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Subjective dimensions of Human Rights: What do ordinary people understand by 'human rights'?

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Abstract

This paper addresses how non-experts understand the general notion of human rights. After a discussion of the various ways in which human rights are understood by experts and lay people, the results of two new Q methodological studies are presented. These studies support previous research in suggesting the existence of at least four distinct ways of understanding human rights: as grounded universals; as a focus for radical political action; as socio-political constructions; and as agreements balanced against responsibilities. Other understandings draw upon religious foundations and notions of community belonging. These ways of understanding human rights are described in empirical detail and their implications for human rights discourse briefly discussed.

Key words: Q methodology, subjective dimensions of human rights.

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Introduction: Psychosocial dimensions of human rights

In a recent review article on human rights in crisis, Jim Whitman states that 'human rights would amount to very little if they were not a lived expectation'ⁱ. To be a lived expectation, however, human rights must be a part of everyday subjectivity and mundane communication. Thus the black letter of the law, he suggests, 'gains its strength' from the 'broadly shared understandings' that the law formalises and embodies. It is therefore relevant to systematically examine the various ways in which non-experts understand human rights, and not least because the doctrine of human rights promises to supply the shared moral basis and common evaluative framework for the legal and political regulation of the contemporary geo-political orderⁱⁱ.

It is thus difficult to overstate the importance of human rights in the global politics of today, and this growing transnational relevance feeds back upon and amplifies their national and local importance. The relation between 'expert' and 'lay' understandings of human rights is an important dynamic in this process. To give just one of countless examples, following the introduction of the United Kingdom Human Rights Act in 1998 Lord Falconerⁱⁱⁱ, then Secretary of State for Constitutional Affairs and Lord Chancellor, made a series of emphatic statements stressing the importance of a 'human rights culture' in the UK. Such a culture is tasked with the responsibility of reconnecting ordinary people with politics and law, improving public services, reintroducing respect for basic human dignity and generally promoting common basic values that might bind the nation as a coherent collective^{iv}. When so much hope is invested in the ways in which human rights might influence ordinary people, grasping how people actually understand them

becomes directly relevant. It is important to know, for example, whether Lord Falconer and the British public have the same thing in mind when they utter the phrase ‘human rights’.

With such significant aspirations at play, however, it is perhaps unsurprising that human rights are typically presented as a completely objective, consensual affair. Following the lead of the Universal Declaration of Human Rights and the various conventions and resolutions that followed, they are presented as inalienable universals inherent to all human beings. Italian human rights philosopher Norberto Bobbio^v, for example, insists that the important thing is not to question the reality of human rights, but to get down to the difficult business of enforcing them (and, we might add, of educating people about them). The important thing is to get people thinking and acting in the right way, not to have them debate what that ‘right way’ indicated by human rights is. This is doubtless because human rights, and their predecessors the ‘rights of man’ serve as the foundation for a just and democratic society. Upon their objective definition and protection we pin the hopes of future justice and emancipation and of the maintenance and future promotion of human welfare and wellbeing. Human rights, in this sense, are an essential principle of unification for justice against illegitimate violence and exploitation. They articulate and protect what we humans have in common. Hence there is an understandable tendency to ‘black box’ the possibility that different people might have rather different things in mind when discussing human rights.

Given the global importance of human rights, and given the ontological claims at play about fundamental human nature, it is rather striking how comparatively little psychologists have contributed to the field of human rights scholarship^{vi}. Most of the

little that has been written comes under the header of public 'attitudes towards' human rights. In this attitudinal research, the concept of human rights is simply taken for granted as an object about which various different subjective opinions can be stated, such as degree of support for human rights. Hence we are told such things as that, on average, over the last 30 or so years, 42% of US citizens consider it 'very important' to promote and defend human rights abroad, but most believe it considerably more important to protect US jobs and to control immigration and illegal drugs^{vii}. In such research, the object 'human rights' is assumed to have a firm and objective referent about which any number of subjective views can be expressed. No contribution is made to the core problem of defining or legitimating human rights^{viii}. The key problem such attitudinal research faces, however, is that 'human rights' is far from being a simple and singular object about which opinions can be straightforwardly expressed. It is therefore rather unclear whether the different attitudes identified in relation to human rights refer in fact to the same object.

McFarland and Matthews^{ix} provide a useful review of this attitudinal literature, and criticise authors such as Getz^x and Moghaddam & Vuksanovic^{xi} for misrepresenting human rights in their measures by requesting responses to items of tenuous relevance^{xii}. Other researchers have tried to circumvent this problem by presenting their participants with items drawn directly from the Universal Declaration of Human Rights (UDHR)^{xiii}. Here again, however, the problem is that these items lack unitary meanings^{xiv} and, more importantly, were envisaged as the basis for procedures of international governance, not as items in an instrument for measuring attitudes. It thus seems rather unlikely that responses to these items are responses to a simple object 'human rights', since the articles

of the UDHR *qua* human rights (and any other human rights declaration or convention) are inseparable from their practical use as juridico-political instruments.

In the US context, McFarland and Matthews^{xv} made a bold attempt to address some of these measurement problems by having participants a) rank order a list of US foreign policy goals (e.g. is the promotion of human rights abroad more or less important than maintaining worldwide US military domination?), b) respond to various scenarios of human rights violation, and c) by forcing a choice between human rights and items of national self-interest (to minimize social desirability effects). They also distinguished 'endorsement', 'commitment' and 'restriction' aspects of human rights attitudes. This design enabled them to make certain empirically grounded claims. They state, for example, that dispositional empathy, education and global knowledge can predict the endorsement of human rights values, but do not influence commitment to them. A global perspective and principled moral reasoning, on the other hand, predict commitment to rights values, whilst authoritarianism and ethnocentrism predict the restriction of human rights.

