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Toward a Cultural Theory of Human Rights

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ABSTRACT. Although the term 'human rights' is traditionally taken to refer to fundamental rights enshrined in formal documents, certain basic 'normative rights', such as turn-taking, are central to everyday social life. This paper moves toward a cultural theory of rights, proposing that certain fundamental relations, referred to as 'primitive social relations', are inherent in human social life and relative to the local political orientation can appear as rights or duties. Second, normative rights/duties are maintained through evolutionary developed social skills that are integral to local cultures. Modernization has been associated with a nullification or 'side-stepping' of evolutionary developed defense mechanisms protecting normative rights. Third, legislated rights/duties are a recent arrival in human cultural evolution, and they arose out of the new social relations inherent to large and complex modern societies.

KEY WORDS: culture, duties, normative, primitives, rights

Introduction

The visiting dancers entered two at a time, pranced around the village periphery in opposite directions wildly showing off their decorations and weapons, and then returned to the group outside. . . . When everyone had an individual turn, the entire group entered, danced single file around the periphery several times clacking their arrows against their bows, and gathered at the center of the clearing, where they formed a tightly knit group. After a few moments [the hosts] emerged from their houses and approached the center of the village, each man inviting one or more of the visitors into his house. . . . Within a few minutes the dance plaza was deserted and the visitors were resting comfortably in their hosts' hammocks.
   After the guests had been given their first round of soup, the men of [the] village assembled outside the entrance and came in to dance around the village for their guests. They, too, had an opportunity to put on a display of their own decorations, after which they retired to entertain their guests.

Chagnon's studies of the Yanomamo Indians of Venezuela and Brazil include detailed examinations of social relations in daily life, such as this account of interactions between a host village and a group of visitors taking turns to display their costumes and dancing prowess (Chagnon, 1992, pp. 175–176). The Yanomamo are particularly known for their high aggressivity, 'Approximately 40% of the adult males participated in the killing of another Yanomamo' (Chagnon, 1992, p. 205), and the encounter described above ended with violent fighting between members of the host village and the guests. But even in their fighting rituals, the Yanomamo adhere to turn-taking rules. The following describes turn-taking in a chest-pounding duel:

> Two men, one from each side, would step into the center . . . urged on by their comrades. One would step up, spread his legs apart, bare his chest, and hold his arms behind his back, daring the other to hit him. The opponent would size him up, adjust the man's chest or arms so as to give himself the greatest advantage when he struck, and then step back to deliver his close-fisted blow. He would then wind up like a baseball pitcher, but keeping both feet on the ground, and deliver a tremendous wallop with his fist to the man's left pectoral muscle. . . . The recipient would stand poised and take as many as four blows before demanding to hit his adversary. He would be permitted to strike his opponent as many times as the latter struck him. (Chagnon, 1992, pp. 179–180)

The case of the Yanomamo Indians serves as a useful point of departure for this exploration of a cultural theory of human rights, because it highlights a fundamentally important feature of human social relations: turn-taking and associated rights and duties. In this paper I use the example of turn-taking to highlight the cultural basis of rights, an important but neglected topic. I am not concerned to review the structural features of turn-taking, a topic that has for some time now received attention (e.g. Tannen, 1989).

Normative and Formal Rights

In the Yanomamo case, turn-taking can be interpreted as involving rights—such as the rights of both hosts and guests to have their respective turns in displaying dancing prowess—as well as duties—the duties of hosts and guests to allow others to have their turns. Whether and how rights and/or duties are recognized and interpreted in such situations, I shall argue, depends on cultural conditions. In the present discussion I focus specifically on what I shall refer to as 'normative rights', defined as *rights that are informal and unwritten, but legitimized by norms, rules, roles, and other aspects of the normative system of a culture.* Despite being informal, normative rights are generally adhered to because they are part of what is

seen to be correct behavior in a given cultural context. For example, in many societies children are taught that it is impolite to interrupt others when they are speaking. Normative rights are upheld by everyday social practices and related social skills, such as those involved in listening, speaking in turn, and successfully participating in a dialogue.

In focusing on normative rights, I am explicitly giving priority to two things: first, a set of human rights not directly related to the formal legal system, either national or international. The term 'human rights' is traditionally taken to refer to those fundamental rights enshrined in formal documents such as the Universal Declaration of Human Rights issued by the United Nations General Assembly in 1948, and the many other formal codes of ethnics and declarations on abuse (see the list in Stover & Nightingale, 1985, Appendix A; United Nations 1983a, 1983b). Such formal or 'legislated' rights are enshrined in 'black-letter law' rather than 'commonsense law', the former referring to justice as specified in legal codes and the latter to what ordinary people think is just and fair (Finkel, 1995). Human rights declarations and the like are modern documents and have no analogue in the pre-modern world.

Legislated rights are at present given a great deal of attention; they are studied by law students, interpreted by judges and scrutinized by experts and political bodies, among others. Discussions of 'rights violations' invariably focus on legislated rights. In contrast, very little attention has been given to normative rights, although in recent years a few psychologists have researched attitudes, values and, to some extent, behavior in this domain (Doise, Spini, & Clemence, 1999; Moghaddam & Vuksanovic, 1990). Also relevant to normative rights are a number of theoretical formulations concerning the rules of everyday social interactions, particularly those of Goffman (1959, 1967), Lakoff (1979) and Brown and Levison (1987), who in their different ways highlight the skills people need to learn in order to be able to behave correctly so as to maintain politeness in relationships.

