

## Deploying Cognitive Sociology to Advance Human Rights

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**ABSTRACT:** If human rights are not natural, divine, or metaphysical, then they can only be a social construction of particular cultures. If so, then many cultures may justifiably reject them as culturally foreign and hence without local normative validity. In response to this conclusion I develop a cognitive approach to any local culture – a cognitive approach in distinction to a normative one. It allows for advancing human rights as rights internal to any given community’s culture. Human rights can be advanced internally by means of “cognitive re-framing,” a notion I develop out of Erving Goffman’s theory of frame analysis. I deploy it in two examples: female genital mutilation in Africa and child prostitution in Asia.

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No one, neither speculative philosopher<sup>1</sup> nor empirical anthropologist,<sup>2</sup> has ever shown human rights to be anything other than a culturally particular social construction.<sup>3</sup> Human rights do not appear to be natural, divine, or metaphysical, despite persistent assertions to the contrary. And if they are a social construction, then there is nothing other-worldly about them, “nothing entitled to worship or ultimate respect. All that can be said about human rights is that they are necessary to protect individuals from violence and abuse,

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<sup>1</sup> Perry (2007) for example asserts an otherworldly foundation. I analyze this assertion in Gregg (2009).

<sup>2</sup> According to Handwerker (1997) and Renteln (1988; 1990), human rights are universally valid as such. These authors are challenged by Wilson’s (1997) and then Merry’s (2001) claims that human rights are not *a priori* universally valid; rather, as one of a number of the contingent historical processes of global import (including the development of capitalism, the spread of the nation-state, and the age of colonialism), they enter a more or less global political debate on the nature of morally binding norms. Handwerker and Renteln are challenged in a different way by both An-Na’im (1990; 1992) and by Cohen, Hyden, and Nagen (1993), who assert non-universal, that is, national and regional understandings of human rights.

<sup>3</sup> On a constructivist approach, the idea that human rights are “natural” is itself a construct: historically produced, internally contested, with ambiguous boundaries of definition and application.

and if it is asked why, the only possible answer is historical” (Ignatieff 2001:83).<sup>4</sup>

Because many a social construction appears parochial from standpoints outside and beyond the community of origin,<sup>5</sup> one wonders: on what basis might one parochialism ever justifiably trump another? And how might particular human rights be made widely plausible *from within* communities in which they currently appear implausible for local cultural reasons? The words “from within” signal a core feature of my thesis: a parochial idea is legitimate for the community that embraces it. Human rights can be legitimate only for the community that comes to embrace them.

But how can particular human rights become persuasive within cultural communities tomorrow that today regard them as alien or misguided? The answer could have critical implications: conceptually, for the sociology of culture; practically, for the human-rights project. My approach aspires to redeem both possibilities. As theory, it combines cognitive sociology<sup>6</sup> with normative philosophy.<sup>7</sup> With practical intent, it would facilitate

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<sup>4</sup> While no known single justification for human rights satisfies all objections and doubt, and while not every individual within any given modern society believes that human rights are actual rights, many people in societies worldwide do in fact subscribe to some vision of human rights (if not always to absolutist, otherworldly, “all-or-nothing” versions). Such persons might embrace some idea of human rights for, say, economic, religious, or political reasons. But the target of my approach is not persons who already embrace human rights, for whatever reason. My target: persons who now reject human rights, wholly or selectively. In pursuing this goal I bracket most others. Above all, I provide no normative grounding for human rights. Assuming their desirability, I focus on the question of their development or strengthening in culturally diverse environments across the globe.

<sup>5</sup> As a matter of contingent historical development, even a claim once parochial might become cosmopolitan.

<sup>6</sup> Cognitive sociology reaches back to Émile Durkheim (1858-1917), Karl Mannheim (1893-1947), George Herbert Mead (1863-1931), and Alfred Schutz (1899-1959). I draw on later work, especially by Goffman (1922-1982) as well as the contemporary approaches of Zerubavel and Eder, respectively. Contemporary approaches in cognitive sociology range from objectivist, naturalist and explanatory to subjectivist, humanistic and interpretive. For a typology, see Strydom (2007).

human-rights spread through a new conceptual insight.<sup>8</sup> It construes human rights as a cultural phenomenon<sup>9</sup> and then emphasizes cognitive culture over normative culture as better suited for advancing human rights if they are, in fact, a culturally parochial social construction.

I develop my approach in several steps: (1) I reject essentializing approaches toward culture and instead (2) distinguish *cognitive* aspects of culture from *normative* ones. (3) I show how a cognitive approach allows for human rights as something *internal* to a given community's culture. I then propose human rights as a learning process in two senses: (4) as a "cognitive community" and (5) at the level of the entire social system. (6) These steps render human rights, understood in the theoretically least taxing way as merely parochial social constructions, nonetheless spreadable across cultural and political boundaries: through a technique of "cognitive re-framing."

### **Against Essentializing Approaches toward Culture**

Throughout history, and to this day, many societies attach themselves to various transcendental or otherworldly "truths" (most prominently proffered by religion and or metaphysics). Examples include "national destiny" (Napoleonic France), "historical fate" (colonial America as the proverbial "city on a hill"), or "civilizational superiority" (premodern China, ancient Rome, the British empire, and perhaps the American hegemon

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<sup>7</sup> This article extends the theory I first developed in Gregg (2003a).

<sup>8</sup> Theoretical work that would result in proposals for action must at some point generate actionable propositions. That point lies beyond the scope of this essay.

<sup>9</sup> The question of how culture may generate group-cohesion, indeed one marked by shared behavioral values, goes back to Johann Gottfried Herder (1744-1803), Wilhelm Wundt (1832-1920), and Benjamin Lee Whorf (1897-1941).

today). Such “truths” feed off an essentializing approach to culture. There are many kinds of essentializing approaches; consider two.

Essentializing is the notion of culture as a kind of “biology.” From this perspective, cultural communities “have” culture in the sense that humans “have” a genome. Just as genomes are inherited without human will and consciousness, culture on this view is perpetuated largely without participants’ will and consciousness. But whereas genomes unconsciously determine people, people (always already embedded in culture) to some extent *consciously* perpetuate, modify, and create culture.<sup>10</sup>

Human genomes adapt over long evolutionary periods to the natural environments of human habitation (generating differences among populations with respect to, say, skin pigmentation, lactose tolerance, or resistance to malaria). In a very different sense of adaptation, humans develop and adapt aspects of their cultures in response to new social environments or changes in existing ones. Thus the shift from an agricultural economy to a modern, urban-based industrial economy was accompanied by the replacement of the extended family with the nuclear one.<sup>11</sup> But whereas biological adaptation is a material process, cultural adaptation is cognitive process, an act of human imagination. The plasticity of a material process is different from that of a cognitive one. The most salient difference for the human-rights project: cognitive adaptations can be conscious and may be guided along distinctly normative dimensions.

