وزارة التعليم العالي والبحث العلمي
جامعة ميسان
كلية التربية الاساسية

Ministry of Higher Education and Scientific Research
University of Misan
College of Basic Education

Misan Journal for Academic Studies
Humanities, social and applied sciences

مجلة ميسان للدراسات الاكاديمية

العلوم الانسانية والاجتماعية والتطبيقية

ISSN (Print) 1994-697X
(Online)- 2706-722X

المجلد23 العدد 51 أيلول 2024

Sep 2024 Issue 51 Vol23

مجلة ميسان للدراسات الاكاديمية

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كلية التربية الأساسية/ جامعة ميسان/العراق

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ISSN (Print) 1994-697X (Online) 2706-722X

المجلد (23) العدد (51) أيلول (2024)

VOL 23 ISSUE51 SEP 2024

journal.m.academy@uomisan.edu.iq

رقم الايداع في دار الكتب والوثائق بغداد 1326 في 2009

ISSN (Print) 1994-697X
ISSN (Online) 2706-722X

DOI:
https://doi.org/10.54633/2333-023-051-006

The Globalization of Human Rights: A Critical Assessment

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Abstract:

This paper aims to argue for the incorporation of human rights within the globalization process. Human rights are defined as societal aspirations for freedom and well-being, inherently possessing a global dimension. The following sections seek to elucidate the globalization of human rights through various lenses. Firstly, this paper traces the historical evolution of rights concepts, spanning from early modernity to contemporary times, emphasizing the emergence of divergent definitions that coexist in tension within the modern world. The latter part of the paper will delve into the "globalization of rights," focusing on the dissemination of universal human rights principles across diverse cultural landscapes. In the final segment, attention will be directed towards the emergence of novel institutional frameworks founded upon human rights principles, tasked with upholding these rights on a global scale. The terms "global civil society" and "transnational cosmopolitanism" frequently used to characterize these emerging structures, will be critically examined to discern the extent to which globalization has facilitated the formation of a global civil society, and to delineate the defining features of this nascent organization.

Keywords: Globalization, Human Rights, Global Rights, Global Civil Society, Transnational Cosmopolitanism

Introduction:

With their broad scope and diversity of perspectives, the phrases "globalization" and "human rights" encompass two of the most important topics of discussion in the social sciences and humanities. "Globalization" is the word used to describe the rise of global capitalism, which started with the imperial expansion of Europe, picked up steam during the Industrial Revolution, and took on many new forms in the twentieth century, such as the multinational corporation. Globalization may be defined as the process by which an increasing amount of what Max Weber called instrumental rationality spreads over time and space to nearly every part of the world. On the specific nature of this process and its results,

there is, however, a great deal of debate. Globalization is perceived as an extension of freedom and opportunity by some (Bhagwati, 2014; Akeju, 2019); on the other hand, some (Falk, 1999; Nweke, 2015; Harvey, 2016) see it as an expansion of the more negative aspects of capitalism, which Marx first identified and which are made worse by the process of capitalist expansion. One may argue that, in general, people's perceptions of globalization are almost exclusively focused on how it impacts human agency and, most significantly, how it impacts people's well-being as they experience it.

Globalization cannot be fully comprehended in terms of economics alone, despite the ease with which some of its effects may be evaluated (Joyce, 2019). Sociological perspectives on globalization see it as a conglomeration of different processes; however, empirical measures of global inequality, for instance, let us analyze the consequences of capitalist expansion across different regions and quantify these consequences in terms of the relative economic standing of different countries. The characteristics of globalization include the proliferation of media and communication technologies that increase human connection on a global scale and provide immediate communication and interaction across time and place on a never-before-seen scale (Albrow, 2007; Babalakin, 2020). The rapid and widespread migration of individuals across national borders, as well as population transfers (including coerced and involuntary ones), are additional key components of globalization. Capitalist labor markets undoubtedly encourage international migration, but these migrations also give rise to new cultural forms when migrants blend the customs of their home countries with those of their new homes, creating hybridized forms of culture (Ahmed, 2018; Levitt, 2021). The phenomenon of global cultural diffusion across national borders is another facet of globalization. Globalization implies the "dislocation" of cultural meanings from specific locations, resulting in a new, potentially endless universe of cultural interactions "outside" the conventional borders that confined and safeguarded local cultures prior to modernity.

