Human Rights at: <http://www.ohchr.org/english/law/ccpr.htm>.

or that negative rights are the more justiciable of the two.⁹ The cost of providing for the public good through the creation of public education and healthcare systems is expensive indeed – but so is the cost of protecting people from harm through the use of police, courts and other public security measures.

Some of the most creative work in human rights scholarship and advocacy is bent on challenging the supposed trade-offs between different types of rights.¹⁰ For example, while civil and political rights are central to procedural¹¹ definitions of democracy, scholars and activists alike increasingly highlight the ‘substantive’¹² dimensions of the concept – for intellectual as well as practical reasons. Whereas ‘procedural’ definitions of democracy prioritise civil and political rights, ‘substantive’ definitions recognise that ‘socioeconomic conditions as well as state structures and practices, are equally decisive ingredients of a democratic system’.¹³

Latin American constitutions contain quite generous provisions for positive rights, similar to the constitutions undergirding the social welfare democracies of Canada or many continental European countries. Yet in Latin America, despite transitions waged to restore democracy just two decades ago, democratic regimes throughout the region are newly under threat because they have not proven effective in ensuring basic economic stability or equitable development.¹⁴ The pressure of balancing liberalisation

⁹ Cass Sunstein, *The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need it More than Ever* (New York: Basic Books, 2004); Ida Koch, ‘The Justiciability of Indivisible Rights,’ *Nordic Journal of International Law* 72, 1 (2003): 3–39; Wiktor Osiatynski, ‘Social and Economic Rights in a New Constitution for Poland,’ in Andras Sajó (ed.), *Western Rights? Post-Communist Application* (The Hague: Kluwer Law International, 1996), pp. 233–69.

¹⁰ Carlos Basombrio, ‘Looking Ahead: New Challenges for Human Rights Advocacy,’ and Eduardo Caceres, ‘Building a Culture of Rights,’ both contributions to a special issue of *NACLA Report on the Americas*, ‘Rethinking Human Rights’, 34, 1 (July/August 2000). See also Rhoda Howard, ‘The Full-Belly Thesis: Should Economic Rights Take Priority over Civil and Political Rights? Evidence from Sub-Saharan Africa,’ *Human Rights Quarterly*, 5, 4 (November 1983), pp. 467–90; Caroline Moser and Andy Norton, *To Claim Our Rights: Livelihood Security, Human Rights and Sustainable Development* (London, 2001); Kenneth Roth, ‘Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,’ *Human Rights Quarterly*, 26, 1 (2004), pp. 63–73.

¹¹ According to a ‘procedural’ definition, democracy entails the regular holding of free and fair elections.

¹² According to a ‘substantive’ definition, democracy essentially entails the progressive expansion of citizenship to all realms of politics and society.

¹³ Augusto Varas, ‘Democratization in Latin America: A Citizen Responsibility,’ in Felipe Agüero and Jeffrey Stark (eds.), *Fault Lines of Democracy in Post-Transition Latin America* (Miami, 1998), p. 146.

¹⁴ Guillermo O’Donnell et al., *The Quality of Democracy: Theory and Applications* (Notre Dame, 2004). Dietrich Rueschemeyer, ‘Assessing Inequality,’ *Journal of Democracy*, 15, 4 (October 2004), pp. 76–90.

and privatisation amidst processes of democratic consolidation in the 1990s is partly to blame, as are longstanding internal social inequalities.

Paola Cesarini explored how these tensions play out in controversies over transitional justice in the region. On the one side are those who claim that transitional justice should address only individual victims of the most patent human rights abuses (i.e. the tortured, imprisoned, murdered or disappeared people and their families.) This group usually includes the bulk of lawyers, psychologists and political scientists. On the other side are those who maintain that transitional justice should also include 'redistributive' or social justice measures to address the needs of the less immediately evident victims of former dictatorships, such as the poor or marginalised. This group tends to include sociologists, social psychologists and anthropologists.