These cognitive features are multiply relevant to the human-rights project. They are relevant if human rights are construed as social constructions embedded in an open-ended

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<sup>10</sup> Note the circular structure here: human cultural artifacts affect the creators (not always consciously), often across generations, who in turn affect those artifacts by interpreting, modifying, or replacing them.

<sup>11</sup> Compare Jackson (1995).

learning process permanently subject to self-reflection, self-correction, and re-formulation. Such features lessen the distance between inventing this or that human right and the various, oftentimes widely diverse environments of application.<sup>12</sup>

Essentializing in another sense is the notion of culture as a set of identities internalized by each member. “Internalization” constructs individuals as if they were computers that, as a community, downloaded the same set of files from a shared listserv. The downloaded software then provides each individual “computer” the same framework for mutual understanding among members of the listserv. Essentialism of this sort presupposes that political communities are – or should be - homogeneous along cultural dimensions. It regards homogeneity of members as necessary for social integration of members and cooperation among them. It regards both as necessary to the successful coordination of beliefs and actions.

And yet no cultural community is entirely homogeneous, and no community is sharply bounded from all others. Like cultural integrity, cultural identity is always plastic: dynamic and changeable rather than static and fixed. Globalization only increases heterogeneity along some dimensions (such as that occasioned by the flow of peoples across borders) while increasing homogeneity along others (including popular culture, standards of technology, and some consumption patterns).

The anti-essentialist upshot: sharing among a community’s members, and their coordination of belief and behavior, does *not* require shared, distinct norms. For the human-rights project, then, no single account of human rights is necessary for the spread of human rights. Indeed, insistence on a single account could easily be counter-

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<sup>12</sup> Cultural norms are permanently in need of interpretation (for example: at this time, under these circumstances, how is this norm to be understood and applied?).

productive. To ignore the social, cultural, political, and economic particularities of any local community is to forsake possible change undertaken by a freely persuaded community. One alternative, the force of unilateral foreign intervention, is morally and politically problematic and possibly ineffective as well, given the local resentments it generates. I will discuss specific examples in later pages.

Correspondingly, human rights themselves are forever open-ended with respect to definition. Efforts to define and apply human rights will change over time, as the world changes, and as influential political theories wax or wane or undergo internal revision. And thus – to anticipate my discussion of “cognitive frames” – there is no single human-rights frame. One frame might be oriented on individualistic human rights, for example, while another, on group-based human rights.<sup>13</sup>

By “open-ended learning process” I mean something along the lines of Michael Ignatieff’s argument that, if human rights is the “language through which individuals have created a defense of their autonomy,” it is “*not* an ultimate trump card in moral argument. No human language can have such powers” (Ignatieff 2001:83-84). A frame is similar: it renders “what would otherwise be a meaningless aspect of the scene into

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<sup>13</sup> While no single culture is embraced by all the world’s communities, some cultural elements, symbols and idioms are spread far more widely than others. John Meyer et al. (1997) even speak of a general world culture (“general” in distinction to “universal”) that co-exists with local cultural elements, symbols, and idioms. The very notion of a general world culture presupposes that different cultural communities are not uniformly distinct and are not profoundly isolated one from the other. To be sure, no political community operates in terms of a “universal culture,” even if technology, natural science, modern medicine, and perhaps even aspects of capitalist economics appear uncontroversial across most political boundaries in the world today. From a sociological or anthropological standpoint, the notion of a “universal culture” can only describe a possible, contingent future rather than a structurally given functional-necessity (let alone an otherworldly truth). But it might someday describe the end-state of an historically contingent increase in overlaps among particular cultures.

something that is meaningful. ... Each primary framework allows its user to locate, perceive, identify, and label a seemingly infinite number of concrete occurrences defined in its terms” (Goffman 1974:21). But no frame is an ultimate trump card in cognitive argument. And just as “other languages for the defense of human beings could be invented, but this one is what is historically available to human beings here and now” (Ignatieff 2001:83-84), conceivably other frames are possible for making human rights plausible from within a local culture. There, the defense of a particular frame can only be contingent or historical anyway.

In short, in both its mechanical and biological forms, an essentializing approach to culture precludes precisely those features crucial to human rights as an actionable political vision. One actionable political vision would be a self-reflexive learning process. A self-reflexive learning process is open to self-doubt, constant self-examination, considerations of criticism and alternative visions, and the humility taught by attention to history (from the perspective of later generations, any society appears morally flawed in significant ways).

In later pages I will redeem this critique with a notion of a cognitive approach that does not essentialize culture. My alternative involves “re-framing.” First, however, I turn to the notion itself.

### **Cognitive Aspects of Culture in Distinction to Normative Ones**

I distinguish “normative rules” that guide conduct along moral principles from “cognitive rules.” The individual holds a particular normative rule on the basis of having

been socialized into one or more cultures, a process by which he or she internalizes dominant social norms.<sup>14</sup> Cognitive rules,<sup>15</sup> by contrast, are acquired through a process of imitation or mimesis.<sup>16</sup> They involve a network of symbols, scripts and routines generating behavioral templates or strategies of action, such as “common definitions of the situation” (Scott 2001:39) or as “filters for interpretation, of both the situation and oneself, out of which a course of action is constructed” (Hall and Taylor 1996:947).<sup>17</sup>

Normative and cognitive rules coexist and interact. People use them both as cultural resources to “strategically act in ways that are independent of social structure” (Thornton 2004:40). Individuals and organizations generate these strategies both normatively (through socialization to cultural values) and cognitively, as “cultural competencies” or a “tool kit or repertoire” from which actors select symbols, stories,

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<sup>14</sup> Durkheim (1893) and Parsons (1951) are representative of approaches to social integration that emphasize the production of shared rules and norms.

<sup>15</sup> DiMaggio and Powell (1991:63-64) offer one of the most influential accounts of social integration by cognitive means, one that, in analyzing organizations or institutions, shifts the analytic focus “from object-relations to cognitive theory, from cathexis to ontological anxiety, from discursive to practical reason, from internalization to imitation, from commitment to ethnomethodological trust, from sanctioning to ad hocing, from norms to scripts and schemas, from values to accounts, from consistency and integration to loose coupling, and from roles to routines.” The range and diversity of this litany gives depth and texture to the distinction between normative and cognitive.