We shall contend in this paper that the trend of globalization includes human rights as well. Human rights are socially constructed ideals of liberty and well-being (Cushman, 2016). This concept states that norms, values, and beliefs that influence behavior and may be referred to as "human rights" are present in all civilizations. However, the expression is frequently employed to stand for universal freedom principles that every human being possesses just by being a person. By definition and by their very nature, human rights are universal rights. We shall discuss the globalization of human rights in several ways in the sections that follow. Firstly, we will examine how different perspectives on rights have changed from the early modern era to the present. Here, the focus is on showing how conflicting interpretations of human rights developed historically, leading to the current worldview of the key notions of human rights, which are not always harmonious and coexist in tension. This paper's second portion examines the process of "rights globalization," which involves applying universal human rights concepts to novel cultural settings and locations. As local notions of good and evil collide with universal concepts of human freedom and well-being, this is a process rife with tension and conflict. The third and last portion of this paper looks at the development of fresh institutional and organizational structures that protect human rights in a global setting. The idea of human rights serves as the foundation for these forms. These new forms are often said to represent "global civic society" or "transnational cosmopolitanism." As in the earlier parts, we will evaluate this

concept critically and ask whether globalization has resulted in the formation of a global civil society and, if so, what the characteristics of this new entity are.

While there are certainly many more processes that may be examined in a globalization research of human rights, the three that are discussed here are the most significant. Discussions about globalization and human rights typically center on distinct topics. What is the impact of the structural processes of globalization on human rights, namely on the legal, political, and economic frameworks that comprise these processes? Does globalization provide more social justice, wealth, and human freedom? Is human rights benefiting from globalization? Is the process of hypermodernity brought about by globalization a "dark" force that has given rise to new forms of supremacy and new patterns of social misery? Although these issues are not the primary topic of this study, they will be discussed in the context of the significant issues surrounding the globalization of human rights. We won't look at the latter topic until we admit that a large portion of the literature on human rights and globalization tries to investigate how the former influences the latter. There is a claim that no reliable empirical or ontological analysis exists that evaluates how globalization affects human rights. Because ideas about human rights are so diverse, what one person views as freedom or the protection that comes with having rights may be viewed by another as dominance and oppression.

Generations of Rights:

The process leading to the formation of human rights in modernity has often been seen by human rights academics as the emergence of diverse concepts of rights as ideals of human freedom and as protections against specific forms of human vulnerability (Chidiebere, 2019; Turner, 2020). Usually, these are referred to as generations of rights. The first generation of rights began with the American and French Revolutions. The concept that human rights are people's civil and political liberties against repressive governmental power and governance served as the cornerstone of the revolutions. In both of these revolutions, individual rights were fundamentally defined as "negative rights," or ideas intended to challenge the power of the state or the sovereign (in this context, the King of England and the King of France) over a people who were purportedly free. For instance, the First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to assemble peacefully and to petition the Government for a redress of grievances." This negative wording outlines most of the rights included in the American Bill of Rights. These rights were described as "natural and inalienable," and it was held that they were superior to and had force behind unjust laws and acts of the government. They delineated certain notions concerning individuals' liberty from external entities. Later conceptions of human rights, especially those widely accepted in the current international system, defined human rights as enumerating duties on the part of states to promote human flourishing and reduce vulnerability by defining what those states should or ought to do for specific individuals or groups of particularly vulnerable individuals. It is important to highlight the fact that negative rights were the driving force behind these revolutions.

While the principles of human rights upon which the American Revolution rested were articulated in language that was universally understood, the revolution's geographic reach was rather restricted. According to Hunt (2017), the French movement is frequently seen as the first notable movement that attempted to address human rights breaches in France as well as be global in scope.