Social justice measures in the context of transitional justice are deeply controversial because they are usually aimed at redistributing wealth away from the minority privileged by the former despotic regime (a much larger group than 'perpetrators of atrocities') and towards all those dispossessed and discriminated against under the previous rule (a much larger group than 'victims of atrocities'). Hence, including social justice in the general definition of transitional justice would entail – as South African President Thabo Mbeki and scholar Mahmood Mamdani have both argued – a net transfer of resources from the present beneficiaries of past evil, to the formerly oppressed majority of the population.¹⁵

In contrast, excluding social justice would drastically reduce the number of those who may legitimately claim victim status. It would privilege individual over group claims. It would clearly restrict democratisation to minimalist or 'procedural' requirements. And, it would largely disqualify Marxist contributions from the general debate on transitional justice. In Latin America, these are not obscure conceptual disputes among academics; but issues the resolution of which stands to shape future progress in the field of transitional justice.

Workshop participants agreed that it is unrealistic to expect intellectual orthodoxy across disciplines or for a common 'definition' of human rights to emerge through interdisciplinary scholarship. As Jo-Marie Burt pointed out, human rights themselves are social constructions and entail claims on the relationship between states and societies. Thus, while international human rights law clearly shapes related compliance around the world, human rights notions are also being continuously re-moulded by states' behaviour and civil society mobilisation. The challenge, then, is to identify both the causal configuration among historical, social and political factors that

¹⁵ Mahmood Mamdani, 'Reconciliation Without Justice,' in *Southern African Review of Books*, 46 (1996), pp. 3–5. See also Antjie Krog, *Country of My Skull* (Johannesburg, 1998).

produce specific understandings of human rights at a particular juncture, and the mechanisms that sustain these understandings over time. Interdisciplinary work is well-suited to this task.

Interdisciplinary work is also helpful in distinguishing the factors that reflect political contingencies from those that mirror slow-moving social or cultural processes. For example, while political scientists have pioneered efforts to identify particular constellations of actors involved in pacted transitions to democracy as evidence of the former,¹⁶ sociologists, historians and anthropologists point towards broader social, cultural and economic trends as evidence of the latter. In this respect, many in our LASA panel noted that in several Latin American countries, efforts to broaden the scope of individual rights are clashing with contingent social notions of security and criminality.

As Jo-Marie Burt explained, in societies beleaguered by internal violence, citizens increasingly regard human rights NGOs as protecting ‘criminals’ rights’ on account of the fact that these groups insist on due process and the presumption of innocence until one is proven guilty. She as well as Diane Davis and Mark Ungar all noted that, as a consequence, efforts by new democratic actors to reduce police abuse of ordinary citizens are being offset by disturbing favourable public opinion trends toward aggressive vigilantism and diminished tolerance for criminals’ or prisoners’ rights as human beings.¹⁷

Normative challenges

The normative dimension of human rights scholarship was another major focus of the workshop, participants highlighting three central concerns in this regard. The first was that a hierarchical approach to human rights analysis structurally constrains the evolution of scholarship, policy and advocacy. Privileging one type of right over another, in fact, may skew the way rights are studied, protected and promoted.

Historically, the United States has emphasised civil and political rights over economic, social and cultural ones in domestic law-making, policy priorities, and foreign policy. The reverse was true for the Soviet Union and

¹⁶ Guillermo O’Donnell, Philippe Schmitter and Laurence Whitehead, *Transitions from Authoritarian Rule* (Baltimore, 1986).