Second, I am giving priority to continuity, rather than change, in social relations over long historical periods. This is in line with an attempt by some historians to more accurately identify continuity across socially constructed historical 'periods', and to avoid 'periodization', the tendency to invent differences between people living during 'the Middle Ages, the Dark Ages, the Renaissance, the Roman era', and so on (e.g. see discussions in Golden & Toohey, 1997). The focus on continuity is also an attempt to give more attention to social psychological processes, characterized as they are by a dynamic interplay between change and stability. This is in contrast to the relatively static picture of social life afforded by explanations in traditional psychology, and particularly interpretations of the 'one-hour slice' of behavior that is the focus of laboratory studies (see Moghaddam & Harré, 1992, for an alternative interpretation of behavior in the laboratory context).

The Primacy of a Cultural Explanation of Social Relations

Turn-taking is an example of social behaviors that come under the broad heading of cooperation. Of course cooperation is not unique to humans; it is common among social insects and many other animals (Wilson, 1975). For example, ant colonies are highly cooperative, so that individuals sometimes even 'sacrifice' themselves in order to increase survival chances of the group (although, unlike humans, ants have not been known to make sacrifices because they have fallen in love, or because of commitment to a political ideology). In the case of animals cooperation involves individuals who are related; individuals in ant colonies are siblings. For that long evolutionary period when humans lived in small groups, their cooperation would have been mostly with related others. However, with increases in group size there was also an increase in cooperation with non-related others. Indeed, humans are unique in that they cooperate in large numbers with others who are not related to them. Modern human societies could not survive without this kind of cooperation, since most people work and live alongside unrelated others.

But cooperation among humans presents an evolutionary puzzle that needs to be addressed, in part because cooperating with others is costly. Individuals who behave selfishly would spend less resources on cooperation, and would presumably enjoy greater opportunities to gather and invest resources. This would increase their chances of having more offspring that survive. The apparent advantage of selfishness has influenced, sometimes explicitly, the work of researchers in the social sciences. Thus, of the major psychological models of prosocial behavior, only one of them proposes that true altruism exists (see Moghaddam, 1998, ch. 9). The rest assume that pro-social behavior takes place for ultimately selfish reasons; such as in an exchange theory fashion, where persons cooperate with others when they can gain something they want through an exchange.

How, then, can we explain cooperative social relations involving turn-taking and the like, given that selfishness would seem to allow a person to accumulate more resources and to have better chances of leaving more offspring? A number of scholars have turned their attention to this question and have made some headway in unsettling the 'self-interest' or 'selfish' model dominating the social sciences. One kind of explanation for coopera-tion still clings to sociobiological principles and argues that people will cooperate with others to the extent that they are genetically similar. This is not an appropriate place for a review of sociobiological literature on cooperation (for discussions of theoretical issues, see Mansbridge, 1990; for an example of empirical research, see Sosis, Feldstein, & Hill, 1998), but it is appropriate to point out a number of unfounded assumptions underlying sociobiological accounts, such as the assumed ability of individuals to

accurately estimate genotype from phenotype when interacting one-to-one with strangers.

Neither does genetic similarity provide a better explanation when the focus is on inter-group relations. A sociobiological account suggests that groups are more likely to cooperate with genetically similar others, and engage in violent conflicts with genetically dissimilar others (e.g. see Van den Berghe, 1987), the ultimate 'goal' in such cooperation and conflict being to increase the probability of one's own genes surviving. Although this perspective may account for some types of relations between small groups, it is far less successful in accounting for relations between large groups. Consider, for example, alliances during the First and Second World Wars, with Germans and Japanese being allies, and at war with English, French, and so on. Genetic similarity has very little to do with alliances in such wars. A more recent example is the cooperation of the US with Kuwait and other Arab states to fight Iraq in the Gulf War. Clearly, we need to develop explanations that can better encompass the enormous complexity of human behavior.

The most compelling explanation of the evolution of cooperative behavior in humans, I believe, is cultural. We need to account for at least two things. First, we must explain how cultures that encouraged cooperation survived, but those that encouraged non-cooperative behavior did not survive. Second, we must describe the mechanisms by which cooperative behavior is transmitted from generation to generation.

Notice that this cultural approach leads us to highlight collective processes, rather than intra-individual ones. The unit of analysis is the group rather than the individual or the gene. In particular I am interested in the role of normative systems in cultures: norms, rules, roles and other aspects of cultures that inform us about correct behavior in particular contexts. Normative systems are part of what Putnam (1995) refers to as 'social capital', the non-material resources that help a cultural group to survive and flourish, or decline and become extinct. This emphasis on the cultural characteristics of a group takes us in an opposite direction from sociobiology and its various formulations, some of which explicitly attempt to develop as theories of social behavior (e.g. Blackmore, 1999). Instead of reducing the unit of analysis from the individual organism to the gene, we make the unit of analysis the collectivity and concern ourselves with the normative system that allows social interactions to take place smoothly

Major Propositions in Brief

As a step toward a cultural theory of human rights, I put forward four basic propositions. Below I elaborate on, and provide supporting arguments for, these propositions.