<sup>16</sup> Berger and Luckmann’s (1967) argument that organizations structurally reflect socially constructed reality is an account of imitation or mimesis. DiMaggio and Powell (1991:67-77) build on that argument with their typology of pressures on organizations to conform to their institutional environments. Coercive forces derive from political or regulatory institutions; normative forces, occupational or professional constituencies that norm participants’ behavior. Mimetic forces, which are cognitive in nature, provide guidance to actors incapable of mapping out their own approach or policy (perhaps because they cannot rely here on their socialization to dominant norms): participants copy successful organizations.

<sup>17</sup> Stressing cognitive components of behavior over normative ones has defined sociologies from ethnomethodology (Garfinkel 1967) to the new institutionalism, in which context DiMaggio and Powell (1991:35n. 10) define cognition in distinction to affective or evaluative thought as “both reasoning and the pre-conscious grounds of reason: classifications, representations, scripts, schemas, production systems.”



rituals, and worldviews for “constructing lines of action” (Swidler 1986:277).<sup>18</sup>

I propose to use cognitive rules to decipher how normative rules might be interpreted and deployed. I analyze cognitive rules as “frames,” as the cognitive rules “behind” or “underneath” a certain kind normative rule, human rights.<sup>19</sup> Frames are one feature of the individual’s cognitive membership *in the collective experience* of his or her cultural communities. Frames link the individual’s cognitive orientations to the world with those common to his or her communities.

The frame-approach is one among a number of contemporary cognitive sociologies. Erving Goffman’s work is seminal to the frame-approach.<sup>20</sup> He characterizes frames as “definitions of a situation,” definitions “built up in accordance with principles of organization which govern events – at least social ones – and our subjective involvement in them” (Goffman 1974:10-11).

Often actors may be unaware that they are employing this or that frame. Often they need not be aware: we “personally negotiate aspects of all the arrangements under which we live, but often once these are negotiated, we continue on mechanically as though the matter had always been settled” (Goffman 1974:2). The individual may well be quite unaware of “such organized features as the framework has and unable to describe the framework with any completeness if asked, yet these handicaps are no bar to his easily

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<sup>18</sup> On this view, culture is not some “unified system that pushes action in a consistent direction” (Swidler 1986:277). Groups and individuals constantly modify culture by drawing on different tools and combinations of tools in these kits.

<sup>19</sup> Rules behind or underneath other rules are sometimes referred to as “meta-rules.”

<sup>20</sup> Strydom (2007:350) describes Goffman as the “most central and influential figure in cognitive sociology.” I draw on two of his many lines of influence. One is Zerubavel’s approach of “social mindscapes” (1997), a development (now with a cultural spin) of Goffman’s discussion of frames as “schemata of interpretation.” The other is Eder’s (1996; 2007), which extends the notions of both frame and “interaction order” in terms of a theory of communicative action.

and fully applying it” (Goffman 1974:21).

On the other hand (and crucially for the human-rights project), individuals can always become conscious of employing frames. They can employ frames by conscious design, much as a competent speaker can speak without explicitly knowing the grammatical rules he or she follows. The individual can always learn the rule-descriptions that he or she has already mastered implicitly. The project of advancing human rights via frame-change requires the participants’ consciousness because it requires, for its moral integrity, their free will and critical judgment. The method of re-framing I develop here is not some passive internalization but rather involves “some degree of explicit discursive articulation” (Brubaker and Cooper 2000:18), some degree of self-conscious agency. Any frame can be self-reflexive.

I develop the notion of frames as the notion of controlled cognitive change.<sup>21</sup> Such change is not teleological; indeed, it is quite reversible: the process that brings a person to adopt any particular “mindscape”<sup>22</sup> can just as well bring him or her to adopt alternative mindscapes. Such change may be political inasmuch as the introduction, interpretation, or revision of a mindscape likely occurs within one or another social field of power. Some mindscapes become institutionalized in powerful ways, prominently in the law, economy, and political system. Here change is uncertain: it may be frustrated by various obstacles; it may fail; it may succeed but only partially.

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<sup>21</sup> Goffman is not particularly concerned with frame change beyond the sense of everyday accommodations, or “repairs,” to an always changing interaction order. I open up frame analysis to major cognitive change, including spreading the idea of human rights globally by means of local cognitive change.

<sup>22</sup> To use Zerubavel’s (1997) term.

In three respects I take the notion of frames in a direction not Goffman's: toward human rights. First, a frame is a distinct interpretation of the world (or at least of one or more issues). It influences how participants view social phenomena. Correspondingly, a human-rights frame is a distinct interpretation of the world: it deploys the specific normative terms of human rights. It is a *cognitive* orientation toward for a particular moral vision.<sup>23</sup>

Second, a frame is perspectival:<sup>24</sup> "When participant roles in an activity are differentiated," the "view that one person has of what is going on is likely to be quite different from that of another. ... [W]hat is play for the golfer is work for the caddy. Different interests will ... generate different motivational relevancies" (Goffman 1974:8). Correspondingly, any human-rights frame can only be perspectival. There have always been competing understandings of what human rights are (are they "natural," say, or socially constructed?). There have always been competing accounts of their foundation (this-worldly or other-worldly?).

Third, frames can motivate and guide behavior in the strong sense of political activism. They

provide background understanding for events that incorporate the will, aim, and controlling effort of an intelligence, a live agency ... Such an agency is anything but implacable; it can be coaxed, nattered, affronted, and threatened. What it does can be described as 'guided doings.' These doings subject the doer to 'standards,'

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<sup>23</sup> The distinction between normative and cognitive aspects need not exclude one from the other but might instead realize a kind of division of labor between them.

<sup>24</sup> Perspectivalism can be analyzed only from a point itself perspectival. If a human-rights frame is perspectival, then only because claims to human rights are themselves perspectival or culturally parochial. Carnap (1967:3) explains why this circular logic need not doom human knowledge: "without any danger of contradictions or antinomies emerging it is possible to express the syntax of a language in that language itself, to an extent which is conditioned by the wealth of means of expression of the language in question."

to social appraisal of his action based on its honesty, efficiency, economy, safety, elegance, tactfulness, good taste, and so forth (Goffman 1974:22). Correspondingly, a human-rights frame can motivate and guide behavior with strategies of individual or collective action.<sup>25</sup> If it can change behavior, it may be able to change aspects of the local social order.

### **Rendering Human Rights Internal to a Community's Self-understanding**

By reinterpreting frame theory in this fashion, I not only reinterpret Goffman. Against a tradition extending 300 years from Thomas Hobbes (1588–1679)<sup>26</sup> to Talcott Parsons (1902-1979),<sup>27</sup> I also argue that cognitive meta-rules, as distinguished from deep moral norms, can generate social order quite independently of moral norms. I do not mean social order entirely without moral norms. On the contrary: cognitive rules allow people to understand and to use norms to create social order.