¹⁷ Burt cited a range of work on related issues, including: Angelina Snodgrass Godoy, ‘Lynchings and the Democratization of Terror in Postwar Guatemala: Implications for Human Rights,’ Working Paper, Center for Latin American Studies, University of California-Berkeley, available at: <http://www.clas.berkeley.edu:7001/Events/spring2001/02-07-01-godoy/paper.html>. Teresa Pires do Rio Caldeira, *City of Walls: Crime, Segregation and Citizenship in Sao Paulo* (Berkeley, 2000); Juan E. Mendez, Guillermo O’Donnell, and Paolo Sergio Pinheiro (eds.), *The (Un)Rule of Law and the Underprivileged in Latin America* (Notre Dame, 1999).

its satellites. More recently, in the 1990s, the 'Asian values' debate stirred controversy over the cultural appropriateness of 'Western' values (such as individually based civil and political rights and freedoms) for Asia, where other values (such as the collective right to economic development) were argued to take precedence.¹⁸

Intellectual reification of these rights 'trade-offs' has significant practical and normative implications. It influences how governments allocate funding for institutional and programme development, and how they write laws; it affects the priorities of bilateral, regional and multilateral donor institutions; it affects data collection and documentation activities by local human rights organisations; and it influences the way people at the grassroots level experience rights in their everyday life. But human rights protection and promotion does not have to be a zero-sum game, in which people lose out on one type of right if another is promoted. For example, Nobel Prize winning economist Amartya Sen has challenged the hierarchy of rights by arguing, instead, for the interdependence of economic development and political freedom.¹⁹

A second normative concern highlighted in the workshop was more epistemological in nature: how should social scientists engage norms (and by extension, human rights) as an object of study? Participants noted the tendency of positivist social science to underplay the role of norms. Jo-Marie Burt highlighted political scientist Michael Freeman's observation that traditional social scientists have sought to 'purge' their work of 'ethical considerations' in an effort 'to achieve greater objectivity'. Yet Freeman argues that in doing so, 'they risk neglecting that social science is – in and of itself – inescapably ethical. Like all social practices, social science takes place in a field of power. If it fails to recognise this social fact, it is more likely to serve the powers that be. A social science of human rights must have other purposes, and thus must be self-conscious about its ethical commitments'.²⁰

This is an intra-disciplinary debate, as well as an inter-disciplinary one. As early as 1948, anthropologists argued among themselves over the notion that 'as long as we cannot ourselves divorce our opinions from our facts we cannot expect others to take us at face value as scientists'.²¹ In political science, the rift between proponents of a rationalist/structuralist approach and those working from a cultural/ideational approach seems to have deepened with time. While the former focus on actor/group behaviour and

¹⁸ Goh Chok Tong, 'Social Values, Singapore Style,' *Current History* (December 1994), p. 417. See also JoAnne Bauer and Daniel A. Bell, *The East Asian Challenge for Human Rights* (New York, 1999).

¹⁹ Amartya Sen, *Development as Freedom* (New York, 2001).

²⁰ Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Cambridge and Malden, MA, 2002), p. 100.

²¹ H. G. Barnett, 'On Science and Human Rights,' *American Anthropologist*, 50 (1948), p. 355.

socio-economic/institutional factors, the latter also address the ideological and ethical dimensions of politics.²² Yet political theory itself is a sub-field of political science whose primary intellectual concerns are ethical and philosophical in nature – and some political scientists have sought a better understanding of political institutions not only to benefit knowledge for its own sake, but also to create innovative institutional designs that can better ensure fundamental freedoms. Moreover, even among political scientists, there are today plenty of scholars who, having openly declared their ethical commitments, move on to carry out solid, objective, and often excellent interdisciplinary research.

Scholars of democratisation, for example, have never hidden the moral stimulus that motivated their research in the first place. Yet their work has been criticised more for theorising an alleged trade-off between human rights and democratic stability²³ (at least in the initial phase of democratic transition) than for being ‘normative’. In this connection, Paola Cesarini argued that the most promising scholarship on transitional justice – much of it pioneered in Latin America – addresses specific human rights issues within broad historical and normative frames.²⁴ It asks why did human rights abuses emerge in this particular context and not in others? And which kind of transitional justice works best in this context to prevent similar recurrence of atrocities or despotism in the future? Similarly, cutting-edge work on change in international human rights norms has been driven by scholars who focus on the ‘moral’ dimensions of social activism. Had these scholars focused exclusively on *realpolitik* as the principal force in international relations in the name of scientific purity, they would have possibly underplayed both the power of moral entrepreneurs and the autonomous causal role of ideas in shaping political outcomes.²⁵