- *Proposition One*: Certain fundamental relations, referred to here as 'primitive social relations', are inherent in any form of life we recognize to be human.
- *Proposition Two*: Relative to the local political orientation, primitive social relations can appear as rights or duties. Historically there has been a shift from an emphasis on duties (as in feudal times) to rights (democratic capitalism).
- *Proposition Three*: Normative rights/duties are transmitted and 'protected' through evolutionary developed skills that are part of culturally appropriate human communications systems.
- *Proposition Four*: Legislated rights/duties emerged out of new social relations in modern societies and are very recent in human cultural evolution. Integral to the new social relations is increased centralization of power in the hands of elites (kings, chiefs, government ministers, presidents, etc.), and increased distance between elite and non-elite groups.

Elaborations on the Propositions

Elaborations on Proposition One

The evolution of primitive social relations. Bipedalism evolved among our ancestors around four and a half million years ago in Africa (Foley, 1995). Thus began a long journey, eventually leading to the use of tools over two million years ago, the migration out of Africa over half a million years ago, and the evolution of language skills about 150,000 years ago. During this journey, humans were first migrators and colonizers (Gamble, 1993), and lived mostly in a hunter-and-gathering subsistence life (Kelly, 1995). The course of human evolution was influenced by biological factors, but this was not a determining influence since culture also played an increasingly important role along the way (Megany, 1995). The influence of culture increased dramatically with the evolution of language skills, and the interrelated development of tools (see discussions in Gibson & Ingold, 1993). An integral and foundational part of culture has been the normative system that prescribes correct behavior through rules, norms, values and roles.

Like all other characteristics of organisms, culture could help or hinder in the evolutionary struggle for survival. Within-species cultural variations have meant that some individuals and groups are more adaptive; their cultural habits are 'fitter' for survival in a particular environment. An important example of such cultural habits is skills in social relationships, such as skills in cooperative and turn-taking behavior. Such 'primitive' social relationships, *defined as social relations that have to be present in order for even a rudimentary human society to exist*, became integral to everyday practices of social life, as people in groups tackled the enormous

practical challenges of caring for the young and ensuring the survival of the community.

Let us begin with the observation that cultures vary with respect to the degree to which they encourage and support cooperative behavior. Some cultures nurture cooperation, so that children grow up knowing that the correct way to behave is to cooperate with others as much as possible. At the other extreme we can conceptualize cultures that nurture non-cooperation and teach the young that non-cooperation and selfishness are correct.

Cultures will not evolve to be purely cooperative or purely non-cooperative. Cultures do not evolve in isolation. Individuals move across cultural groups, through marriage, and so on, transporting cultural characteristics with them. Contact between cultures, through trade or war and other means, also leads to inter-cultural influence. Consequently, cooperative and non-cooperative cultures influence each other, so that all cultures involve cooperative and non-cooperative features to varying degrees.

The most adaptive cultures are likely to be those that encourage cooperation more than non-cooperation. Such cooperative cultures will be more effective at gathering and mobilizing resources to tackle challenges. Work in groups will be more productive in cooperative cultures. This advantage means that cooperative cultures will be less likely to die out, and more likely to pass on their characteristics. This reasoning is in line with generally accepted evolutionary principles. Much more controversial is the question of how such cultural characteristics are passed on from generation to generation (Boyd & Richerson, 1985)

Primitive social relationships evolved and survived for pragmatic reasons; just as their continuation and spreading depended on their practical benefits. Social relationships that aided survival survived with those who carried them. Those individuals and groups who successfully passed on such social relationships to the next generation improved the survival chances of their offspring. Thus, it was essential to have effective systems of communication and training so that these and other types of useful information and skills could be taught to the young.

Primitive social relationships were public and embedded in life 'out there' in the collectivity, rather than residing in the private minds of individuals (see Harré, 1994). They were integral to social practices, to the way things were done, to the practical matters of how to tackle problems. Their starting points and sources were the external world of concrete actions. Similarly, they were carried by public systems of communications, both verbal and non-verbal. In a Vygotskian sense, primitive social relationships began life in the social and were then internalized and personalized by individuals (Vygotsky, 1934/1962).

Cultural evolution and progress. It is necessary to make a clarification at this point concerning the relationship between cultural evolution and 'progress'.

It would be wrong to equate the term 'evolution' with 'progress'. According to classical Darwinian theory, the ability to survive depends on the ability to successfully reproduce. There is no guarantee that what survives is 'better', or that it represents 'progress'. In the domain of cultural evolution, for example, cultural artifacts that continue to be reproduced in greater numbers survive, but there is no guarantee that they are 'better' than artifacts that cease to be reproduced and become extinct.

Neither is it the case that the phenomena that survive necessarily do so because they serve a useful function for the culture as a whole. Within each culture there are many sub-groups, each with their own different criteria systems, as well as their mechanisms for protecting themselves. Examples of such sub-groups include floaters of junk bonds, fortune tellers, some groups of researchers, and armies with 'smart weapons'. Each of these groups may well succeed in reproducing themselves and surviving, without necessarily serving a useful function for society as a whole. This is akin to 'runaway selection', whereby a trend started by chance or by a slight functional advantage at some earlier stage now takes on a life of its own and evolves independently. An example is the peacock's tail, which makes it much more difficult for the peacock to avoid predators, but which may have started by a chance preference being shown by peahens for longer tails (Moghaddam, 1997, pp. 135–139). Once it became 'the fashion' for peahens to prefer peacocks with longer tails, a long tail needed no other function other than to attract peahens.