A human-rights frame is not itself moral; rather, it may orient the individual's moral commitments from *within* a given community in ways that facilitate human-rights practice. Moral commitment in the form of human rights is a cultural prescription and, in principle, a possible prescription for *any* culture. Human rights can become a “language” of moral commitment *within* any particular culture, even if not wholly in terms of that particular culture - indeed even if in terms that challenge one or more of its aspects.<sup>28</sup>

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<sup>25</sup> See Khagram et al. (2002:12-13) for examples.

<sup>26</sup> Hobbes (1909) posits community as the product of egoistic individuals seeking refuge from other egoistic individuals. Political community then appears as a refuge from human nature because, by means of political norms, it constrains egoistic individualism.

<sup>27</sup> See, for example, Parsons (1951).

<sup>28</sup> Like any cultural convention, human rights can be introduced to cultural communities in which they do not exist, or exist only marginally, or exist but in a sense very different

This capacity is cognitive, as a kind of grammar of social life: human rights that come to be embraced by individuals as an aspect of some part of their *own* social system.

But a human-rights frame can empower individual commitment only by “enabling social systems to learn in a way that individuals cannot” (Eder 2007:403). To the extent that human rights can be expressed in any language, they can be indigenized in any culture. That is, they can be configured as a *native* language of any particular political community in the sense of a social system that can learn a “human-rights grammar.” “Native” here means something acquired but also something freely assented to, a characteristic central to my approach. Cultural practices to which communal members can freely assent likely possess a legitimacy *internal* to that community. A human-rights frame challenges internal practices most compellingly as an idea internal to that community. Internal legitimacy is created at the level not of individuals but of the social-system: a cultural artifact, intersubjectively generated and maintained.

An idea once external can become internal through system-level learning, learning that renders a human-rights standard a standard *internal* to the community. An idea internal to a community can criticize practices within it. It constitutes a capacity for imminent social critique:

[I]t is up to victims, not outside observers, to define for themselves whether their freedom is in jeopardy. It is entirely possible that people whom Western observers might suppose are in oppressed or subordinate positions will seek to maintain the traditions and patterns of authority that keep them in this subjection. ... [A]dherents may believe that participation in their religious tradition enables them to enjoy forms of belonging that are more valuable to them than the negative freedom of private agency. What may be an abuse of human rights to a human

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from the one intended (in a sense not individualistic but rather communitarian, for example in the argument from putative “Asian values” (Bell 2006)). Human rights are best introduced in human-rights resistant cultures as a language not of prescription but of empowerment to free commitment.

rights activist may not be seen as such by those whom human rights activists construe to be victims (Ignatieff 2001:73-74).

An embrace begins with articulating human rights in the “natural” cultural logics of local application. “Local application” refers to the venues where, in any given instance, they are to be established, promoted, strengthened, defended. To introduce into a social system a human-rights frame of individual moral commitment and empowerment may challenge various of that system’s features. But once framed in the local cultural logic, human rights need not de-legitimize that logic as a whole. Thus the

“women in Kabul who come to Western human rights agencies seeking their protection from the Taliban militias do not want to cease being Muslim wives and mothers; they want to combine respect for their traditions with an education and professional health care provided by a woman. They hope the agencies will defend them against being beaten and persecuted for claiming such rights. The legitimacy for these claims is reinforced by the fact that the people who are making them are not foreign human rights activists but the victims themselves” (Ignatieff 2001:69-70).<sup>29</sup>

Still, once framed in the local cultural logics – once “indigenized” – human rights will surely delegitimize *some* aspects of those cultural communities, sometimes profoundly so. Above all, a plausible understanding of human rights may challenge authoritarianism, patriarchy, and other traditional patterns of obedience. This particular understanding champions individual agency over group-based agency; it rejects group rights where they trump individual rights.<sup>30</sup> Such individualistically understood human rights challenge

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<sup>29</sup> Elsewhere (Gregg 2008), and using Islam as an example, I show how interpreters can develop human rights *within* their own culture even as they must draw on extra-local ideas and practices. They can do so despite points of significant conflict between the local culture and that of human rights, in ways that must both resonate with the local culture yet also challenge it. Translators can do the work they do because they have the “dual consciousness” of outside intermediaries and local participants.

<sup>30</sup> Thus authoritarians such as Lee Kwan Yu of Singapore argue that “Asian values” (Bell 2006) entail group-rights that trump individual rights.

traditional and authoritarian social systems to “learn” greater individualism by “learning” entitlements and immunities for the individual as such.

But if learning means adopting or appropriating,<sup>31</sup> why settle on this particular understanding of human rights? Why interpret human rights as individual rights rather than as the interests of the community? One answer: because individuals are everywhere more vulnerable than groups to human-rights abuses.<sup>32</sup> The appeal of human rights is likely to be greater for individuals than for groups because while entire groups can be oppressed and persecuted, the primacy of the individual refers to the primary physical and mental point of suffering. Further, human rights obtain especially when the most marginalized individuals can avail themselves of human rights from *within* their own cultural contexts. For some communities this would require greater individualism within. It would require that individuals freely define themselves and their experiences in their social environment in terms of individualistic human rights.

This is not to suggest that human rights are coherent only as fundamentally individualistic; that suggestion is sociologically naïve and empirically inaccurate. For the guarantee and realization of human rights of the individual always lie with the group, the community, the social system, and never with the individual. After all, rights are matters of recognition: a person has an effective social right only if it is socially recognized. Rights in this sense are a kind of “group performance” rather than a “solo act.” Indeed, precisely in terms of local cultural logics, the commitment to human rights can be

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<sup>31</sup> What I have in mind is a community’s or individuals’ appropriation of human rights rather than their outside imposition. Appropriation is likely negotiated and partial as well as constrained by different factors, such as political and economic circumstances.

<sup>32</sup> But not in all cases. For example, the “right to freedom of religion is clearly based on membership in the (religious) community and benefits the community by protecting it from persecution” (Salmon 1997:59).

effective only if it is collective. Even as the “effect of human rights violations can only be felt by the individual and the consequences only suffered by the individual”

(Montgomery 2001:85), the observance of human rights is communal or collective – and in that sense, human rights are “impersonal.” They are impersonal also in the sense of collective, cultural, social and economic rights, quite beyond human rights in a sense closer to individual civil and political rights.

### **Human Rights as Cognitive Community, and Cognitive Community as a Learning Process**

For purposes of realizing human rights locally, through internal change not foreign imposition, human rights might be conceived as a kind of learning process, one embedded in the social system itself. This conception presupposes a non-essentialized understanding of culture, culture as socially constructed rather than as *a priori* categories of human understanding or as given in some superorganic sense. It presupposes culture as internally dynamic not static; as open to outside influences rather than hermetic; as marked by differences and tensions within rather than being homogenous and consensual; and as laced with power-relations rather than somehow power-free.