Because it articulated a core set of essential "rights of man and the citizen," which stood in for sacred ideals that many oppressed groups may subsequently endeavor to fulfill, the French Revolution served as a model for other revolutionary movements (Hunt, 2016). In this sense, citizenship as a status was established during the French Revolution, with human rights acting as its main cultural feature. Certain rights came with being a citizen, and a major source of contention during the French Revolution was figuring out which groups of people should "possess" certain rights in order to safeguard their freedoms and avoid becoming vulnerable.

One way to conceptualize the French Revolution paradigm may be to see human rights as the essential normative cornerstone of a community. People who are outside of society seek to integrate into the community because they feel "unprotected" or exposed. This paradigm is important for the discussion of the globalization of human rights since it has been employed historically in several human rights campaigns, ranging from the French Revolution to the present. Women's rights social groups aimed to draw women into the protective circle of this core. This was the central principle of Western movements for women's human rights, which formed a sacred center of protection. The claim that marriage is a "human right," one to which all citizens are entitled and to which gay and lesbian persons in particular deserve, has been the foundation of the contemporary struggle to defend the right of gay and lesbian people to marry. For this reason, understanding the larger sociological process by which excluded or disadvantaged people seek citizenship status and, in turn, the preservation of their rights, requires an understanding of the French Revolution paradigm.

The French Revolution was noteworthy because it also gave rise to important criticisms of human rights that still have an impact on criticisms of rights today (Aina, 2020; Waldron, 2021). Jeremy Bentham's sharp criticism of the French Revolution is the source of contemporary utilitarian critiques of human rights, which maintain that actions that advance society should be guided by practical considerations rather than by some ideal or standard that is abstract (Waldron, 2021). Edmund Burke's critique of human rights, which highlighted the importance of national traditions in determining what is best for societies and individuals, served as a model for defending national cultures and sovereign traditions against the abstract, transnational, universalizing notions of human rights (Waldron, 2021). Precursor critiques of the "globalization of human rights" could be found in Bentham and Burke, who argued against the trumping of national traditions and cultural rights over abstract, universal ideas that, in their view, would sow disorder and chaos in societies and for the universal principle of utility in social planning. Their fundamental logic can be found in current arguments put forth by those who argue that universal human rights threaten national cultures and values that best serve people within their own nation-states, or that social progress can be made without resorting to the language of human rights (see, for example, Singer, 2014). Nonetheless, Marx's well-known critique of the French Revolution, as articulated in his "The Jewish Question," has had the most influence on how people think about globalization, especially its economic aspects, which are so important to discussions in the modern day (Aina, 2020). Marx said that the French Revolution, with its model of disenfranchised individuals and groups demanding citizenship on the grounds of rights, was a fake kind of liberation and emancipation. Marx thought that enabling individuals or members of groups to pursue their own civil and political rights was the ultimate goal of the Revolution. So, in spite of its seemingly radical exterior, this social organization was only a

band-aid solution for his utopian ideal of abolishing capitalism and bringing together people from all walks of life to form a one group united by the spirit of "species-being." Marx originally put out the idea that the true targets of oppression are social classes and organizations rather than individuals, and that capitalism is the main factor behind this oppression. A "real" revolution in human rights would only come about once capitalism was eliminated.

Marx's criticism of individual rights and his assertion that freedom could only be reached by the abolition of capitalism are the foundations of second generation rights. Second generation rights are those social and economic rights that are necessary to protect individuals from the particular risks that capitalism presents. Unlike first generation rights, social and economic rights see freedom as advancing and ensuring people's physical (and therefore their mental) well-being. These rights aim to lessen human vulnerability by interventions, notably those made by the state, to provide necessities of life including food, housing, and healthcare. The idea that capitalism was intrinsically violent against human dignity and the cause of some forms of protracted suffering influenced the development of this generation of rights more than Marx's precise revolutionary logic for the complete abolition of capitalism (though communist societies like the Soviet Union and China attempted to do so at great human cost) (Aina, 2020). Social and economic rights, such "the right to food" or "the right to housing," aim to "tame" capitalism's excesses by prescribing what each individual must do to decrease the vulnerabilities capitalism has left in individuals.