Thus, certain primitive social relations became integral to all forms of life we recognize as human. However, the survival of given primitive social relations does not signify their representing 'progress'; only superior ability to survive and perpetuate themselves under given environmental conditions.

Elaborations on Proposition Two

The interpretation of social relations as rights and duties. While the development of primitive social relations took at least hundreds of thousands of years, the interpretation of social relations as rights and duties is much more recent, with duties predating rights, just as feudal societies predate capitalist democracies. This interpretation probably evolved only in the last 10,000 years or so, with the evolution of more centralized authorities and systems of social organization and governance. As social, economic and political systems became more complex, there also emerged systems for more formal clarifications of correct patterns of behavior. The 'correct way to behave' became codified and publicly announced, so that the standards for proper relations were known to all community members.

Centralized authorities took on the job of enforcing correct behavior. The public and explicit nature of rights and duties meant that transgressors could

be identified and punished. Thus began a long process leading to more formalized, elaborate and pervasive legal systems. The extent to which social relations became interpreted with an emphasis on rights or duties has depended on the cultural characteristics of society.

My contention, then, is that over the course of hundreds of thousands of years certain social relations became integral to human social life and were interpreted as rights and/or duties according to local cultures. Important examples of such social relations are cooperative behaviors, including turn-taking in communications. There also emerged mechanisms or 'carriers' by which social relations were passed on from generation to generation. In the early stages of human evolution, carriers were probably fewer in number and simpler. Conches, sticks, stones, and the like, could have served as carriers, and perhaps a band of hunter-gatherers 50,000 years ago would not have had more than a dozen of these.

Social relations evolved first as adaptive strategies, and much later they were ascribed meaning in line with societal values. For example, turn-taking in communications evolved as an adaptive behavior, and much later this aspect of social relations was interpreted as involving a 'right' of persons to have a turn in conversations, and/or a 'duty' of each person to give a turn to others. Such interpretation would probably have been tacit and informal, perhaps becoming explicit and formalized in very recent evolutionary history, as centralized authorities became more sophisticated. The attribution of meaning to social relations then allowed people to talk about 'rights' and 'duties' in the abstract, and to generalize to other domains of social life where such ideas might apply.

In a Vygotskian (1934/1962) sense, internalized signs evolved gradually out of daily activities, and then acted as tools to mediate between the environment and behavior. After 'rights', 'duties' and other signs emerged, they served to structure various aspects of thinking, influencing how people remembered, perceived, evaluated, and so on. Internalized signs, such as 'rights', 'duties' and other aspects of language, evolved within a social context and reflected the characteristics of particular societies.

The same social relations came to be interpreted differently, depending on the characteristics of particular societies in given historic periods. In Western Europe up until the Middle Ages, the duties of individuals to communities and society generally, as well as to the church and to God, were emphasized more than the rights of individuals. This situation still exists in some parts of the world, such as in Islamic states (Afghanistan, Iran, Saudi Arabia), and more generally in collectivistic societies (Japan, China). But in western societies the collapse of the feudal system and the rise of capitalism was associated with an emphasis on rights rather than duties, and particularly what Berlin (1958) has termed 'negative rights', prescribing the domains in which individuals should be left without inter-ference from others.

The current emphasis on rights in the United States reflects how American capitalism influences the interpretation of social relations that evolved long ago in our evolutionary past. Aspects of social relations, such as taking turns in talking and making a contribution to group decision-making, came to be interpreted as the right to have turns, the right to speak, the right to influence decision-making, and so on. The heightened emphasis on rights, and the lowered emphasis on duties, has been associated with a decline in communities (see Moghaddam, 1997, ch. 6). Various communitarian solutions have been offered to remedy what is seen as a decline in community sentiment (e.g. Avineri & de-Shalit, 1992; Etzioni, 1993), but it may be simplistic to assume that how rights and duties are practiced can be fundamentally changed without major changes in social relations and the larger social structure from which they arise. The current practice of rights and duties in the United States and other western societies, I have argued, is intricately and strongly linked to social relations, and more widely the social structure, in the industrialized West. Such practices should not be considered independent of their practical foundations.

In conclusion, then, primitive social relations came to be interpreted as rights/duties depending on local cultural conditions, with western capitalism leading to greater emphasis on individual rights.

Elaborations on Proposition Three

'Primitive' social relations inherent in human communications

> Regardless of whatever special strategy is pursued within a conversation, there are rules regarding the dialogue itself. This includes allowing another to speak without interruption.