Whilst these findings have re-assuring face validity, the issue of what it is that participants are in fact endorsing, committing to and restricting when they so relate to 'human rights' as mediated by these various measures remains unclear. For certain, the version of human rights at play in this study is a markedly US version that *de facto* refers to human rights issues as purely a matter of benign US Foreign Policy (notably that relating to 'non-democratic governments' and 'cultural traditions' and as expressed in scenarios describing the Rwanda genocide, etc.). This operationalization of human rights is perhaps excusable in a study of US attitudes to a distinctively US construction of

human rights, but it would be unworkable practically anywhere outside of this context.

The present paper attempts to go directly to the heart of the problems discussed above by inquiring into whether and how a sample of participants actually ‘make sense of’ human rights in different ways. That is to say, rather than assuming that people express diverse evaluations and orientations towards a shared object, the aim is to explicate the sense in which very different ‘objects’ might be at play within the apparent unity of the phrase ‘human rights’. The working hypothesis is that there will be neither a unitary understanding of human rights, nor an infinite multiplicity of idiosyncratic constructions. Rather, the expectation is of a *finite diversity* of distinct forms of understanding extant in any given place and time. The implication is that disagreements about human rights may actually pertain to rather different ‘objects’ and that superficial agreements in attitude might likewise conceal deeper underlying conceptual differences. A direct examination of this issue thus promises to enhance communicative possibilities. This expectation of diversity is informed by the fact that a comparable finite diversity is discernable even amongst professional experts (legal, political and philosophical) in the human rights sphere^{xvi}. In a context where there is no agreed unitary expert position on what human rights *really* are, one should predict comparable diversity amongst ordinary ‘lay’ people’s accounts^{xvii}. Marie-Benedict Dembour – a specialist on the European Court of Human Rights – provides the clearest example of what could be called *expert diversity*. Based on a comprehensive review of a large number of published works on the topic of human rights by a range of experts, Dembour devised a typology composed of four distinct schools of thought^{xviii}:

1. “Natural scholars” who conceive of human rights as *given*,
2. “Deliberative scholars” who conceive of human rights as *agreed*,
3. “Protest scholars” who conceive of human rights as *fought for*, and
4. “Discourse scholars” who conceive of human rights as *talked about*.

Dembour’s typology is intriguing since each school combines a particular conception of human rights with a particular mode of practice (namely giving, agreeing, fighting and talking). This suggests that the distinct *conceptions* at play might derive from these different modes of practical engagement with human rights. She stresses, however, that these four conceptions do not fit together in some more general functional scheme. On the contrary, ‘people will typically fight for their own understanding of the term, dismiss other understandings, and thus declare their own understanding as the only one which is valid’. Importantly, Dembour’s work suggests, not that expert diversity is infinite and unstructured, but that there is a limited pool or repertoire of modes of understanding that recur on a regular basis among people who are human rights experts^{xix}.

Methodology: Q-technique

A repertoire of constructions very similar to Dembour’s typology has in fact been independently identified using a very different method and a very different set of participants. The study was published in 1986 in a little known specialist Q methodology journal by Stainton Rogers & Kitzinger^{xx}. My discussion of this study in this section will also serve as an overview of Q-technique and its methodology.

Rather than analyse and classify a body of published material by human rights experts, Stainton Rogers and Kitzinger asked a strategically sampled group of fifty seven UK-based participants to sort a set of forty one statements or propositions about human rights according to their relative agreement and disagreement with each of them (a procedure known as ‘Q sorting’). The participants included parliamentarians, philosophers, lawyers, economists, politics lecturers, social workers, police officers, journalists, writers, students, the retired and the unwaged, and included both human rights activists and those with no specific involvement in human rights.

The set of statements (called ‘items’) was based on interviews with people expected to express a diverse range of views on human rights^{xxi}. Where possible, they used the actual words of the interviewees in the items. Example statements include: ‘Civil rights should not be seen as automatic; one should earn and qualify for them by being a responsible citizen’; ‘My religion has been a major influence in the way I think about human rights’ and; ‘If the notion of human rights means anything, it must apply to all of the people all of the time, regardless of their place in society or the nature of the situation they are in’.

Although Q methodology looks superficially like more familiar attitude measures, it was in fact expressly designed to gain access to the richness and complexity of subjective constructions and to subtle differences within and amongst different understandings. It was invented by the physicist / psychologist William Stephenson in the mid 1930s and developed thereafter with the express intention of providing psychology with a post-Newtonian methodology in line with the then emerging Quantum theory and sciences of complexity^{xxii}. It is designed to work with relatively small numbers of

participants, since the problem is not to make generalizations about populations (such as 'what proportion of a given population agrees with a given proposition?'), but to capture and describe any actual patterns that are expressed by a given number of participants.

The basic procedure thus involves having a small and strategically sampled cohort of participants sort a large number of thematically related propositions into a meaningful holistic pattern according to some criterion of subjective judgement (e.g. 'agreement / disagreement'). Each participant thus provides a snap-shot of their subjective viewpoint in so far as it is expressed through their arrangement of the statement set. Each Q sort, once completed, can be represented in purely numerical form. The similarities and differences between various *complete* Q sorts (i.e. not between individual items) can then be expressed as correlations. These correlations can in turn be subjected to a *by-person* factor analysis.^{xxiii} Through this process it is possible to identify any common modes of understanding expressed by participants, since these are detectable as patterns or clusters of highly inter-correlated Q sorts. These patterns are known as 'factors'.