The idea of social and economic rights became more well-known as the welfare state and democratic socialism philosophy evolved in Western capitalist nations during the 20th century. In order to correctly analyze the process of the globalization of human rights, it is imperative to stress that the notion of social and economic rights stands in contradiction to the openly individualistic and libertarian concepts of the first generation of individual rights. The relative rights of individuals to pursue their own interests in a global capitalist society vs the suffering that other persons, classes, or groups must undergo as a result of capitalism's worldwide development are at the focus of many debates around the repercussions of globalization (Aina, 2020).

Supporters of first- and second-generation rights are the main players in today's human rights debates. Individual rights advocates emphasize rights like economic freedom and civil and political freedom, while proponents of social and economic rights argue that protecting human vulnerability is a fundamental need. Since many ideas embody the idea of freedom, the globalization of human rights has produced a very divisive global environment. For instance, tensions between the US and Europe are often caused by the US's adherence to libertarian conceptions of rights, while European societies have made the importance of social and economic rights a fundamental component of their societies (although there are occasionally conflicts between libertarianism and socialist ideals in the US).

The twentieth century saw the rise in frequency of additional kinds of rights claims in addition to the first two generations of human rights. The basis of the so-called third generation of rights is the idea that communities and cultures have unique rights as collective entities (Kymlicka, 2015). The logic of this position is similar to Marxian logic, which maintains that the proletariat is collectively oppressed by bourgeois capitalists. The new perspective broadens this rationale to include a greater variety of groups, such as marginalized ethnic groups or indigenous cultures. These additional kinds of cultural or communal rights are known as third generation rights. These rights are based on the

premise that a person's degree of vulnerability depends on the group or culture that they identify with or are seen by the dominant society to be a part of. It is vital to articulate the rights of particularly vulnerable groups or cultures in order to reduce the susceptibility that comes with belonging to a group or culture. This understanding of rights holds that rather than pursuing individual rights or even social and economic rights (though these claims may be made for members of these groups), the process of mobilizing support for human rights begins with the pursuit of special protections and rights for groups or cultures that have particular vulnerabilities due to their position within the dominant society.

In light of globalization, the emergence of third-generation rights is noteworthy as it is thought to have particular, primarily negative consequences on some marginalized groups. Lower class people of a given society may, in the face of economic vulnerability, establish extra claims for unique or special rights on top of their claims for social and economic rights because they are members of a minority group or culture. An indigenous person, for instance, might be bestowed with a plethora of social and economic rights by the state, but they might also be entitled to other rights, like the freedom to practice their religion or the right to an education in their mother tongue, or the unrestricted use of land for fishing or other purposes. Because group rights impose specific responsibilities on members of groups to uphold group norms, there can be substantial tension between individual rights and group rights. A group member may want to exercise their freedom of association or their right to choose their spouse, for instance, even when these activities may violate the core values of what the group or culture considers to be "right" and "wrong."

This brief summary of the several generations of rights is important because it resolves a crucial controversy in the discourse surrounding globalization today: the identity of fundamental rights. The emergence of several normative principles in contemporary times, each with its own logic and origins but now living in dialectical contradiction with one another, can be seen as the cause of the globalization of human rights. The globalization of human rights may be understood as a conflict between different philosophies about what causes human vulnerability and domination and how to mitigate such consequences. The tension that arises between individual rights and social and economic rights is the most enlightening feature of the discussions about the link between globalization and human rights.