As Eibl-Eibesfeldt (1989, p. 543) points out in his grand survey of human ethology, an elementary feature of human communications is turn-taking. Among all the major linguistic groups, and probably all minor ones also, children are taught to take turns when communicating with others. Studies conducted in the United States show that by the time they are 4 or 5 years old, English-speaking children have learned to turn the head to the left and/ or down at the end of a speech act as a sign that another should take the floor (DeLong, 1976). In my own observations of parenting among Farsi speakers in Iran, I found that as early as the second year children are prodded to take turns and eventually to recognize the primacy of elders in social interactions. It is probable that the learning of turn-taking begins from the first day of life, as mothers use the sensitivity of very young infants to categories of human speech to regulate feeding (Eimas, 1985). Nursing infants learn to take turns in sucking and resting, as the mother feeds the infant and takes rests also.

Children are taught a variety of skills to enable them eventually to turn-take smoothly when interacting with others. Among such skills are those that involve taking into account the characteristics of the listener. By their fourth year children are able to use simpler language when talking with a younger child, shortening their sentences and speaking more slowly (Tomasello & Mannle, 1985). This simplification allows the younger child more opportunities to enter the conversation and take turns appropriately. The concern with turn-taking reflects a more general trend for children to learn politeness. Research in Italy shows that even by the age of 2, children are able to use politeness strategies (say 'please', speak softly, etc.) to make requests (Bates, 1976).

Turn-taking in behavior sequences. Turn-taking is integral to sequences of behavior, to how events are supposed to flow along according to cultural norms. The following examples illustrate this point. The Tiwi of North Australia lived in fairly isolated conditions on Melville and Bathurst Islands, having little contact with outsiders until Europeans began to arrive in large enough numbers to have an influence on Tiwi culture in the late 19th century (see Hart, Pilling, & Goodale, 1988). This isolation explains why a number of special Tiwi customs survived well into the 20th century. One such custom was a duel, fought when a seduction was thought to have taken place. In traditional Tiwi culture young men lacked power and resources and were not able to marry, but older men typically had many wives, some of them very young women. Not surprisingly, this situation tended to result in extra-marital affairs between young married women and young unmarried men.

When a husband (who typically was older) thought he had discovered an affair between his wife and another (typically younger) man, he would make a public accusation and thus would begin an extended process eventually leading to a duel. The accuser would make a public outcry and attract attention, and soon there would be a circle of onlookers viewing the duel between him and the accused. The accuser would be armed, but social convention demanded that the accused remain unarmed. The public denunciations would be extensive and detailed, reminding everyone of the debt the young accused owes to society, and particularly to elders.

After this initial period of verbal abuse, the accuser would set aside his ceremonial spears and start throwing his hunting spears at the accused. The correct way to behave for the accused was to stand about 10 feet away from the accuser, not moving too far outside an invisible circle, rather like a hitter in baseball or a batter in cricket waiting for the pitcher or bowler to deliver the ball. The crowd would let the accuser and the accused know if they were behaving correctly, through their cheers and jeers, as well as sometimes by direct intervention. For example, an accuser who tried to escape the duel would be caught and put in his proper place.

The accused could take a turn at pleasing the crowd and playing the hero. He could show his agility at gracefully avoiding the hunting spears aimed at him. But there was danger in refusing to give up the limelight,

> Continued dodging and jumping and weaving of the body, no matter how gracefully they were done, were not prolonged by any man who hoped in time to become a respected elder himself. The elders in the last analysis controlled betrothals, and holding one of them up to public ridicule was sure to antagonize all of them. So the young man, having for 5 or 10 minutes demonstrated his physical ability to avoid being hit, then showed a proper moral attitude by allowing himself to be hit. . . . A fairly deep cut in the arm or thigh that bled a lot but healed quickly was the most desirable wound to help the old man inflict, and when the blood gushed from such a wound the crowd yelled approval and the duel was over. (Hart et al., 1988, p. 88)

Social relations in this setting can be interpreted as involving rights, duties, or both. One could claim that it is the right of the accuser to punish the accused, because the accused has committed adultery with his wife. On the other hand, the accuser may be seen as being duty-bound to punish the accused, as part of a wider duty to maintain social standards.

A second example of turn-taking comes from mainland China and involves 'Guanxi', a feature of Chinese society that has recently attracted more focused scholarly attention (Kipnis, 1997; Yang, 1994). 'Guanxi' means a relationship, and when applied to interpersonal relations it has the sense of connections based on mutual interest and benefit. Guanxi is developed through doing favors, giving gifts, and in various ways making others obliged to oneself. In order to create and extend Guanxi, individuals invest resources in finding ways to create obligations and debts. On learning that a family need a certain medication not readily available on the market, a person may search all over the city and spend days tracking down the medication to give it to the needy family. In turn, the family will feel heavily indebted to the person who has searched so widely and managed to get hold of the needed medication. When preparations are being made for a wedding, a person may provide valuable equipment, food or other things for the event so as to have created an obligation through an important event in the lives of others. In this way other individuals, and perhaps entire families, will feel indebted to the service provider.

Guanxi circumvents official organizational and authority relations, and generally strengthens unofficial relations and ways of getting things done. Partly for this reason, those in charge of official government systems have attempted to eliminate Guanxi, as happened when the communists gained power in China. The fact that they have not succeeded in this aim, despite the Maoist cultural revolution of the late 1960s and the radical means by which they attempted to bring about change, demonstrates the resilience of the informative normative system that comprises Guanxi. Central to this

system is a form of turn-taking: reciprocity. Favors must be returned so that relationships proceed in an even-handed manner. Those who do not want to return a favor should not allow themselves to become indebted in the first place.