In the Stainton Rogers and Kitzinger study, 5 such patterns were selected for interpretation amongst the Q sorts of the fifty seven participants. Each factor gathered together the Q sorts of those participants who had sorted the items into essentially the same pattern, but, importantly, a pattern clearly distinct from the others. The statistical analysis, of course, deals only with numbers, but clearly the reason for the shared numerical pattern is that each factor captures a distinct (shared) mode of understanding. The key strength of this method, then, is that any factors that do in fact emerge are the direct result of the sorting activity of the participants. What remains is to interpret the sort patterns of each factor in order to reconstruct the content of the understanding. This

requires a careful examination of the entirety of the sort pattern that typifies each factor, since it is the sort pattern as a whole that matters, not merely the position of any single statement. Usually, to simplify the process of interpretation, the Q sorts of all of the participants that exemplify a given factor are merged together statistically to yield a single Q sort that can serve as a representative of the factor for purposes of interpretation (called a 'factor array'). The particular arrangement of the statements on each factor array can then be carefully inspected in order to reconstruct the understanding informing each factor.

Of great interest is the fact that the five understandings of human rights uncovered by Stainton Rogers and Kitzinger correspond rather closely to the Dembour typology. The first (entitled *Rights as grounded universals*), corresponds closely to Dembour's account of the 'natural scholars'. Human rights are viewed as expressions of a timeless and unchanging natural moral law and are consequentially universal, unalterable and applicable impartially to all human beings. Everyone therefore has an obligation to defend and advance the human rights of all. The second (entitled *Rights in radical political discourse*) corresponds closely to Dembour's account of the 'protest scholars'. It expresses the viewpoint that human rights are fundamentally related to issues of power and powerlessness. The people who sort in this way present themselves as political radicals and view human rights as important political tools for protecting vulnerable people who lack power. The State, being under the control of those with power, is considered as the key potential violator of human rights. The third (entitled *Rights as a socio-political construction*) corresponds neatly to Dembour's 'discourse school'. Human rights are understood to be the product of discourse: a specifically western cultural

invention which reflects a capitalistic form of economy, and expresses a liberal ideal of self-contained individualism. The fourth and fifth appear to be variations on Dembour's 'deliberative school'. The fourth (entitled *Rights and responsibilities*) makes human rights contingent upon duties responsibilities, whilst the fifth (entitled *Rights and democracy*) considers freedom, law and democracy as the basis of human rights (from this perspective, respecting human rights is about not infringing upon other people's liberties, and about abiding by democratically agreed laws).

A report of two new studies

The degree of overlap described above is somewhat surprising given the different methods, different data and different participants involved in Dembour's study and that of Stainton Rogers and Kitzinger. It suggests that the typology may be deeply rooted and may generalize across the divide between expert human rights author and lay person. To further explore these possibilities, two variations on Stainton Rogers and Kitzinger's study were designed and executed. Firstly, to further explore the possibility that a similar typology might emerge from a sample of people with little or no known engagement with human rights activity, a Q methodological study was undertaken using a sample of undergraduate psychology students from a metropolitan university in the UK (study A). Second, the same set of statements was administered to a strategically sampled group of UK-based (predominantly non-student) lay people (study B). For both studies twenty five statements from the Stainton Rogers and Kitzinger study were used (those that best distinguished their five factors) and seventeen new statements were added on the basis of

an updated literature review and five interviews. This yielded an item set of forty two statements (see appendix 1). Using a different set of statements obviously provides a more stringent test of the robustness of the previous typology, since comparable findings would imply that the same understandings can be expressed via different propositions^{xxiv}. The sort task was also modified slightly from the 1986 study. In both studies participants were asked to sort the items into a quasi-normal distribution ranging from most disagree (marked with -6) through neutral (marked with 0) to most agree (marked with +6) according to the following pattern:

-6 -5 -4 -3 -2 -1 0 +1 +2 +3 +4 +5 +6 = ranking position

1 2 3 3 4 5 6 5 4 3 3 2 1 = no. of statements in this position

In short, each participant was given a shuffled pack of 42 statements, each typed onto a separate card. After reading through the pack, each participant was asked to select the statement with which they most agree, and to place it under a pile marked +6. They then placed the next two most agreeable statements under the +5 pile, and so on through +4, +3, +2 and +1. Items that they had no particular view about or considered neutral were placed under 0. The process was then repeated for the item most disagreed with (which was placed under -6), and so on through the minus piles. Participants were asked to continue adjusting the sort until they were happy that it reflected the view they wished to express. After recording the numbers of the statements in a matrix corresponding to the pattern above, each participant was then asked for qualitative open-ended comments

elaborating upon their reasons for sorting the statements in the extreme piles (and any others they wished to comment on). The whole process took between 40-60 minutes.

Study A: Constructions of human rights amongst undergraduate psychology students at a metropolitan UK University

84 completed sorts were returned from a cohort of undergraduate psychology students taking a first-year lab class. 11 of these were male. 62 were British, 7 were Chinese, 5 were from other European countries and the remaining 4 were from Argentina, Bahrain, Egypt and Pakistan. After examination of the scree slope, from a larger set of factors revealed by a *by person* principle components analysis using SPSS, 5 clear factors were selected for interpretation (together these account for 51.3% of the study variance). A first large factor accounts for 29% of the variance and the Q sorts of 36 of the participants correlate significantly^{xxv} with this factor alone. These Q sorts can hence be referred to as *exemplars* of this understanding. The next 4 factors are also comparatively substantial, having *eigenvalues* of 7, 6.4, 4.7 and 4.2 respectively^{xxvi}. Thereafter the factors become less substantial and less interpretable.