A third normative concern explored in the workshop was the tension over whether or not – in addition to analysis – human rights scholarship should

²² Yet, as Todd Landman points out, ‘these categories of explanation [need not] be deployed in mutually exclusive fashion, but [rather] as cross-cutting dimensions that help account for the variation in human rights protection that is observed’. Todd Landman, ‘Comparative Politics and Human Rights,’ *Human Rights Quarterly*, 24 (2002), p. 922.

²³ See, among others, Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, 1991); Guillermo O’Donnell, Philippe C. Schmitter and Laurence Whitehead (eds.), *Transitions from Authoritarian Rule*.

²⁴ For an excellent example see Anne Sa’adah, *Germany’s Second Chance: Trust, Justice, and Democratization* (Cambridge, MA, 1998).

²⁵ Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca, NY, 1998); Martha Finnemore and Kathryn Sikkink, ‘Norm Dynamics and Political Change,’ *International Organization*, 52, 4 (Autumn 1998), pp. 887–917. Jackie Smith and Hank Johnston (eds.), *Globalization and Resistance: Transnational Dimensions of Social Movements* (Lanham, MD, 2002); Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, *The Power of Human Rights: International Norms and Domestic Change* (New York, 1999).

aim for advocacy of particular policies. John L. Hammond and Jo-Marie Burt both argued that there is not necessarily a trade-off between personal normative concerns about human rights and a scholar's ability to carry out sound research on the subject. Although social scientists are often uncomfortable calling attention to their values, it is undeniable that many who study human rights do so *because* they want their intellectual work to defend those rights and honour the heroic struggles of those who sacrifice daily to defend human rights on the ground – both in Latin America and elsewhere. Perhaps, then, Hammond noted, these scholars can best serve the cause of human rights by recognising their normative motivations explicitly, rather than by artificially refraining from participating in the policy debate.

Evidence of increasing attention to human rights advocacy in academia is provided by the growing formation of human rights caucuses within key international professional associations.²⁶ Participants in our LASA panel, however, strongly cautioned that understanding the specificity of geographical, cultural and historical contexts is central to making informed individual and collective recommendations about the human rights at stake.

As Mark Ungar explained, 'probably the most important way to bring out the similarities [on human rights] among different countries, without obscuring important differences, is to have discussions in which those connections are outlined and debated. Rightful sensitivity and awareness of national differences tends to discourage generalisations, but it would be beneficial if those generalisations could at least be discussed, and then modified to fit differences between countries. For example, there are striking similarities in the weaknesses and attacks facing human rights bodies like the *Defensoria del Pueblo* [in Latin America] – in part because of similar political circumstances and cross-regional cooperation that led to their creation. Spelling out such similarities identifies basic problems that then form the basis of policy responses to address them.'

Methodological Challenges

In addition to the theoretical issues discussed at length in the workshop, a number of practical methodological issues emerged as central concerns. One was that of measuring human rights, particularly economic rights. Throughout Latin America, newly democratic regimes have found it

²⁶ The disciplines of history, sociology, anthropology and political science have all witnessed the formation of human rights groups within their leading professional associations. For example, see Anton De Baets, 'Fighting Oblivion: The Activities of the Network of Concerned Historians,' in Carlos Barros (ed.), *Historia a Debate: Actas del III Congreso Internacional* (Santiago de Compostela, forthcoming), available at: <http://odur.let.rug.nl/~nch/fighting%20oblivion.pdf>.

increasingly difficult to fulfil their own citizens' claims to adequate food, shelter, housing, medical care and other basic necessities. Framing these issues as rights has become a popular strategy among grassroots activists and social movements; and some of the region's leading human rights organisations are turning their attention to economic rights claim-making.²⁷