Embedded in a social system, a learning process can be thought of as an emergent “cognitive community.” Georg Simmel (1955) provides an early and still insightful analysis of the cognitive constitution of the individual through the groups of which he or she is a member. Through an intricate socio-mental web of group affiliations, the individual becomes a member of multiple cognitive communities at the same time. A



person's very individuality lies in his or her unique and particular configuration of intersecting group affiliations. Yet individuality is itself always a group-based social construction.<sup>33</sup>

Important to the human-rights project is the fact that each person's web of socio-mental affiliations is immediately communal. The web filters the individual's particular understandings and orientations into communally recognized ones. On the one hand, each person uses the same cognitive processes as every other person. On the other, different people may use the same cognitive process differently, in part perhaps influenced by membership in particular cultural groups, subcultures, or cognitive communities. Thus socio-mental affiliations are neither universalistic nor individualistic; they take place at a level above the idiosyncratic individual yet below universal features of human cognition. This is the meso-level of persons as social beings, as members of one or more cognitive communities.

A century ago Karl Mannheim captured community in just this sense: "It is not men in general who think, or even isolated individuals who do the thinking, but men in certain groups who have developed a particular style of thought" (Mannheim 1936:3). The single individual does not think so much as he "participates in thinking further what other men have thought before him" (Mannheim 1936:3). Similarly, frames carried today were earlier carried by others. And they are carried not only by individuals but also by entire communities. Communal life in the sense of shared understandings refers to communities that share various frames. The human-rights project could be advanced by generating

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<sup>33</sup> The cultural possibility of being an "individualist" is itself a matter of cognitive community, no less than the possibility of being a "conformist." Individualism and conformism are points on a continuum.

“human-rights communities” within any given local culture.

A “human-rights community” would be similar in some ways to other communities, from professions to institutions, from political movements to nations: communities “larger than the individual yet considerably smaller than the entire human race” (Zerubavel 1997:9). The crucial difference: unlike other communities, a human-rights community could in principle eventually embrace the entire human race. A mundane social construction, human rights can be expanded only in mundane political ways, potentially without geographical or cultural limit.

Such expansion would depend on the kind of “intersectionality” captured by Simmel. Intersectionality involves what might be called a “plurality of lenses.” It occurs along any number of dimensions (very much beyond the three favored in so much contemporary analysis: race, class, and sex). It can include everything from age group, ethnicity, and religious belief to familial status, occupational group, geographic location, and national origin. As a member simultaneously of many intersecting cognitive communities, the individual is connected at least impersonally to the members of each of the shared communities. Each connection offers a kind of “lens” into the world of the persons with whom the connection is formed. The individual has as many social lenses as he or she is a member of different communities. Multiple intersecting cognitive sub-communities “meet up” where they intersect in the individual: any one individual is a particular “standpoint” within a web of intersecting standpoints, likely with some understanding of each of those communities. That intersection could in principle always include a human-rights community.

What is possible in principle could become real through a kind of “learning” at the level of the social system: by adding human-rights “nodes” with which individual affiliations might intersect. “Learning” in this context would take into account the fact that the individual sees the world through his or her cognitive connection to others (through which he or she also sees him- or herself: for his or her very identity is related to how he or she views the world). How he or she views the world cognitively offers a point of access for the human-rights project:

‘Looking’ at the world from an impersonal perspective presupposes a certain cognitive ability to transcend our subjectivity and adopt others’ ‘views’ as if they were our own .... This presupposes some fundamental process of ‘optical’ socialization where we learn to ‘look’ at things in unmistakably social ways. ... [I]t is an impersonal outlook which [people] acquire through their membership in a particular professional community (Zerubavel 1997:32-33).

What Eviatar Zerubavel calls an “impersonal outlook” I would call also call a lens, one neither personal nor random but rather collective (hence impersonal) and patterned. It is a generalized way of looking at the world. Lenses are plural.<sup>34</sup> In short, my approach does not entail that each individual has a wholly unique and personal cognitively ordered world, or that all individuals cognitively order the world in the same way.<sup>35</sup>

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<sup>34</sup> Cognitive diversity is the same thing as “optical pluralism.” Diversity has been analyzed as optical pluralism as early as Marx and Engels’s (1998) concern with the distinct interests of each social class; later in Simmel’s discussion of intersectionality (Simmel 1955:140-3); and later still by feminist social standpoint theory (Hartsock 1983).

<sup>35</sup> Expectably, some cognitive lenses compete with others while some overlap. Diversity appears at points where they do not overlap: political and cultural communities diverse within themselves and diverse when compared one to the other. Here there can be no presupposition of a shared cognitive world. Goffman suggests why by showing that the “world we take for granted is a cognitively ordered world and that we act together by making the presupposition that we share such a cognitive order” (Eder 2007:396). Hence one kind of “political strife” refers to the problematic experience, on the part of groups and individuals, of differences between or among cultural communities: where different cultural communities clash with one other for reasons having to do with those differences. Any such clash places into question the basic presuppositions of the

## **Human Rights as a Learning Process at the Level of Social Systems**

The status of children is particularly sensitive with respect to human rights. As a subgroup usually unable to make responsible decisions for itself, most children lack autonomy in this way among others. Children often require the protection of others. So do many adults, to be sure, but not because of the natural vulnerability and defenselessness of children as such.

Autonomy is a significant issue for my approach, which depends on the individual or community consciously and freely adopting one cognitive frame (a human-rights frame) over alternatives. Even children who already enjoy human rights are still less autonomous than their parents or caregivers. Relevant to a cognitive-frame approach is the fact that children anywhere in the world today are likely to be exposed to, and are more or less likely to adopt, their parents' or caregivers' views on, say, matters of religious faith and political orientation, among so many other matters relevant to human-rights issues. Many parents regard their worldviews as core to their identity and expectably want their children to share these views. Even the liberal democratic state allows a great deal of parental autonomy in terms of parents' raising their children according to the parents' worldviews. It guarantees each individual's right, upon reaching majority age, to embrace and express his or her own convictions. Many individuals embrace in adulthood the viewpoints into which they were socialized as children.

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disputing participants. Differences in basic presuppositions may correspond with the absence of overlaps between the respective cultures; here is where the human-rights project fails. To be sure, the absence of overlaps may be benign. But often enough they are toxic, generating ethnic conflict or other problems of a multicultural cast.