As discussed above, to aid interpretation of the understandings, factor array Q sorts for each factor were calculated using factor scores^{xxvii}. The section below provides an interpretation of each factor and is written in a manner designed to provide direct insight into this process of interpretation. The interpretations are primarily based upon the ranking of the statements in each factor array, but where relevant open-ended comments from exemplars are included to enhance and validate the interpretation.

Understanding A1: Rights as grounded universals.

Despite the altered item set, this understanding is immediately recognizable as the first account identified by Stainton Rogers and Kitzinger. The details of this can be illustrated by attending to the ranking of certain key statements in the factor array Q sort, although, as will become clear, ultimately it is the complete sort as a *gestalt* that is the focus of attention. In the text below each numbered statement is followed by the ranking it received in the relevant factor array Q sort (we will call this first factor ‘A1’). Hence item 12 (below) was the statement with which this first understanding most agrees (ranked at +6). Understanding A1 presents a view of human rights as moral universals that apply to all individuals regardless of time and place:

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|----|
| 12. All human beings are born free and equal in dignity and rights –
in other words, human rights are universal. | +6 |
| 13. Human rights have always existed as part of an external “natural law”
which we have gradually discovered and made explicit. | +3 |
| 20. All citizens should be entitled to exercise the same rights. | +4 |
| 14. Human rights are unchanging principles of moral philosophy –
like justice, freedom and equality. | +5 |

Consistent with the above rankings, any suggestion that human rights may be tied to history or culture is firmly rejected. No exceptions are to be permitted on the grounds of

cultural difference and no privilege is to be accorded to insiders. Note the negative ranking of the following statements (excluding 32), indicating moderate to strong disagreement:

15. The idea of human rights is a political invention.	-4
42. We should not expect human rights to be respected in cultures that work with very different values.	-5
37. For me, claims to rights are associated with the selfishness of a culture that always puts the individual first.	-4
4. All other things being equal, the rights of our own country people should take precedence over the rights of those of other nationalities.	-4
32. If human rights are being systematically abused in a country, the international community has a duty to intervene.	+3

Given this strong sense of the absolute unconditionality of rights, it is not surprising that strongest disagreement is reserved for the idea that human rights must be earned:

1. Human rights should not be seen as automatic; one should earn and qualify for them by being a responsible citizen.	-6
-----------------------------------------------------------------------------------------------------------------------	----

Understanding A2: Rights in radical political discourse

The second understanding to be examined also replicates its namesake in the Stainton Rogers and Kitzingers' study. The most positively ranked items express a vision of human rights as concerned with power, conflict and the struggle against injustice and inequality:

7. One of the most important roles of human rights is in protecting minorities against the tyranny of the majority. +6
9. An essential right in a free society is the right to disobey – the right to dissent from all the commands of legitimate authority. +5
27. One of the biggest problems today is how to guarantee the human rights of the world's poorest and most vulnerable people. +5
5. There's one simple equation about rights: the powerful violate the rights of the powerless. +4
35. If human rights are officially recognised, this is only thanks to the ordinary people who have fought for them tooth and nail. +4

This emphasis on the value of equality combined with an avowal of non-religiosity (statement 2 = -6; statement 20 = -3) is nicely summed up in one of the qualitative comments from a participant exemplifying this understanding (participant no. 66): 'I am not religious... I strongly believe that all people are equal and should be treated alike, regardless of their culture and societal status'. Human rights in this account are not some timeless and universal finished product but are part of an egalitarian struggle against oppression that must be continually fought for (20 = +2; 3 = +2). What is more, they

must be fought for *against* the conservatism and self-interest of the status quo and state power (8 = -5; 4 = -3; 6 = +2; 10 = -2).

In stark contrast to A1, then, there is strong disagreement with propositions suggesting the universality, naturalness and timelessness of human rights (statement 12 = -3; statement 13 = -4; Statement14 = -3). From the perspective of this understanding most of the world's population have little hope of having their human rights respected (34 = +3). Respect for human rights is nevertheless viewed very positively as the ultimate sign of human progress (39 = +4), and although they may not be recognised in practice they *should* be recognised in principle (42 = -3).

Interestingly, as in the Stainton Rogers & Kitzinger study, this was the only understanding in which statement 11 is disagreed with. Hence, although the disagreement is mild, it should be considered as *theoretically* very significant:

11. All the human rights in the world can't prevent loneliness, disease, bodily decay and death. Human kind's fundamental vulnerabilities of flesh and spirit are not susceptible to ideological or political correction. -1

Understanding A3: Rights as a socio-political construction

This understanding – much like its equivalent in the Stainton Rogers and Kitzinger study - puts the whole concept of human rights into critical question. Strongest agreement is given to statement 28:

28. Human rights are a political tool that can be used to do
great good or great bad. +6

The view of rights as political constructions of ambivalent value rather than unchanging
positive moral principles is reiterated in the following rankings:

31. 'Human rights' are increasingly being used as a slogan
to pander to the whims of the 'politically correct'. +4

33. Human rights are imported into developing countries
just like Big Macs, Cola and Hollywood films. +5

39. Respect for human rights is the ultimate sign of moral progress. -3

Underlying this critical account is a negative view of the real interests of the state:

6. To expect the State, the Police and the Law to defend
human rights is like expecting foxes to protect chicken runs. +5

This picture of a malign and deceptive state is combined with an image of the ordinary
citizen as powerless:

22. There is not much the ordinary citizen can do if they feel
their rights are being abused. +2

Given this critique it makes sense to support the idea of examining the specifics of each problem situation rather than imposing a vocabulary of rights onto it:

25. The solution to any human problem should be based on that unique situation, not on some general idea of what people's "rights" are or should be. +4

42. We should not expect human rights to be respected in cultures that work with very different values. +3

Largely in common with the first two understandings, extreme disagreement is reserved for items which blame rights violation on criminality and wickedness and which hint at making human rights conditional upon 'appropriate' conduct:

24. It is not hard to see who, in our society, are the worst abusers of the rights of others – it is the criminals and the law breakers. -6

18. I believe that I can only reasonably expect my rights to be respected by society if I fulfil my duties to society. -5

41. Only the wicked and the cruel violate human rights. -5

21. It is only reasonable that certain groups (e.g. prisoners, the mentally ill) should be denied the use of certain rights (e.g. voting) that the rest of us take for granted. -4

16. Some people behave so badly as to forfeit their rights as human

beings – mass murderers and some sex offenders, for example. -4

17. When people act carelessly, without thought for the future or without really understanding what they are doing, it doesn't make sense to say that they have a *right* to those actions. -4

Understanding A4: Rights and responsibilities

This understanding also has its equivalent in the Kitzinger and Stainton Rogers study, and, arguably, is closest to Dembour's 'deliberative scholars'. It also offers a critique of the concept of human rights:

28. Human rights are a political tool that can be used to do great good or great bad. +3

25. The solution to any human problem should be based on that unique situation, not on some general idea of what people's "rights" are or should be. +5

31. 'Human rights' are increasingly being used as a slogan to pander to the whims of the 'politically correct'. +4

11. All the human rights in the world can't prevent loneliness, disease, bodily decay and death. Human kind's fundamental vulnerabilities of flesh and spirit are not susceptible to ideological or political correction. +5

26. Human rights are one of the few remaining ideals left in today's global society. -5

The *basis* of this critique, however, is completely different to that of understanding A3.

The A4 account, for instance, thoroughly embraces the idea that human rights should be conditional upon good conduct:

16. Some people behave so badly as to forfeit their rights as human beings – mass murderers and some sex offenders, for example. +6

21. It is only reasonable that certain groups (e.g. prisoners, the mentally ill) should be denied the use of certain rights (e.g. voting) that the rest of us take for granted. +4

24. It is not hard to see who, in our society, are the worst abusers of the rights of others – it is the criminals and the law breakers. +4

A qualitative comment from participant 60 (an exemplar of this factor) sheds light on the reasoning behind this account: ‘You shouldn’t act towards one another in brotherhood. Some people don’t deserve it!’

It is not surprising, given this emphasis, that there is strong disagreement with the notion of a ‘right to disobey’, and with the idea that rights are connected with a history of collective dissent and struggle:

9. An essential right in a free society is the right to disobey – the right to dissent from all the commands of legitimate authority. -4

35. If human rights are officially recognised, this is only thanks to

the ordinary people who have fought for them tooth and nail. -4

The following rankings, although only marginally positive, are notable since they are the highest given to these items by any of the understandings:

8. States have rights too, and they are justified in curtailing or limiting the rights of citizens when the Nation is under internal or external threat. +1
30. Rights can only be protected by a state that has the power to guarantee them. +2

In sum, in this account human rights are in large part an undesirable form of political correctness that threatens to empower those who ought not to be empowered. In addition, there is a distinctly 'communitarian' feel to it. At the end of the day, what matters is not human rights but the closeness and support provided by those that really care (statement 38 = +4).

Understanding A5: Rights and religious commitment to the community

This understanding does not correspond in any obvious way with the findings of Marie Dembour and Rex Stainton Rogers and Celia Kitzinger. The most strongly agreed with item in this factor is item 2:

2. My religion has been a major influence in the way I think about human rights. +6

This, as might be expected, was also reflected in qualitative comments made by participants whose Q sorts exemplify this understanding:

'Religious commitment is important' (participant 84). *'I have religious commitments and feel very strongly about acting together with others + in community'* (participant 56).

The ranking of item 40 indicates that, on one level at least, human rights are positively identified with religion:

40. Some version of human rights is present in all the great religious traditions. +4

And that, as a social ideal, human rights are viewed very positively in terms of moral progress:

39. Respect for human rights is the ultimate sign of moral progress. +4

26. Human rights are one of the few remaining ideals left in today's global society. +3

27. One of the biggest problems today is how to guarantee the human rights of the world's poorest and most vulnerable people. +3

4. All other things being equal, the rights of our own country people should take precedence over the rights of those of other nationalities. -5

This *association* of religion and human rights is not absolute, however, and at points the two can be dissociated:

28. Human rights are a political tool that can be used to do great good or great bad. +4

Human rights alone, in other words, are not enough. Indeed, the sense conveyed is that, rather than being absolute foundations themselves, human rights need to be based upon a foundation of compassionate consideration:

29. The ability to respect human rights is based upon people becoming more compassionate, caring and considerate of others. +3

11. All the human rights in the world can't prevent loneliness, disease, bodily decay and death. Human kind's fundamental vulnerabilities of flesh and spirit are not susceptible to ideological or political correction. +2

This introduces a distinct conditionality into the issue of human rights. Hence, although there is mild agreement with the proposition that all human beings are born free and equal in dignity and rights (12 = +2), this is clearly not taken to imply that human rights should apply regardless of the particular circumstances involved:

2. If the notion of human rights means anything, it must apply to all of the people all of the time, regardless of their place in society or the

nature of the situation they are in. -2

Having one's human rights respected, in this account, is conditional upon having earned those rights through fulfilling ones duties and responsibilities to the community:

1. Human rights should not be seen as automatic; one should earn and qualify for them by being a responsible citizen. +5

18. I believe that I can only reasonably expect my rights to be respected by society if I fulfill my duties to society. +2

But it does not follow that those who, for example, break the law, should be denied their human rights:

24. It is not hard to see who, in our society, are the worst abusers of the rights of others – it is the criminals and the law breakers. -4

21. It is only reasonable that certain groups (e.g. prisoners, the mentally ill) should be denied the use of certain rights (e.g. voting) that the rest of us take for granted. -4

A comment from participant 4 is relevant here: *'we cannot judge... or take away rights – this is not our duty or role – only God's'*.