Debates about Globalization and its Consequences:

As previously said, the nature and consequences of global capitalism have dominated discussions around globalization. Within the field of globalization studies, there are lengthy and seemingly unsolvable disputes among researchers who examine similar phenomena and arrive at entirely different conclusions. There is a propensity for research on globalization to focus only on the economic aspects of its consequences. This is motivated by the fact that measures of things like economic inequality, both within and within countries, have a solid scientific and empirical foundation. Research on globalization also has an ideological component. Many observers of the phenomena emphasize the negative effects of capitalism, but they base their views on a Marxian theoretical framework that denigrates capitalism and emphasizes the importance of social and economic rights. Numerous studies attribute metaphors to the process of globalization that imply a negative evaluation of its overall effects. For instance, globalization, according to Anthony Giddens

(2012), is a negative force that destroys everything in its path. In his description of the disastrous effects of globalization, Richard Falk (1999) refers to it as "predatory." Globalization, in the words of David Harvey (2016), is the fulfillment of Marx's prediction that capitalism would grow and that capitalist exploitation would become universal. Blau and Moncada (2016) contend that since social and economic rights are the only "authentic" human rights and individual rights are not human rights at all, the globalization of capitalism requires the development of social and economic rights into all domains of social life.

The trend of capitalist globalization, which opens up a multitude of new channels for capitalist exploitation on a global scale, is commonly referred to as "neoliberalism" in academic discourse. Many people view neoliberalism as a dangerous and scary ideology that forms the basis of a brand-new, extremely destructive kind of globalized capitalism (Harvey, 2015). It is important to note here that discussions about the effects of globalization on society are often highly politicized and ideological, and they usually begin with the assumption that the most important types of rights are social and economic rights, and that the success of globalization must be measured by the advancements it has brought about.

One of the main points of contention in the globalization debate is the concept of globalization and how human rights are perceived in relation to it. Thus, according to Bhagwati (2014), globalization is a process that upholds individual rights, especially those related to economic freedom and opportunity that were previously unattainable for individuals who are economically disadvantaged. Bhagwati describes human freedom as the growth of individual freedom, which leads to the definition of human rights. Modern critics of globalization claim that inequality and social suffering have increased as a result of it. Their critique of "neoliberalist capitalism" and advocacy for the expansion of state authority to offer "positive rights" to those who are most in need of them have taken on a position that is reminiscent of socialism. The literature on social science offers very few arguments for globalization as a positive process; nearly all of the seminal works in the field are highly critical of globalization and see it as a negative and destructive process, much as Marx saw capitalism as a force that causes "all that is solid melt into air."

Globalization and the Incommensurability of Conceptions of Human Rights:

Since there is no universally accepted yardstick for measuring human rights, it is impossible to provide a definitive response to the question of how globalization and human rights relate to one another. Since the concept of freedom is the foundation of our definition of human rights, it follows that the concept of freedom is intrinsically highly subjective, or at the very least open to ideological definitions. For example, one person may see one type of freedom as a form of dominance or subjection, and vice versa. The worker who has lost their rights is able to further their own welfare by obtaining money from any source, thus the employee must submit to them in order for them to remain free. The concept of freedom of control over one's own property is violated by high taxes and the taking of resources for the benefit of others (and thus, their potential for freedom).

The point to be made here is that, despite the best efforts of many globalization experts, it is hard to define a benchmark for what constitutes the "best" assessment of human rights when considering the globalization of human rights as a process as well as its results. This results from divergent and conflicting notions of human vulnerability and freedom held by several generations of

rights advocates. The best we can do from a purely sociological standpoint is understand the globalization of human rights as a process of the evolution of competing definitions of vulnerability and freedom, and analyze movements in light of actors' or institutions' attempts to advance one conception over another.

Here, the example of Eastern Europe and the Soviet Union is instructive. Individual political and civil rights were virtually completely eradicated for Eastern Europeans living under Soviet domination. Established on the inflexible tenet of social and economic rights, the Soviet Union's legitimizing ideology maintained that the state, which granted social and economic rights, must be protected at the expense of individual rights. If we define freedom negatively as the absence of government interference and the support of civil and political rights, individual liberty, and the unrestricted exercise of human agency, then it is difficult to view the experiences of the people living in these nations as freedom, even though these rights are actually provided (Aina, 2020).