Yet these rights remain less well conceptualised, measured and implemented than civil and political ones, not only in the region but also internationally. In part, this is a function of the nature of existing human rights databases. As Shareen Hertel pointed out, these tend to focus on violations of civil and political rights, tracking incidences of state abuses, ranking countries in terms of how well negative rights are safeguarded. But there is little standardised data available either on violations by non-state actors, or on performance regarding economic, social and cultural rights.²⁸

Economic rights – if measured at all – are often conceptualised in terms of discrimination (e.g., in terms of how access to resources for particular groups is limited or restricted by the state). But entities other than the state (such as corporations) also violate rights, and scholars' ability to measure those violations or to assess the nature of responsibility for rights promotion by non-state actors lags far behind their ability to measure state abuses of civil and political rights.

Analysis of economic rights opens up rich terrain for interdisciplinary work, such as work on measuring the right to a 'living wage' or the right to adequate social security across countries in the region.²⁹ Yet such discussions often bring scholars back to the thorny theoretical debates sketched above. For Diane Davis, '[w]hat constitutes development, and who should be afforded the 'human rights' to partake of it are very complex questions whose answers vary over time and place and in political and developmental context'. For Jo-Marie Burt, the tendency of many political scientists, in

²⁷ For example, the Hemispheric Social Alliance – a network spanning North and South America and the Caribbean – has mobilised thousands of citizens to protest at inter-governmental forums on regional trade integration and has developed an alternative platform for regional economic development. See <http://www.art-us.org/HSA.html> and leading human rights organisations such as Mexico's Centro de Derechos Humanos 'Miguel Agustín Pro', A.C. have developed integrated human rights strategies emphasizing economic, social and cultural rights explicitly: <http://www.sjsocial.org/PRODH/>.

²⁸ Todd Landman, 'Measuring Human Rights: Principle, Practice and Policy,' *Human Rights Quarterly*, 26, 4 (November 2004), pp. 906–31. As Landman explains, 'scholars have argued that it is hard to measure economic, social and cultural rights since their progressive realization relies on the fiscal capacity of the state for which not comparable measures are possible' (p. 923). See also papers prepared for a workshop on 'Measurement Issues in the Analysis of Human Rights' (SC 19), co-organized by Todd Landman and Claudia Dahlerus for the Annual Meeting of the American Political Science Association, September 1, 2004, Chicago (<http://www.apsanet.org/mtgs/shortcoursedescriptions.pdf>).

²⁹ On the living wage, see Ruth Rosenbaum, *Making the Invisible Visible: A Study of Purchasing Power of Maquila Workers in Mexico* (Hartford, CT, 2000): <http://www.crea-inc.org/ppi.htm>.

particular, to define economic, social and cultural rights ‘out of the equation altogether, either as too difficult to measure, or as explanatory variables (poverty explains violence, repression directed at marginalised groups, et cetera) is increasingly problematic as it writes out of the research agenda a whole set of issues, not the least of which is the question of what is the relationship between the deployment of state violence and the exclusion of diverse social and economic groups from exercising their political rights and political voice’.

Some of the most creative approaches to measuring human rights have been pioneered by interdisciplinary teams of sociologists, anthropologists, economists, political scientists, statisticians and others. Patti Petesch highlighted several specific examples of research challenges that offer new avenues for such work. First, she cited the need for improved measures and corresponding survey methodologies for assessing economic rights. More open-ended data collection, for example, would offer insight into ‘bottom-up’ conceptual frameworks of human rights. Scholars from different social science disciplines – such as economics and sociology – will need to collaborate on developing new tools for assessing economic rights priorities and performance, particularly in the context of democratic consolidation in Latin America.³⁰

Secondly, Petesch noted the challenge of balancing randomised sampling techniques (integral to large-N statistical work) with techniques for capturing the particular characteristics of specific subnational regions, communities and social groups, households and individuals under observation. As she explained, randomised sampling techniques can ‘short-circuit demand-driven processes’ that are central to understanding ‘rights-based development’. A random sample may include communities or individuals which have been directly engaged in organised struggles for social and economic rights – a process of empowerment increasingly viewed as central to sustained and inclusive development advances. The challenge is to balance the need for statistical/quantitative rigor with the need for qualitatively descriptive data that more accurately conveys the underlying mechanisms, perhaps by combining techniques in a research design.