Guanxi is another example of social relations that could be interpreted as involving rights, duties, or both. A person who creates an obligation by doing a favor for another could be seen as having a right to reciprocal favors, or as having a duty to demand correct reciprocity and the normal continuation of *Guanxi* relations. As in other such situations, whether rights or duties are highlighted depends upon the cultural perspective of onlookers

Rights, politeness and sequences of events. Irrespective of how much turn-taking and other cooperative behaviors are interpreted as involving rights, duties, or both, the smooth flow of such behavior depends largely on local rules of politeness. Such rules vary across cultures, but in all cultures they serve at least one common purpose: safeguarding normative rights, such as the right of Yanomamo guests and hosts to have their respective turns in displaying dancing prowess. Rules of politeness require that each person or group be given appropriate opportunities to present themselves, or 'maintain a face', as they desire others to see them. Such rules may require very different types of behavior in different cultures. Consider the case of a woman who wants to be seen as a 'go-getter' and leader, in the vanguard of professional women. She is a medical doctor and works for the government. An important male cabinet minister is visiting her department. How should the cabinet minister behave toward her? In the US, the cabinet minister should greet her and treat her like her male colleagues. There should not be any indication in his behavior that her gender influences her professional role. This is true even in the details of his behavior, such as how he shakes her hand. Imagine if the cabinet minister refused to shake her hand because she is a woman: how outraged she would be, and what an outcry it would provoke in the press!

However, the ensuing outrage would not be any greater than the outrage that would be incited if a cabinet minister in the Islamic republic of Iran insisted on shaking the hand of a female employee. In the cultural context of Islamic Iran, the rules of politeness in government and official public contexts, at least, require that women and men be treated very differently. For example, men should not shake hands with women. In order to present herself as a leader in the Iranian context, a woman would have to refuse to shake the minister's hand, and he would be duty-bound to respect her right to do so.

The rules of politeness also influence the sequence of events as the minister and the government employees interact. The minister is shown around the department to meet section heads and is given opportunities to ask questions. After each question, he waits for an answer. Since his entire

visit is scheduled to last 30 minutes, each employee who is asked a question should keep their responses brief. If an employee gives a long response and delays the minister, rules of politeness have been violated, and others then have the right to intervene and cut short the conversation.

Because rules of politeness can be interpreted differently depending on one's position, there is often competition to justify one interpretation over others. Such competition often involves subtle and implicit maneuvering. Novelists, rather than psychologists, have provided the keenest insights in this domain. In Jane Austen's *Pride and Prejudice* (1813/1959), Elizabeth Bennet walks several miles to a neighboring estate to visit her sister, who has fallen ill and has had to be confined to bed in the Bingley residence. Fearing that Mr Darcy, a rich and eligible bachelor, might be attracted to Elizabeth Bennet, Miss Bingley criticizes Elizabeth's conduct.

> To walk three miles, or four miles, or five miles, or whatever it is, above her ancles in dirt, and alone, quite alone! what could she mean by it? It seems to me to shew an abominable sort of conceited independence, a most country town indifference to decorum. (p. 57)

But Miss Bingley's brother, who has fallen in love with Elizabeth Bennet's sister, prefers to interpret 'the walk' as an indication of sisterly affection rather than an 'indifference to decorum'.

> 'It shews an affection for her sister that is very pleasing,' said Bingley. (p. 58)

Throughout the rest of the story, Miss Bingley and some others attempt to highlight the breaking of the rules of politeness by Elizabeth and her sisters as a way of lessening the appeal they hold for her brother and Mr Darcy.

The transmission of social relations. Central to an account of cultural evolution must be mechanisms for the transmission of social relations. Such mechanisms may in some ways parallel genetic transmission, but in important ways they are different. Genetic transmission takes place through blood relatives, but cultural transmission takes place through the interactions of both related and unrelated persons. At the start of the 21st century cultural transmission relies heavily on mass communications systems that do not require direct face-to-face interactions between sources and targets of messages (Thompson, 1990). Cultural transmission can take place over enormous distances and through indirect means: people all over the world are influenced by values and norms disseminated by Hollywood films, even though the vast majority of people in the world will never visit Hollywood. Although influenced by mass communications, cultural transmission was already taking place effectively when humans still lived in small groups as hunter-gatherers. The enormous flexibility and power of cultural transmission manifests itself in a continuation of trends with ancient roots and is made possible by a number of mechanisms.

A framework for understanding such mechanisms is provided by social reduction theory (Moghaddam & Crystal, 1997; Moghaddam & Harré, 1996). Consider, for example, the practices implementing the norm 'mothers are in charge of cooking in the house, fathers for cooking outside the house'. Even political and economic changes may not influence such norms, so that, despite reforms which bring about greater gender parity, mothers remain in charge in the kitchen and fathers remain in charge of barbecues. This is an example of a social reduction, defined as an elementary social practice which implements a norm and requires the exercise of a related skill that bears directly on a social relationship.

Social reductions do not exist in isolation; they are integrated in social reduction systems, interconnected networks of locally valid practices. Social reduction systems map onto the major domains of human life, such as family relationships, relationships between authority figures and those they have authority over, relationships in sporting events, and so on. Children are taught correct behavior in each domain, within the guidelines of pertinent social reduction systems.