Thus even liberal democratic communities share with traditional and authoritarian societies the experience that socialization influences most persons, to some degree, their entire lives. The social and psychological consequences of such influence often are so deep that legal and political-cultural guarantees of individual freedom for adults in many cases may be an irrelevant resource by the time the individual attains majority (where, at the point of majority, the individual freely chooses the preferences of his or her socialization). Even an individualistically oriented constitutional community like the American, which guarantees freedom of conscience and expression, does not provide for childhood socialization that is “neutral” or “unbiased” in the sense of “free from parental preference.” That exemplary expression of liberal democratic tolerance in the Western mold, the U.S. Constitution’s First Amendment, very much allows for the socialization of children into their parents’ or caregivers’ particular worldviews.<sup>36</sup> It neither presupposes nor requires any “neutral” or “unbiased” standpoint on the parents’ part.<sup>37</sup>

Legal individualism, in other words, allows for parental personalism. But as I argued earlier, human rights require a kind of “impersonalism,” by analogy, say, to language. Language is inherently communal: it involves a concept-based approach to the world, to one’s environment, to one’s self. Concepts, unlike sense-perceptions,<sup>38</sup> are shared by linguistically competent members of a language community. Concepts cannot be possessed exclusively by any one person or group. Further, concepts articulated in

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<sup>36</sup> The Amendment (1789) reads in part: “Congress shall make no law ... abridging the freedom of speech, or of the press”

<sup>37</sup> Indeed, its provisions for freedom of belief and expression would be otiose if, in all contexts, citizens were completely indifferent toward particular political commitments or religious convictions.

<sup>38</sup> Sense perception has “individualistic” qualities. For example, no observer can determine empirically the “accuracy” or “truth” of another person’s claim to have an itch, let alone a pain.

language are not wholly generated by individual minds, nor are they wholly modified by a single person's imagination. They are "located" at the impersonal collective level of the social system.<sup>39</sup>

At that level, relations among individuals are "emergent properties that result from individual actions but cannot be reduced" to the psychological makeup of individual participants (Eder 2007:403).<sup>40</sup> Similarly, language is carried by individual speakers yet cannot be reduced to its carriers. In this way language makes communication and even understanding possible among diverse individuals. It allows them to interrelate despite manifold differences among individual lives. Development of cognitive competence has "collective effects and lead[s] to a 'culture' that is more than the sum of cognitively competent individuals" even as it is "contingent upon their properties" (Eder 2007:395).

An impersonal approach is relevant to the human-rights project insofar as human rights are necessarily a collective phenomenon, and insofar as collective phenomena are impersonal.<sup>41</sup> The individual acquires impersonal perspectives through "optical socialization," that is, through learning certain ways of "framing" the world (from frame-acquisition to continual frame-maintenance to periodic frame-adjustment). One impersonal perspective is to look at the world from the viewpoint of others. To

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<sup>39</sup> At the same time, the individual can articulate his or her own experiences, convictions, and demands precisely by deploying the common and impersonal medium of language. Indeed, the individual can grasp him- or herself individualistically only in the non-individualistic medium of language; doing so in no way compromises his or her uniqueness.

<sup>40</sup> Eder (2007:404) draws an illuminating analogy between social systems and individual psychology: "The 'brain' of social systems is ... the social relations a society stores in the structures of its 'systems.' The mind of these social systems is their 'culture,' the semantic representation of its structures."

<sup>41</sup> That is, like all social constructions including all ethical systems, human rights are intersubjective, not subjective, and what is "intersubjective" can be impersonal.

understand the other, especially the distant other, depends on the local, culturally *internal* plausibility of human rights to insiders, to the members of the local community. For the human-rights project, to understand is to look at the world from the standpoint of the other's suffering as though that suffering were one's own. For the outsider to look at the world this way is to see the world from the insider's standpoint. To be sure, the insider may not view the phenomenon in question as one of suffering. In cases where "suffering" might plausibly refer to a human-rights violation, cognitive sociology could be deployed to advance a human-rights frame from *within* the local cultural and political community.

"Looking at the world from the standpoint of the other" could help sustain certain political and moral interrelations among individuals, including cultural interrelations. Some of them are cultural. Culture provides one logic of interconnection within ongoing communication. Via communication, individuals learn; groups of individuals learn together; and social systems also "learn" but in ways that cannot be reduced either to individual or group-based learning (Eder 2007:403-404).<sup>42</sup> Here lies the political significance of the impersonal learning of a social-system: systems can "learn" what many individuals, perhaps in part because of their socialization, may not be able to. Here the "learning" concerns the adoption of a human-rights frame.

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<sup>42</sup> According to Eder (2007:404), "societies make choices that individuals experience"; those choices then create "conditions for success or failure [that] are beyond the intentional reach of actors"; for these conditions are "new environments for the self-organization of societies." This self-referential pattern is analogous to human rights as a social construction: cognitively competent individuals create or perpetuate human-rights culture, are exposed to the culture they collectively produce or reproduce, and learn from their own collective creations.

## **Cognitive Re-Framing**

Any given individual's capacity for agency is always already embedded in any number of normative and cultural commitments that surely affect how he or she might regard normative claims entailed by human rights. That capacity is embedded in commitments that likely affect how the individual deploys his or her agency (if not necessarily in ways always predictable). Children grow up in culturally pre-populated spaces, spaces that often influence many of them enduringly; their agency is never found in a culture-free vacuum. Not only for children, but especially for them, agency constrained by its cultural environment may be agency strongly committed to that environment, whatever its normative tenets.

One precondition for the guided cognitive changes required by the human-rights project (for children as well as adults) is some degree of compatibility of individual agency and cultural environment. The individual's enduring embeddedness in deep and powerful influences, in cultural-environmental influences, hardly extinguishes individual human agency. It hardly extinguishes the individual's capacity to question aspects of his or her cultural socialization and environment, or to adopt alternative political beliefs and cognitive commitments. Human-rights oriented social and political change depends on some degree of compatibility between the individual and communal levels: between individualism and communitarianism. Toward making the local cultural logic more human-rights friendly, the impersonal social-system level needs to resonate with the individual's level.



Consider “childhood” as something on which there needs to be cultural and political agreement if human rights are to be accorded to children. What cognitive horizon delivers agreement on the question: how is “childhood” best defined?<sup>43</sup> Most understandings of childhood are culturally determined and may differ widely across political communities, legal systems, and history. Not surprisingly, there is no global agreement as to what constitutes a “normal” or “desirable” childhood or even when childhood ends.

Further, current human rights instruments are insensitive to the culturally contextual nature of definitions of childhood. The “Convention on the Rights of the Child,”<sup>44</sup> for example, presupposes consensually accepted boundaries of childhood, boundaries fixed and unambiguous. It presupposes a notion of what a “normal” childhood is, as a standard by which to measure abnormal childhoods in need of human-rights redress.