After the Soviet Union collapsed, capitalism rapidly spread throughout these formerly communist countries. The term "shock therapy" refers to this procedure, implying that these sorts of communities were greatly impacted by new forms of capitalism. As one would expect in any capitalist society, new forms of inequality and vulnerability were evidently observed in these cultures.

However, rather than being tools of domination, the negative characteristics of capitalism were occasionally seen by people residing in former communist republics as new chances for themselves and their country. Undoubtedly, capitalism was a structural force that enhanced individual freedom, especially in the economic sphere, despite its flaws. It also enabled political choice, which aided in the former communist countries' swift assimilation into the global political and economic order. Consider the sheer number of former Soviet Union member states that are currently seeking admission to or already within the European Union. This has created unprecedented financial opportunities, freedom of movement to pursue new business ventures, and freedom of association to establish new political parties. By highlighting these "positive" achievements in the sphere of human rights, it is not intended to ignore the very terrible repercussions of capitalism or the development of new forms of economic exploitation in this region of the world. But it is crucial to keep in mind that millions of people had a previously unheard-of opportunity to demand a set of human rights that were unimaginable under Soviet domination with the fall of communism and the rise of capitalism. Since most theorists of globalization base their views on Marxian concepts of capitalism, which attribute all negative social repercussions to capitalism, most social science literature on globalization ignores these experiences of freedom. To describe the experience of global capitalism as only "freedom" would be quite simplistic and would merely serve to reiterate the views of capitalists and capitalist state officials. On the other hand, to see globalization as a process that is inherently destructive would be to deny the freedom that many participants in it truly and meaningfully see as their own.

Globalization as the Intersection between Global Human Rights and Local Cultures:

The ways that specific or local conceptions of rights interact with universal conceptions of human rights constitute one of the main topics of research in the field of globalization of human rights (Appadurai, 1996; Robertson, 2013; Merry, 2016; Dada, 2020). Since so many rights are expressed in terms that are widely recognized, they have served as both cultural symbols and role models for people and organizations that wish to stand up for the rights of others who are vulnerable

and for those same groups as they struggle for their own freedom and well-being. Globalization has hastened the spread of culture, and one of the key ideas that has done so is the idea of human rights. This issue has been formed by the protracted debates over relativism and universalism in human rights. The 1948 United Nations adoption of the Universal Declaration of Human Rights (UDHR) was harshly challenged by anthropologists, who said that given the great diversity of global cultures, no human rights theory could possibly be universally applicable (Engle, 2018). Many anthropologists were contending that Western concepts of human rights were a form of cultural imperialism, and that rights could only exist within certain cultures—though not explicitly in terms of relativism. Many of the concepts that went into drafting the UDHR were mirrored in the anthropological critique of rights. The UDHR was the product of a difficult and spirited process of discussion and debate involving representatives of many rights ideas and religious traditions (Glendon, 2021). While representatives of Western democracies fought for civil and political rights, communist leaders promoted social and economic rights. Members of major world faiths such as Islam and Confucianism viewed the liberties of the individual as irreconcilable, if not hostile, to the commitments specified in their respective religious traditions. Even though they disagreed with many of the rights contained in the declaration, these disagreements were set aside, and those who drafted and presented it did so in part because of their "bad faith," as they knew it would not challenge the power of Islamic traditions in Muslim societies or the Soviet Union's conception of rights, for example.

As a result, the UDHR lacked the support of genuine, widespread agreement and consensus, despite emerging as a "objective" set of rights that applied to everyone on a worldwide basis. The UDHR is an embodiment of the issue of the incommensurability of rights mentioned earlier. Even while the rights listed in it are ostensibly universal, it is pretty evident that the great majority of people on the earth do not have their rights fully protected, and it is probably reasonable to argue that most, if not all, of these rights are not enjoyed by most people. However, a lot of people contend that the declaration is crucial because it provides a normative framework through which the concepts of human rights might advance and perhaps even be realized on a larger global scale. Human rights are becoming more globalized not because rights are real but because of the hope that they may be applied as far as feasible.