Social reduction systems are maintained by carriers, in a way parallel to human bodies being carriers for genes (as in Dawkins, 1976). Such carriers are enormously numerous and varied: they include myths, traditions, stories, songs, paintings, architecture, symbols, and so on. In the modern context, there are countless readily available examples of carriers. As I write this paper in my office at Georgetown University, a Catholic institution, there is a heated debate on campus about whether or not crucifixes should be placed in all classrooms. Of course, if the crucifix is taken to be just a wooden cross with no symbolic meaning, then the debate becomes meaningless. Nobody gets upset about whether a wooden cross is or is not put up in every classroom. However, a crucifix is not just a wooden cross; it is perceived as an important symbol of Christian (and in this case Catholic) values and traditions. In essence, a crucifix is a carrier of Christianity. It is exactly because of the symbolic significance of the crucifix that supporters see it as essential that a Catholic university have one in every classroom, and opponents argue that the presence of crucifixes in every classroom will create an unfriendly atmosphere for non-Catholics.

To some people a flag is just a piece of cloth; to others it is a symbol of a lifestyle and ideals, it acts as a carrier of things important to them. The flag of the State of Georgia is such a carrier, symbolizing for some the Old South and the more genteel way of life, but for others it represents the world of slavery and continued degradation for African Americans. Currently supporters and opponents of the 'Old Southern' flag are locked in a heated battle over whether or not Georgia should adopt a new state flag. Car bumper stickers such as 'Fight for our flag' and 'Racist flag must go' are one sign of this public debate. The important role of flags as carriers is highlighted by

numerous other instances, such as when revolutions occur and incoming regimes adopt new flags.

Carriers are often flexible, in that they can be discarded if they no longer serve a required purpose, or they can be given more meaning to carry and acquire an even more important function if they show greater potential. In interviews with supporters of the Georgian flag, several participants articulated the view that 'If we lose the fight over the flag, we'll pick another symbol to represent the Old South.' When a carrier no longer serves its purpose, supporters can select another symbol to serve the same purpose and, like troops regrouping around a new leader to fight another battle, they can retrench and begin anew.

The socially constructed nature of carriers means that over time a carrier can gain and lose significance. During the 1960s the brassiere became a symbol of sexism and the repression of women. 'Bra burning' became a symbol that highlighted the role of the brassiere as a carrier of traditional gender roles. By the 1980s the brassiere lost this role as a carrier, and today feminists do not see it as useful for their cause to use bra burning as a symbol. Sexism is now perceived as more subtle. Correspondingly, less tangible and sometimes more distant carriers, such as 'the glass ceiling' faced by minorities in work organizations and the 'mutilation' (circumcision) of women in some 'far-flung' Islamic countries, are being attacked by feminists.

The flexibility of carriers has been highlighted by a fascinating line of scholarship on the 'invention of tradition' (Hobsbawm & Ranger, 1983). Invented tradition involves social practices that attempt to nurture certain values and norms. Such practices are repeated, with an attempt to establish continuity with a distant past. Closer examination reveals that such 'historic' roots are often fictitious and the continuity fabricated. This does not happen only at the macro level of politics and large institutions; it can also happen at the level of everyday family life. One of my neighbors told me that it is a 'tradition' for her family members to travel together to a particular farm and buy a live turkey, which is then killed and prepared for their Christmas dinner. This tradition has been passed on to her children as if it has ancient roots. However, it is not her ancestors who started this practice centuries ago, it was she and her husband early in the 'history' of their marriage.

The important role of carriers, as well as their flexibility, means that they are often the center of power struggles between competing political groups. Revolutions often lead to attempts to eliminate certain carriers. For example, after the revolution of 1979 in Iran, Islamic fundamentalists attempted to ban a number of activities and special holidays with links to Iran's pre-Islamic past, such as the 13th day of the new Iranian year, which is associated with Zoroastrianism. Given the resistance met by such attempts to eliminate long-standing carriers, some new regimes attempt to transform them rather than

banish them altogether. Kertzer (1988) has described a number of com-
pelling examples, including the following:

> Rather than ban May Day observances, the Nazis transformed the day into
> a Festival of National Brotherhood, celebrating the new national solidarity
> under the Nazi regime. March 16, Remembrance Day for the mourning of
> the dead of the First World War, was likewise transformed into 'Heroes'
> Remembrance Day,' associated with the rebirth of the German army and
> the glorification of the military. The nation's flag—now the red flag with
> swastika—was no longer lowered to half-staff as a sign of mourning, but
> flown high as a sign of national pride. Similar attempts at ritual transforma-
> tion of secular and church-related celebrations, including Easter and
> Christmas, became increasingly frequent as the years passed. (p. 166)

In conclusion, within each culture there have emerged powerful, yet often
subtle, mechanisms, such as rules of politeness, for protecting and perpetuat-
ing normative rights. The power of these mechanisms is demonstrated by
the resilience and continuity shown across revolutions and other programs
explicitly designed to achieve change.