Finally, Petesch noted the challenge of addressing the ‘ethics’ of data collection – from ‘openness about the purpose of a study’ to the ‘consent of the study population, validation of findings, and returning the data in ways that local people can benefit from and potentially use’. These activities should be built into the research design and schedule, and fully funded. Yet,

³⁰ For example, see the UN Development Programme’s 2004 *Report on Democracy in Latin America*: <http://democracia.undp.org/Default.asp?Idioma=2>.

when research or project budgets and timelines are tight (as they are for many scholars and activists), such aspects are often ignored.

Workshop participants also indicated a number of practical obstacles to interdisciplinary human rights research on Latin America. Such work can be personally dangerous, particularly when it aims at uncovering power hierarchies and, in many cases, exploring extra-legal activity. And as Mark Ungar noted, the ‘dispersed nature of contemporary rights abuses, along with the inaccuracy and inaccessibility of government agencies and reporting mechanisms’ increase the difficulty of accurately documenting violations. ‘Partly because of this lack of reliable data, policy prescriptions also vary’, Ungar explained. While rights groups produce valuable critiques of state policy, these are not always accompanied by ‘feasible’ recommendations for policy change. Moreover, while some groups promote cooperation ‘in the form of courses on legal education and practices – such as training prosecutors in [the use of] oral trials, introduced in Latin America in part to strengthen due process rights – this approach risks becoming diluted or co-opted by institutional interests.’

III. Characteristics of an interdisciplinary approach

At first glance, human rights appear to be an object of inquiry that is neither autonomous nor coherent. Our workshop could be interpreted as finding that scholars working on these issues are still struggling to develop a clearly defined and widely accepted set of conceptual, theoretical and methodological tools, with much research being done by borrowing tools from law and the social science disciplines. As John L. Hammond wondered, ‘Does human rights constitute a coherent field of study, or is it a banner of convenience? Will the study of human rights mature and prove that it can act as an overarching category with clear relations among its subfields? In other words, is “human rights” a useful intellectual category, or is it a grab bag, a set of areas to which we apply the existing disciplines because the problems interest us?’³¹

Interdisciplinary human rights scholarship has in the (not so distant) past been greeted with scepticism by more traditional colleagues within individual academic departments, by the programme staff of large foundations

³¹ As discussant, Hammond suggested to the workshop that ‘multidisciplinary’ might be a more accurate term to characterise scholarly exchanges across disciplines than ‘interdisciplinary’ because ‘we can say what various disciplines have to offer, but we hope that a fully integrated study of human rights will reveal that the different disciplines have reciprocal influences that we can’t fully anticipate’. While the authors agree that there is a significant degree of unpredictable mutual influence, we nevertheless use the term interdisciplinary throughout this article, both for consistency’s sake and in the interest of spelling out some general characteristics of this type of research.

who have preferred to support projects with clear and immediate policy applications in a specific context, and by the editors of established academic publishing houses who have found it difficult to create a ‘marketing identity’ for such interdisciplinary work. These challenges have often discouraged would-be interdisciplinary scholars from venturing beyond the comfortable confines of their own fields (or, in some cases, sub-fields) to explore problems and issues with clear human rights implications.