A final important aspect of this account is a positive sense of the power of the ordinary citizen to act against the abuse of their rights:

22. There is not much the ordinary citizen can do if they feel their rights are being abused.

-5

Study B: Constructions of human rights amongst a strategically sampled UK participant group

The second study used a strategically mixed sample of lay people^{xxviii}. 46 UK-based participants took part, with ages ranging from 17 to 71, with a male to female ratio of around 2:3. Much as with the Stainton Rogers and Kitzinger study, theoretical sampling was used to select participants likely to express differing views on human rights.

Participants included lawyers, therapists, artists, lecturers, journalists, equality officers, designers, the unemployed, environmentalists, businesspersons, the retired, trade unionists, trainee priests, and teachers. As well as occupation, group membership was also considered, and although some participants were chosen because they did not have any active group membership, some were active within organizations to which human rights were an important issue. At least one participant was involved with each of the following groups : Amnesty International, the Conservative Party, War on Want, Free Western Sahara Campaign, Friends of the Earth, Voices UK (pacifist group), Campaign Against Arms Trade, Minority Rights Group International, Rising Tide (environmental

campaigning) Refugee Council, PEN, Index upon Censorship, Liberty, the Roman Catholic Church. Rather than repeat the lengthy interpretations provided for study A above, the results for study B will be presented in summary form with a focus on salient differences.

Following data analysis as above, the five most substantial factors were selected for interpretation, yielding:

1. Understanding B1: which correlates significantly with A1 and presents a version of rights as grounded universals;
2. Understanding B2: which correlates significantly with A2 and presents a version of rights in radical political discourse;
3. Understanding B3: which correlates significantly with A3 and construes human rights as a socio-political construction.

The first three of the five understandings from study A were thus replicated. The fourth understanding from study A (A4, *rights and responsibilities*) bifurcates in study B into two understandings (B4 and B5). In both B4 and B5, human rights are not viewed as automatic entitlements. Instead they are construed as benefits that are earned through the appropriate exercise of responsibilities and the fulfillment of duties to society. A clear distinction is thus drawn between law-abiding citizens and those who misbehave in ways that should lead to the loss of their rights. However, compared to B5, B4 is generally positive about the notion of human rights as a moral ideal, agreeing that all citizens are born equal in rights and should therefore be entitled to exercise the same rights.

For B5, by contrast, there is clear disagreement with the notion that all citizens should be entitled to exercise the same rights (20: -5) and there is a strong critical questioning of the value of human rights at all (26: -4; 33: +3; 42: +2). As put by one B5 exemplar: *'I suspect that the concept of human rights is a projection of anger and thus subject to abuse'*. In place of rights one finds in the B5 account a broadly communitarian emphasis upon the ultimate value of local relationships and particular circumstances – what one participant described as *'the ability to look at the reality that is in front of you'* - rather than general rules and abstract conceptions.

Turning to the differences between the two studies, a first issue is that study B yielded no direct equivalent to understanding A5 (*rights and religious commitment to the community*). There are also some subtle differences between the main accounts emerging from the two studies. Understanding B1, for example, has a strong religious aspect to it that was not evident in A1. Half of those whose Q sorts load B1 significantly identify themselves as committed Roman Catholics, and other religions mentioned include Hinduism and Islam. However, apart from this religious influence, the B1 understanding resembles A1 far more than A5. Whilst A5 participants made a clear distinction between their religious beliefs and human rights, for A1 a universal conception of human rights was considered an integral and core part of their religious belief. The A5 distinction between religious truth and human rights affords this account a degree of ambivalence towards human rights. Human rights, where necessary, could thus be trumped, as it were, by a higher value. The A1 position, by contrast, involves *identifying* religious value with human rights, and thus there is no such distinction and no such ambivalence. Participants expressed this quite clearly in their own words: *'..God created everyone equal – it is man*

who applies status or differentiates between colour, race etc.’ (MH6)... ‘..everyone is made in the image of God’. ‘I believe human rights are universal and are removed by others and by states if we are not careful or attentive.’ (SW9).

There is also a slight difference in emphasis between understandings B2 and A2. B2 is a more resolute and radical version of the protest dialect. The majority of the participants who expressed this account are involved with human rights activism groups such as Amnesty International. There is a stronger emphasis on the right to disobedience, and a championing of the ordinary person against the machinery of the state. As one participant put it: ‘Dissent provides a safeguard against institutional tyranny’. Another difference is that B2 puts more positive emphasis upon the importance of conceiving human rights as universal and unconditional (although they disagree with ontological claims of natural law). This brings it marginally closer to the natural school account. As expressed by one B2 exemplar: ‘[H]uman rights have to apply to everybody otherwise there’s no point in having them’. The A2 account was rather more circumspect about this issue.