Presuppositions of this sort imply that children’s human rights, with respect to definition or application, are non-negotiable in any particular community. They imply that children’s human rights must be the same for all communities given a presumption of globally valid understandings of “normal childhood.”<sup>45</sup> And yet, in every society, the status and social identity of a child differs in one way or another from that of an adult. In short, how “childhood” is defined is highly relevant for the human-rights project. If for example “we reject an arbitrary age of eighteen and accept local norms, the view that all early marriage is wrong becomes untenable. ... [A] child marrying at fifteen in full

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<sup>43</sup> Answers to cognitive questions may have distinctly normative implications.

<sup>44</sup> See Muscroft (1999) for the text of the Convention as well as an initial analysis of its consequences.

<sup>45</sup> Significant is the fact that such presuppositions contribute nothing to resolving additional problems: that the assurance of one human right might be possible only at the expense of others, say, or that, in practice, rank-ordering different human rights cannot be neutral with respect to culture, time, and place.

accordance with traditional norms and local custom in India is very different from a child marrying at fifteen in the UK” (Montgomery 2001:82).<sup>46</sup>

How, under such circumstances, is frame-change possible? First, what is possible by eschewing perspectives that essentialize local culture. Consider the following example of empirical research that challenges several essentializing presuppositions. Studying child prostitution in Baan Nua, Thailand, Heather Montgomery (2001:94) found a child’s sexual exploitation negatively correlated to its desire to live with its family and within its own community. That is, the children valued the “right” to living with family above the “right” to be free from sexual exploitation. Engagement in the sex trade was a means for them to remain with their families – but only if framed in terms of a “cultural belief in supporting their parents and their sense of filial duty. This is not to claim that culture demands that they prostitute themselves. While their cultural environment makes it more likely that they will become prostitutes, it does not mean that it is solely because of culture that they do” so (Montgomery 2001:95).

In this case the presence or absence of human rights is tied not primarily to culture but more to poverty and other factors in the participants’ *inadequate agency* to generate alternatives to prostitution as a means to staving off what children regarded as the worst consequences of poverty: “Children undoubtedly gained satisfaction from being able to support their families and fulfill their kinship obligations, yet their agency was minimal and they remained socially and economically marginal. Their poverty and low social status consigned them to the edges of society, from where they had no structural power.

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<sup>46</sup> If childhood is not a homogenous state, which differences among different members of “children as such” are significant for human rights? Which are significant with respect to adult expectations along dimensions of sex, age or cohort, or position within the family? Initial answers were proposed decades ago by Ennew (1986) and La Fontaine (1986).

With no welfare state or social security safety net, there were few options that enabled them to survive even at subsistence level” (Montgomery 2001:95). Child prostitution, then, is not some cultural cue that, under conditions of poverty, “surfaces” and then motivates behavior.

A putative human right to be free of sexual exploitation evidently requires attention to *global economic* relations as much as to *local cultural* particularities.<sup>47</sup> This approach does not simply assume the universalistic normative position that child prostitution is morally offensive under any conditions that presuppose a human right to fundamental human dignity. (For examples, it does not assume the moral claim that prostitutes reduce themselves to the material value of their body, a value below that of the non-material, dignity-based value of a human being as such.) Instead, this approach focuses on the fact that children are unlikely to be autonomous agents choosing prostitution.

Autonomy is at issue along several dimensions. One dimension is economic: if the children’s families had sufficient income, the children’s “right” to be free of sexual exploitation would not conflict with their “right” to live with their families and within their communities. The eradication of child prostitution might best be pursued not through cultural engineering (or through punishment of parents) but by “ensuring that their families could stay together and have a sustainable income” (Montgomery 2001:97).

Child prostitution is a matter not only of participants’ economic condition, as Montgomery obliquely acknowledges: “Both children and their parents told me that they chose prostitution and that it paid better than other jobs, yet their explanations were not as

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<sup>47</sup> Montgomery (2001:98) maintains that local consequences of Thailand’s international political and economic position is “as important as cultural specificities in perpetuating ... sexual exploitation.”

unproblematic as they claimed” (Montgomery 2001:95-96). Deeply problematic is the lack of autonomy on the part of the participants. Clearly children lack autonomy along a number of dimensions.

One dimension is access to information: the “people of Baan Nua allowed for no wider moral or political understanding. Whatever the children said about sex work, they did not have the complete knowledge to make a fully informed decision” (Montgomery 2001:96). A further dimension is cultural: “Parents placed overwhelming emphasis on their own cultural understandings and rationalizations and in doing so were unable to see the selling of their children in its wider political context” (Montgomery 2001:96). Yet a third dimension is the culturally undifferentiated approach of international human-rights instruments and relevant NGOs: the “Convention and the NGOs who want Article 34 [concerning sexual exploitation and the sexual abuse of children] enforced at whatever cost, allow for no cultural specificity” (Montgomery 2001:96).<sup>48</sup>

Given problems of local access to information, local cultural understandings, and well-intentioned but locally unhelpful international voices, my approach to cognitive frame-change might be deployed as an alternative. The question is: How might reframing be configured to resonate with the local community? How might the idea of human rights, or of specific human rights, be brought to resonate from within the local community? Answers to this question emerge from a different empirical example.

Elizabeth Boyle examines the practice of female genital cutting (FGC).<sup>49</sup> FGC is locally

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<sup>48</sup> See Muntarbhorn (2007) for analysis of Article 34.

<sup>49</sup> My use of the term FGC includes three different practices: clitoridectomy (removal of all or part of the clitoris), excision (complete clitoridectomy plus removal of all or part of the labia minora), and infibulation (removal of the clitoris and labia minora, then the cutting and sewing together of the labia majora). It is widely practiced today in Burkina

framed in a variety of positive ways that depend on an entire belief system rather than on any single explanatory factor.<sup>50</sup> Single factors range from the cultural to the aesthetic, from the hygienic to the religious to the sexual.<sup>51</sup>

How might FGC be reframed toward facilitating greater individual autonomy along some of the various dimensions of autonomy I earlier identified as crucial with respect to human rights for children? The individual's capacity to critically reconsider local norms is of course aided by his or her capacity to imagine alternatives to those norms. Boyle (2002:151) found that exposure to alternatives facilitates the cognitive reframing of local norms by women – usually the mothers of girls targeted for FGC – in ways that deviate from traditional or dominant social practices.

Formulations of alternatives begin with critiques of the status quo. On my approach, FGC might be re-framed negatively, as a matter of injury, pain, possible illness, and deprivation of sexual pleasure; as a feature of the patriarchal family; as one element of a general religious or political structure that systematically subordinates women. And it

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Faso, Chad, Côte D'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Mali, Nigeria, Sierra Leone, Somalia, and Sudan. Between 100 and 140 million women and girls have undergone this procedure and approximately two million a year face it as a prospect (World Health Organization (1999)).