Human rights culture has grown locally among some players (to be discussed below) who have defined or perceived human rights "violations." On the other hand, the identification of such violations suggests the presence of an ontologically sound standard that may be applied to measure the infractions. The UDHR's numerous concepts of human rights or the ideas of vulnerability and freedom derived from philosophical ideas of justice and rights—usually of Western origin—have frequently used as that standard. The intersection of a local culture and a globalizing human rights culture is fraught with conflict since these ideals often contradict local norms and values. Outside elites who enter a society that protects human rights pose a danger to the existing quo and the elites who cling to tradition in order to maintain their power. Human rights culture offers hope for freedom and agency to those who live in nations where these concepts are willfully suppressed in the sake of tradition and order. The globalization of human rights has often been seen as a form of cultural imperialism since it presents an alternative way of life that frequently stands in stark contrast to many long-standing and inflexible cultural traditions (Mutua, 2018). Human rights are clearly "from away,"

"out of place," and a threat to national traditions that are autonomous. Whether this is viewed as "imperialism" or not, the globalization of human rights has resulted in the development of human rights cultures in practically every part of the world. Consequently, the topic of the relationship between local cultures and human rights is more significant than the question of whether these rights exist in the globalized world.

Human rights scholars and practitioners have attempted to reconstruct the goal of human rights as a dialogic one in order to avoid the dualism of the universalism–relativism dichotomy (Cowan et al., 2011). In a dialogic approach, proponents of universal human rights acknowledge that their own ideas of human rights are socially formed even as they work to support those in need in different settings. Human rights are viewed as a notion that provides alternatives to harmful cultural behaviors rather than as naturalized, essentialized forms of reality. Human rights advocates see human rights as cultural manifestations that ought to be shared with others in a way that honors their customs and seeks to "work within" them to effectuate improvements that reduce suffering and advance welfare.

One such example of this dialogic process would be the practice of female genital mutilation, or circumcision. The word "mutilation" alone conjures up negative images of the clitorectomy procedure, designating a particular form of vulnerability that young women experience as a regular part of their cultural upbringing. Female circumcision can take many different forms and intensities, but from the perspective of universal human rights, there are specific ways in which the practice fundamentally violates women's rights to their own sexuality and physical integrity. However, the practice fulfills a number of societal purposes in the countries where it is practiced, as noted by Billet (2017). It marks the passage into adulthood and acts as a prestige symbol. It can be useful in marriage markets where men value circumcised women more than uncircumcised women, which has a significant impact on women's prospects in life. In order to maximize women's possibilities in a community that values this social practice, circumcision is an essential step. Skipping the procedure increases economic risk and puts them at risk of social exclusion.

Therefore, women and the societal framework that supports this practice are at risk from the idea that a woman has the right to decide what happens to her body. From a dialogic perspective, the matter would be addressed as a "negotiation" in which the human rights advocate may suggest, for instance, that the original practice be substituted with a less invasive, harmful, and alternative one. For instance, it can be suggested to perform a ceremonial circumcision, which entails a ceremony and a symbolic gesture (such painting a tiny, temporary blood stain on the genitalia). Not only would the ritual protect this important symbolic symbol of femininity, but it would also mitigate women's extreme sensitivity to an unsafe surgical procedure. Without initially engaging in negotiations, it would be challenging to persuade the members of the culture that this new activity has the same authenticity and spiritual significance as the original practice.