Discussion and conclusions

The studies described above support the notion of a finite diversity of distinct ways of understanding of human rights. Perhaps most surprising is the degree of overlap between the understandings discernable through an analysis of the writings of human rights experts (as described by Dembour), and those expressed through the sorting of statements by non-experts^{xxix}. Distinct natural, protest, discourse and deliberative understandings

appear to be particularly robust, since equivalents to Dembour's schools can be found in Stainton Rogers and Kitinger's study from over twenty years ago, in a recent study involving psychology undergraduates, *and* in a recent study with non-student lay folk, as summarized in table 1 below:

Insert table 1 here

The first three understandings appear remarkably robust, whilst the others take on varied complexions across the samples. In the context of the Q studies, Dembour's 'deliberative school' takes various forms. The most stable of these emphasises the balance of rights and responsibilities (a *rights and responsibilities* understanding emerged from all three Q studies). Another version of this deliberative school takes the form of an account in which human rights are about not infringing upon other people's liberties, and about abiding by democratically agreed laws (*rights and democracy*). Yet another emphasizes concrete community belonging.

A variant of this theme of community belonging takes the form of a further understanding not specified by Dembour or Stainton Rogers and Kitzinger according to which human rights are related to community commitment via religion. Interestingly, religion appeared as a theme both as A5 (*rights and religious commitment to the community*) and as B1 (*rights as [religiously] grounded universals*). These two accounts indicate that the relation between human rights and religious doctrine can be articulated in at least two distinct ways. In B2 human rights are *identified* with religion, and hence assume the ‘good position’^{xxx}. In A2, by contrast, the identification is incomplete, giving a transcendence to the religious perspective that allows it to justify human rights in some circumstances, but also to critique and ‘correct’ human rights as and when necessary.

The identification of these understandings should not lead us automatically to assume that we are dealing with personality variables that are stable at the level of particular individuals. Empirically, what has been identified are coherent *gestalts* or *constructions*. It is these that appear to be sufficiently stable to be identified at different times with different people using different methods. It is perfectly possible that a given individual might shift between understandings depending upon circumstances, just as they might wear different clothing for different occasions. From this perspective, the multi-dimensionality uncovered might be thought of as expressing the (complex) social reality of human rights itself. The suggestion would be that the domain of human rights – much like the famous duck / rabbit image beloved of gestalt psychology, has a tendency to reveal itself to our understanding according to its different aspects or sides.

Unlike these gestalt images, however, human rights appear to be *multi* perspectival, having at least four clearly distinguishable faces. Having said this, it is

perfectly likely that certain people hold tightly to certain understandings, although our data do not speak to this issue. It seems unlikely, for instance, that an individual voicing *human rights as a socio-political construction* would switch understandings and start voicing *human rights and religious commitment to the community* in the absence of a fairly profound conversion experience. On the other hand, certain understandings appear psychosocially closer together than others. *Rights as religious commitment to the community* shades into *human rights and responsibilities*, for example, just as *human rights as religiously grounded universals* shades closely into the ostensibly secular *human rights as grounded universals*.

The principle of consistency informing these understandings is more likely to be found at the social and institutional level than at the level of individual psychology. In discussions of human rights education, for example, it has been observed that rather different constructions of human rights are assumed by different human rights educators. According to Nancy Flowers^{xxxix}, for example, in an educational capacity, NGOs tend to present an understanding of human rights centred around issues of power, struggle and conflict (i.e. with our 'radical activist politics' understanding), whilst academics and professional educationalists stress universal principles (our 'grounded universals' understanding), and governmental bodies and intergovernmental organizations stress peaceful democratic settlements of rights and responsibilities (understandings 4 & 5).

Needless to say, a good deal of further work is required to corroborate and develop these findings. As well as further replications, there is a need for further studies drawing upon different methodologies, and for comparable studies involving different participant groups from different locations. Better knowledge of the constructions

outlined in this research, and of others that have escaped attention, should enable a more nuanced grasp of debate within the field of human rights, and a more sensitive vision of the future we wish collectively to realize.

Notes

ⁱ J. Whitman, 'Human rights in Crisis: What kind? How deep?', *The International Journal of Human Rights*, 13, no. 5 (2009): 739-747, 739.

ⁱⁱ J. A. Alves, 'The Declaration of Human Rights in Postmodernity', *Human Rights Quarterly*, 22, (2000): 478-500.

ⁱⁱⁱ Lord Falconer, 'Human rights and constitutional reform' **Available at** <http://www.dca.gov.uk/speeches/2004/lc170204.htm>, (2004).

^{iv} K. Nash, *The Cultural Politics of Human Rights: Comparing the US and UK* (Cambridge: Cambridge University Press, 2009).

^v N. Bobbio, *The Age of Human Rights*. (Cambridge: Polity, 1996).

^{vi} See the introductory comments in Norman J. Finkel, & Fathali M. Moghaddam, (eds.). *The psychology of rights and duties: empirical contributions and normative commentaries* (Washington DC: American Psychological Association, 2005).

^{vii} See O.Holsti, 'Public opinion on human rights in American foreign policy', In D.P. Forsythe (Ed.) *The United States and human rights: looking inward and outward* (Lincoln: University of Nebraska press, 2000).

^{viii} For a notable exception see R.Harré, 'An ontology for duties and rights', In Norman J. Finkel, & Fathali M. Moghaddam, (eds.) *The psychology of rights and duties: empirical contributions and normative commentaries* (Washington DC: American Psychological Association, 2005).

^{ix} S.McFarland, & M. Mathews, 'Who cares about human rights?', *Political Psychology*, 26, (2005): 365-385

^x I. Getz, *Moral reasoning, religion and attitudes towards human rights*, (Doctoral Dissertation, University of Minnesota, 1985).

^{xi} F.M. Moghaddam, & V. Vuksanovic, 'Attitudes and behaviour towards human rights across different contexts: the role of right-wing authoritarianism, political ideology and religiosity', *International Journal of Psychology*, 25, (1990): 455-474.