Yet in the field of Latin American studies, interdisciplinary collaboration is common, and it has underpinned some of the most pioneering human rights scholarship. The rich exchange that occurred over the course of the workshop partly informs the following list of characteristics that we argue are central to interdisciplinary human rights scholarship:

- (a) *Clear conceptualisation of all human rights components (e.g., civil, political, economic, social, cultural, environmental, etc.) and of the relationship among them;*
Example: Labour rights include not only civil and political rights (e.g., freedom from forced or slave labour; protection against discrimination) but also economic rights (e.g., right to a living wage). The International Labour Organization has produced over 180 labour conventions³² that can serve as reference points for clear conceptualisation of these differing rights, and for analysis of their inter-connections.
- (b) *An interest in both formal and informal human rights practices that may occur above and beyond – or even despite – human rights law;*
Example: Gender-based violence frequently occurs within the home – a realm historically treated as ‘private’ and largely outside the reach of law. Violence between spouses, partners, parents or children has been less likely to be prosecuted than ‘public’ violence. Feminist activists challenge this public/private dichotomy and argue that domestic violence requires state and societal action. To characterise it as a private affair is to mistake the nature of the problem: domestic violence is a symptom not only of dysfunction in personal or familial relationships but also of societal inequities (e.g., race and class-based inequalities) and misplaced public priorities (e.g., public support for violence, manifested in militarised state security and international relations). Deconstructing these multiple layers facilitates a fuller understanding of abuse.
- (c) *Creation of metrics for comparison, review and updating of human rights data related to (a) and (b)*

³² See the ILO, ‘Text of Conventions and Recommendations, and comments of the Supervisory Bodies (ILOLEX)’, available at: <http://webfusion.ilo.org/public/db/standards/normes/index.cfm?lang=EN>.

Example: Scholars and activists worked for decades to have the phenomenon of ‘disappearance’ (politically motivated kidnapping and murder) publicly recognised as an abuse of the non-derogable right to life. They achieved success largely thanks to their effective efforts in: defining the problem; documenting the systematic pattern of abuse (including similarities in the nature of intent and in the practices employed by those perpetrating such abuse); updating their findings by sharing information regularly within and across countries, and lobbying for the creation of statutes that would formally criminalise the practice in domestic, regional and international law.³³

(d) *Critical awareness of the ethical dimensions of the components under (a) and (b)*; Example: the study of political economy has ethical implications beyond its strictly economic or political factors. The right to work, the right to economic development, the right to freedom of association, more general political rights (such as freedom of speech or assembly) or more general cultural rights (such as indigenous rights to land use) could all be affected by the outcome of actions in the realm of political economy.

(e) *Commitment to analyse human rights both as the result of large historical, cultural, political or socio-economic processes, and as the product of immediate political contingencies*;

Example: discrimination against indigenous peoples is a function of multiple factors, including historically-based patterns of colonial control over local populations and national economic structures (e.g., individualised land titling schemes; patrilineal inheritance laws);³⁴ and the politically contingent dynamics of their incorporation into newly independent nation-states (e.g., limits on suffrage; residency requirements).

(f) *Dedication to problem-driven theorising on the possible determinants and consequences of establishing, protecting or violating human rights (both domestically and internationally)*.

Example: The ‘puzzle’ of *why* democratic transition occurs in certain countries largely derives from theory-building and testing on democratisation, especially in political science. However, the consequences of certain types of democratisation processes (such as those that allow continued violations of the social or cultural rights of vulnerable groups) are at least as important for the quality of a new democracy as

³³ Martha Finnemore and Kathryn Sikkink document this process as part of a broader discussion of the ‘life cycle’ of norms in ‘International Norm Dynamics and Political Change,’ *International Organization*, 52, No. 4 (Autumn 1998), pp. 887–917.

³⁴ Carmen Diana Deere and Magdalena Leon, *Empowering Women: Land and Property Rights in Latin America* (Pittsburgh, 2001).

the factors that influence regime transition in the first place (such as a coalition among moderate factions in both authoritarian and democratic camps to extend civil and political rights to the population at large).

Current interdisciplinary work by many Latin Americanists on issues such as labour rights, political economy, democratic consolidation, ‘disappearance’, gender-based violence and discrimination of indigenous peoples is, for the most part, consistent with the above characteristics. These scholars increasingly appear to be wearing two hats – that of their ‘primary’ discipline and that of human rights scholar. What are the implications of this approach to research, scholarship and human rights practice?