<sup>50</sup> The cultural quality of this procedure is immediately on display in that naming it one way or another is unavoidably a political act. The term “female genital mutilation” presupposes that the procedures mutilate, and do so in ways that male circumcision or breast implants for women do not. The expression “female circumcision” analogizes sometimes drastic and harmful surgeries to the much more minor operation performed on infant males. By contrast, the term “FGC” does not rest on undefended presuppositions nor does it make false analogies.

<sup>51</sup> Including claims that a girl will not become a mature person unless her clitoris is removed; that a woman's external genitalia have the power to blind birth attendants or to cause the infant's death or its or physical or mental deformity, and can cause the death of the husband; that FGC ensures virginity, a prerequisite for marriage and the woman's access to land and security; that a woman's sexuality needs to be, and can be, controlled through FGC; that the external genitalia are ugly and dirty and will continue to grow; that FGC is linked to spiritual purity or some religious command.

might be reframed as a violation of the individual's right to bodily integrity and decisional autonomy.

The procedure could also be framed from the perspective of women who have been cut and who then drew conclusions from the experience at odds with dominant local norms. One factor relevant to a participant's openness to extra-local frames is whether the girl's mother had undergone the procedure.<sup>52</sup> Women who, as girls, underwent the procedure are less likely to reframe their view of FGC (particularly with respect to the next cohort, their daughters) than women who have not. But women who underwent the procedure and later come to reject its local norms are likely to be the procedure's strongest critics.<sup>53</sup>

Boyle's (2002:147) work suggests (in my language, not hers) that women who experienced FGC and later reject it for their daughters are more likely than women who have not undergone it to frame their objections as a cognitive claim, as a self-conscious local rejection of a local norm. One of the most significant local norms concerns the social and legal status of women. Anti-FGC measures might be framed as empowering local women (and, by extension, their daughters, at least in the sense of allowing them to be free, as children, of a procedure they likely cannot evaluate as well as an adult.<sup>54</sup>

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<sup>52</sup> Compare Boyle (2002:150).

<sup>53</sup> Compare Boyle (2002:151).

<sup>54</sup> Reframing is a cognitive technique and can serve any normative purpose. For example, anti-FGC efforts might themselves be reframed as hypocritical. After all, women in affluent societies (particularly in the West) may respond to cultural frames that valorize particular body types and other specific aspects of physical appearance by undergoing breast implants, botox injections and tummy tucks. Young women in particular may respond by anorexic behavior. Further, in the West infant males are routinely circumcised. But the charge of hypocrisy cannot be sustained if it rests on comparing apples to oranges, in two respects. First, FGC is generally performed on young girls without their consent; breast implants and botox injections are generally chosen by adult

“Empowerment” would mean the right and capacity to reject aspects of their cultural environment, such as FGC.

I argue that the local frame of women’s social and legal status can be reframed individualistically, in terms of protecting and enhancing individual agency. Reframing of this sort makes significant demands on the local cultural community. Only if that community can embrace a more individualistic view of rights might members be able to freely adopt a cognitive style that regards FGC as a human-rights violation of individual rights to bodily and decisional autonomy. Clear is that, in the case of mothers who support FGC for their daughters, an individual’s capacity and readiness to reject a significant belief or practice of the local culture renders the framer more inclined to draw on extra-local frames to explain and support his or her opposition.<sup>55</sup>

No less clear is that such frames have first to be “indigenized” for the women – but not only for them. Toward making the local cultural logic more human-rights friendly, reframing cannot proceed only at the level of the individual, ignoring the impersonal social-system. Reframing the local status of women in terms of a individual right to bodily integrity (which then provides local grounds for rejecting FGC and child

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women. One might claim that these adult women are similar to African mothers who would subject their daughters to FGC, if one thought that both were victims of “false consciousness” perpetrated by local culture. But my position, as culturally relativist and normatively localist, rejects that notion as presupposing some universally valid or objective or a-cultural form of human consciousness. Second, analogizing male and female genitalia is a doubtful project inasmuch as it cannot generate widely persuasive answers to such questions as: “Is FGC more like male castration than male circumcision?” and “Does male circumcision benefit the health of the male (and perhaps that of his female sexual partners) while FGC can only harm the woman’s health?” For a counter-argument, see Abu-Sahlieh (2006); for other voices critical of some anti-FGC arguments, see Gruenbaum (2001) and Gilman (1999).

<sup>55</sup> Thus frame theory does not proceed from some neutral normative standpoint; besides, there is none. As an approach to political and social change, it offers itself equally to someone who champions FGC.

prostitution) would be to deploy a cognitive rule that revises local normative rules that justify FGC. Because human-rights-oriented social and political change depends on some compatibility of the individual level with that of the group or community, the alternative frame would need to be “indigenized” more or less for all members.

But the approach to the whole community might be piecemeal. One might build on the empirical observation that the likelihood of cognitive re-framing can be affected by the degree of parental conformism. Key is whether the child’s family conforms to local norms. The greater the degree of conformism, the greater the likelihood that the procedure will be framed according to prevailing communal norms. Uprooting local conformism *as such* is not the issue. While cognitive reframing would challenge FGC-supportive conformism, it could also advocate human-rights-supportive conformism. The issue, then, is: conformity to what kind of local norms?

Norms themselves can be reframed in any number of ways, of course. For example, FGC might be reframed as a technical, medical issue rather than as a normative human-rights concern.<sup>56</sup> The procedure might be rejected from a medical standpoint (because providing no medical benefit and very possibly causing medical harm). Local culture is challenged less, or less frontally, where the relevant belief or practice can be reframed locally as “narrow” or a-cultural.<sup>57</sup> And a cultural issue that can be reframed in a-cultural

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<sup>56</sup> This move presupposes the a-cultural quality of medical science and procedure. To be sure, medicine and natural science are also cultural constructs. But unlike, say, deep culture in the sense of institutionalized religious faith or the metaphysics of nationalism, natural science and medicine appeal to the natural environment for confirmation or correction, rendering them more “thin,” that is, more easily generalizable across cultural and political boundaries, than the “thick” norms of deep culture. For a theory of normative thinness and thickness, see Gregg (2003b).

<sup>57</sup> See Boyle (2002:138) for supporting evidence. To be sure, issues framed as a-cultural may have significant cultural consequences. Correspondingly, a cognitive approach can



terms is to take the route I advocate: advocacy of the cultural particularism of the idea of human rights yet without essentializing it or any other cultural phenomena.

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realize normative goals. If reframing FGC as a medical issue – and if, as a medical issue, the procedure could be modified (lessened in severity or even eradicated) – then the consequence fulfills a goal of normative human rights: to bodily integrity and freedom from sexual exploitation, particularly of children who, as children, lack the intellectual and emotional maturity to decide for themselves issues of participation.

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