^{xii} It does indeed seem problematic to claim to be measuring human rights attitudes when in fact asking participants for responses to items on matters such as legalised prostitution, drug use or bi-lingual education.

^{xiii} J. Diaz-Veizades, K.F Widaman, T.D. Little, & K.W. Gibbs The measurement and structure of human rights attitudes. *The Journal of Social Psychology*, 135, (1995): 313-328; W. Doise, D. Spini, & A. Clémence Human rights studied as social representations in a cross national context. *European Journal of Social Psychology*, 29, (1999): 1-29; and D. Spini, & W. Doise 'Organising principles of involvement in human rights and their social anchoring in value priorities', *European Journal of Social Psychology*, 28, (1998): 603-622.

^{xiv} K. Sellars, *The rise and rise of human rights* (Stroud: Sutton, 2002).

^{xv} S. McFarland & M. Mathews 'Who cares about human rights?', *Political Psychology*, 26, (2005): 365-385

^{xvi} C. Douzinas, *The end of human rights* (Oxford: Hart, 2000); C. Gearty, *Can human rights survive?* (Cambridge University Press: Cambridge, 2006).

^{xvii} In discussing human rights education, for instance, Nancy Flowers asserts that 'Human rights education lacks not only a clear definition, but also an agreed theoretical basis', Nancy Flowers, 'How to define Human Rights Education? A complex answer to a simple question', in Viola B Georgi & Michael Seberich

(Eds.), *International perspectives in human rights education* (Gütersloh: Bertelsmann Foundation, 2004), 106.

^{xviii} M.B. Dembour, *Who believes in human rights? Reflections on the European Convention* (Cambridge: Cambridge University Press, 2006).

^{xix} From a theoretical perspective, one advantage of considering different ways of constructing the object 'human rights' is that it avoids an unbridgeable distinction between an out-there reality of human rights (the object) and a series of in-there perceptions (purely subjective attitudes). Rather than operate with a difference between representation and reality, it is more fruitful to consider the out-there realities of human rights as concrete actualities whose invention and perpetuation required and requires subjective input. This would avoid the realism / relativism impasse, to the extent that any invented actualities are objective constraints on future creations and experiences, but, at the same time, the importance of an existing matter of fact is nothing more than the part it plays in the becoming of tomorrow's actuality. On this, see S.D. Brown, & P. Stenner, *Psychology without foundations: history, philosophy and psychosocial theory* (London: Sage, 2009).

^{xx} R. Stainton Rogers, & C. Kitzinger, 'Human Rights: Bedrock or Mosaic', *Operant Subjectivity: the international journal of Q methodology*, 9, (1986):123-130.

^{xxi} Ten interviews were used, supplemented by a literature review. Interviews were structured around five domains of debate 1. Who has rights? 2. Where do rights come from? 3. What is their scope? 4. Who protects and violates rights? 5. Under what conditions can rights be overused? From each of these domains they drew up representative statements for use as items in the Q sort.

^{xxii} The original paper was W. Stephenson, 'Technique of Factor Analysis', *Nature*, 136, (1935): 297. A more complete overview is provided in W. Stephenson *The study of behaviour: Q technique and its methodology* (Chicago: University of Chicago Press, 1953). For accounts of the quantum aspects of Q, see W. Stephenson, 'Quantum theory and Q-methodology: fictionalistic and probabilistic theories combined', *The Psychological Record*, 33, (1983): 213-230, and P. Stenner, 'Q methodology as a constructivist method', *Operant Subjectivity: the international journal of Q methodology*, 32, (2009): 42-69.

^{xxiii} In a by-person analysis patterns are identified between complete sorts, and hence it is complete Q sorts that load factors and not *items*. Q methodology is thus distinct from conventional factor analysis or 'r-methodology' which identifies patterns amongst items based on correlations between items. The epistemological implications of this matrix reversal are rather profound. In Q methodology, for example, the participants are the *variables* in the analysis and items are the *cases* (hence a relatively large number of items, rather than participants, is desirable).

^{xxiv} The down-side, of course, is that direct statistical comparison with Stainton Rogers' and Kitzinger's 1986 findings is not possible.

^{xxv} In this study a Q sort was considered to be a significant factor loader if it correlated at 0.45 or above on one factor only.

^{xxvi} An eigenvalue is the sum of squared values in the column of a factor matrix. A value over 1 is generally taken as an indicator of the minimal statistical significance of a factor. This, however, should be understood only as a *minimal* condition of interpretability based on the fact that eigenvalues below 1 account for less variance than is attributable to a single Q sort, and thus provide no advantage of data reduction.

^{xxvii} In effect, for example, the 36 Q sorts that significantly loaded the first factor alone were merged to form a single factor array Q sort. As discussed above, it is these factor arrays that are subjected to interpretation in order to reconstruct the subjective understanding informing the factor. See S. Watts, & P. Stenner, 'Doing Q methodology: Theory, Method and Interpretation', *Qualitative Research in Psychology*, 2, (2005): 67-91.

^{xxviii} The author would like to thank PS2004 level two mini-project group for their valuable assistance with this study.

^{xxix} Non-experts are defined pragmatically here as those who have not published writings on human rights.

^{xxx} P. Stenner, 'Psychology and the Political: On the psychology of natural right and the political origins of modern psychology', *International Journal of Critical Psychology*, 12, (2004): 14-37.

^{xxxi} Nancy Flowers, 'How to define Human Rights Education? A complex answer to a simple question', in Viola B Georgi & Michael Seberich (Eds.), *International perspectives in human rights education* (Gütersloh: Bertelsmann Foundation, 2004)

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