IV. Implications

For the sceptic, the natural response to our list of issues outlined above is ‘So what?’ Do we gain extra explanatory leverage by working academically or practically from an interdisciplinary human rights perspective on pressing problems in Latin America? There are at least three main reasons why we do.

First, an interdisciplinary approach tends to yield a more nuanced understanding of activities that occur at multiple levels and in multiple arenas (e.g., formal/informal; public/private; official/grassroots) than single-discipline-based work. Scholars working across disciplines can utilise the perspectives of different fields to enhance their overall theoretical framework. Concepts from anthropology and history, for example, have deepened political scientists’ and lawyers’ understanding of the origins and uses of legal norms. Similarly, insights from geography and the physical sciences have helped highlight the ecological pressures that can aggravate rights conflicts.³⁵

Scholars working in an interdisciplinary manner are more likely to perceive the struggles of informal-sector workers, for example, both as an economic development challenge and as a question of economic and social rights. Informal sector workers range from one-third to over half of all urban employed people in some Latin American countries.³⁶ These workers are poor and marginalised in their access to credit, technical assistance and market outlets. Many are women or members of ethnic or racial groups that have historically suffered social discrimination. Their underdevelopment results not only from market inefficiencies but also from longstanding social inequalities.

³⁵ The authors have benefited from discussion with Mark Ungar on this point; private correspondence, 23 January 2005.

³⁶ Samuel Freije, *Informal Employment in Latin America and the Caribbean: Causes, Consequences, and Policy Recommendations* (Washington, DC, 2004), Table 1(a), page 52. Available at: <http://www.iadb.org/sds/doc/SOCEmpInformal.pdf>.

Second, this approach is well-suited for addressing methodological challenges such as how to combine quantitative and qualitative data. An interdisciplinary research team analysing the experience of new immigrant communities in a particular state, for example, could employ participant observation, ethnographic study, randomised survey techniques, and/or archival analysis to explore particular theoretical or empirical puzzles. Recent research on the development of citizenship rights among Mexican indigenous immigrant communities in the United States offers evidence of such fruitful collaboration, particularly among scholars from political science and sociology.³⁷

Third, an interdisciplinary human rights approach helps bridge the academic/practitioner divide. Some of the most careful analysis of human rights issues is being carried out by members of research and advocacy networks that are explicitly international and interdisciplinary. Creating such networks takes time and painstaking negotiation. Even if scholars are not directly involved in building such networks, they can draw on the 'lessons learned' by network participants. Scholars stand to benefit from the fact that activist networks openly interrogate hierarchies in the accumulation of knowledge and the distribution of resources for human rights scholarship, advocacy and field work. They resist standard assumptions central to the way human rights are defined, measured, protected and promoted. And they stress transparency and horizontal sharing of information; consensual decision-making; and critical listening skills.³⁸

Human rights scholars and practitioners literally may not speak the same language, yet each has tools and access to critical resources that the other needs in order to do her or his own work. Academics concerned with measuring human rights data, for example, often have sophisticated technical skills, such as in statistics and computing that staff of advocacy organisations may not possess. Academics tend to have more institutional resources at their disposal than do overworked, underpaid human rights defenders and promoters. Yet grassroots activists have unique access to human rights victims or other members of local communities whom scholars seek to understand.

Bridging the scholar/practitioner divide and crossing the boundaries separating academic disciplines, then, can foster the development of country-specific or issue-specific policy recommendations that stand to benefit both human rights scholarship, and the lives of people whose rights violations or triumphs occasioned academic inquiry in the first place.

³⁷ Jonathan Fox and Gaspar Rivera-Salgado, *Indigenous Mexican Migrants in the United States* (La Jolla, 2004).

³⁸ Center for the Study of Human Rights, *Capacity Building by Human Rights Organizations: Challenges and Strategies* (New York, 2002).