Elaborations on Proposition Four

The centralization of power and the emergence of legislated rights. Just as
normative rights emerged as an integral part of social relations in pre-
modern societies, formal black-letter law emerged out of the new social
relations in modern societies. The most dramatic changes in social relations
in modern societies took place from the end of the 17th century in
association with the Industrial Revolution about to get underway in England
and the rest of Europe. The disintegration of traditional rural societies,
millions of people pouring into rapidly expanding urban centers, the fast
growth of factories and the urban slums surrounding them, the emergence of
a new middle class of professionals and merchants, these were just some of
the changes taking place. Underlying these changes were transformations in
the production process associated with the accumulation of capital and the
emergence of labor as another commodity in the marketplace. Workers no
longer owned the means of production, but sold their labor to those with
capital.

The new industrial conditions of life were associated with new social
relations. Workers now lived in large urban centers where most others
remained strangers to them, rather than in small communities where they
had face-to-face interactions with just about every other community mem-
ber. The normative systems, made up in large part of social skills and their
associated norms, rules and roles, that had evolved as 'defenses' to sustain
certain types of normative rights in such small communities were no longer

effective. We can conceive of these 'defenses' as being in some ways similar in function to the inhibitory mechanisms described by Lorenz (1966) when he discussed the inhibition of within-species killing in animals. As long as humans did not have weapons and only relied on hands, teeth and other body parts for attacking others, the evolutionarily developed inhibitory mechanisms could limit within-species killing. It is, after all, much more difficult to kill another human being using our bare hands than it is to use guns and other weapons that allow a victim to be killed from a distance. Similarly, we can conceptualize inhibitory mechanisms as having evolved to defend certain normative rights in small group settings, even if such rights are minimal and serve mainly to allow the group to communicate and function effectively so as to improve survival chances.

My contention here is not that small groups are more democratic or that rights were upheld to a greater degree in pre-modern communities. Of course even those who have face-to-face contact can mistreat one another, as evidenced by cases of husbands mistreating wives, parents mistreating children, slave owners mistreating slaves, and so on. Rather, I am postulating that with modernization there emerged new means by which the rights of very large numbers of people could be systematically violated by relatively small numbers of elites. This became possible particularly because of the more sophisticated and effective apparatus for centralizing power in modern societies.

Increases in the size and complexity of human societies was associated with centralization of power in the hands of elites with more effective state apparatus for controlling different aspects of life in society (Pareto, 1935). The new power elites, supported by armies of specialized experts (Moghaddam, 1997), could rule 'from a distance' and not engage in turn-taking with the non-elites they governed. Elite rule often meant dictating to the non-elite, without giving the non-elite a turn in 'conversations' (of course this tradition continues in many parts of the world). The distance separating elites and non-elites has meant that the breaking of turn-taking rules could continue without the elite having to directly face 'corrective' feedback from the non-elite.

Elites could also organize society, particularly through the legitimization provided by scientists and experts, so that some groups of people came to be defined as not having rights. Slaves, the insane, women, ethnic groups and other minorities have at one time or other been in this situation.

Legislated rights represent a reaction to this trend, and are equivalent in function to the inhibitory mechanisms that sustained normative rights in pre-modern societies. The objectification of rights through black-letter law serves to protect individuals, to some extent at least, irrespective of elite/non-elite status. Just as the social relations from which black-letter law emerged are characterized by impersonality and gulfs, so, too, is the legal

system supporting rights in modern societies. Justice is supposed to be served without any deviations due to personal or family or other relationships.

Of course, just as normative rights could be violated in primitive societies, so, too, can rights based on black-letter law be violated in modern societies. Just as turn-taking and reciprocity rules could be, and probably were, disregarded by powerful 'authoritarian' individuals in small human communities 50,000 years ago, so, too, the 'formal' or black-letter law rights of the less powerful are violated by more powerful agents in modern societies. Irrespective of whether a right is supported by informal normative systems or formal black-letter law, there are no guarantees that it will be upheld, as demonstrated by the experiences of African Americans, the economically deprived and other power minorities (Cole, 1998).

Thus, the articulation of rights in the form of black-letter law arose out of social relations in modern industrial societies, and was particularly influenced by the centralization of power in the hands of elites. The gulf between elites and non-elites and the enormous concentration of power in elite hands has been to some extent counter-balanced by the emergence of formal legal systems which act as protective mechanisms, just as rules of politeness and the like protect normative rights.

Concluding Statement

The central thesis of this paper, then, is that the political concept of rights has its origins in certain social psychological characteristics of human beings, which have to do particularly with interpersonal relations. These social psychological characteristics evolved over hundreds of thousands of years, initially in association with the emergence of normative rights. The particular example I explored is that of turn-taking, which I take to be an example of 'primitive social relations', an essential feature of any form of social life we recognize to be human. Thus, my contention is that normative rights evolved out of particular types of interpersonal processes, and that ideas and other aspects of intrapersonal processes concerning rights eventually emerged out of transformed social relations in modern societies.

The emergence of capitalist democracies has been associated with an emphasis on individual rights as well as duties to the state, but duties to other individuals and communities have received less support. This is in contrast with the feudal systems that predated capitalism, where duties were given greater weight. Such shifts in the interpretation of social relations are profoundly cultural and malleable. My analysis suggests complexities in the relationship between individual rights and communities, and points to possible difficulties in attempts to bolster community sentiment, or duties to society generally, without attending also to the larger social structure.

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