This dialogic practice of human rights, or human rights as a negotiation with local cultures, is a significant new development in the current globalization of human rights. The human rights practitioner starts by appreciating the strengths and limitations of her own cultural views, respecting other people's opinions, and thinking about how to develop new hybrid practices that can protect the weak. Moreover, it recognizes that, as Dembour (2021) has indicated, acceptance and apathy result from simple relativism—in this case, deciding that female circumcision is acceptable in the society in

which it is performed. A wholly relativistic perspective would prevent one from acting as it would be interpreted as an invasion of other people's cultures. The real challenge facing the globalization of human rights is how to avoid the indifference that would result from acknowledging the legitimacy of all civilizations, as well as the imposition of human rights as a form of cultural imperialism. In the first case, human rights become dominant, while in the second, there is no basis for saying that human rights are especially important. Therefore, the objective of globally achieving universalization of human rights is unachievable.

It is clear that human rights practitioners are aware of the dangers of unchecked universalism, but it is challenging to pinpoint the exact reach and effectiveness of these dialogic approaches in the contemporary world. Dialogic methods are a new aspect of the globalization process whereby proponents of human rights concede the legitimacy of cultural practices of other people while denaturalizing their own concepts of rights. In addition, human rights activists believe that the goal should be to provide options to local cultures rather than to subjugate them and undermine their way of life. Often, this only entails creating a presence in a different culture and using that presence to inform those who are at risk of further self-reclamation about other possibilities available to them, should they so choose (or be able to choose). The attempts of people from different cultures to organize in order to lessen their own vulnerability also involve this dialogic process. For example, activists in Indigenous rights movements are increasingly interacting with international human rights advocates, learning how to phrase their concerns in human rights terms and receiving support from the diverse range of human rights advocates becoming more and more widespread worldwide (Bob, 2015).

Some human rights writers have given up on the idea of advocating for an all-encompassing set of rights that transcend cultural borders (Walzer, 2014; Ignatieff, 2021). The idea here is to establish a collection of basic rights that are most important and universal, a so-called "minimal morality" that may be recognized by many different countries. This movement represents a turn away from the objectives of universal human rights and a humility in the face of the fact that, although violating human rights standards, certain cultural traditions are not as damaging as others. This viewpoint emphasizes the most egregious human rights breaches, such infanticide, torture, genocide, and sex trafficking. Such dialogic and consensual approaches to human rights show a significant scaling back of the imperial aims often attributed to the Western mission of human rights, acknowledging the limits of Western ideals outside of their Western surroundings.

Neither the relativism issue nor the accusation of cultural imperialism against human rights supporters is entirely disregarded by the dialogic method. Universalized concepts of human rights are powerful in places only by virtue of their existence. Globalization has made it inevitable that human rights will always exist. Human rights campaigners bring them to other cultures, and those who are vulnerable look to them as role models for reducing their own susceptibility.

Globalization and the Rise of Global Civil Society:

Up until now, the majority of our debate on the globalization of human rights has been on how these rights are distributed throughout cultures and the intersections between local cultures and universalizing conceptions of rights. The organizational and institutional structures that enable the worldwide dissemination of human rights culture are the final issue to be addressed in this

globalization process. The growth of human rights activists-led non-governmental organizations with global human rights objectives has received the majority of attention in this regard. This movement has been called by Keck and Sikkink (2018) as "activists beyond borders."

It is difficult to characterize NGOs in terms of a single overall objective because they range from autarkic organizations that just target domestic concerns to intentionally global organizations. Certain non-governmental organizations (NGOs), such as Human Rights Watch and Amnesty International, endeavor to collect proof of human rights violations that transpire globally and to highlight these violations to incite other NGOs to initiate political measures. Other non-governmental organizations (NGOs) are advocacy groups that focus on mobilizing against and reducing international abuses of human rights. The groups "that drive NGOs might be the various organizations that emerge to respond to particularly egregious violations of human rights," such as the genocide in Darfur or the worldwide ban on landmines, are often these NGOs.

Even though NGOS have many different forms, when considered together they may be considered a major new structural force in modernity. The reason for their significance is that they challenge the traditional Westphalian theory that states are entitled to self-governance inside their borders and that "outsiders" lack the authority to intervene. The globalization of nongovernmental organizations reflects the movement toward considering individuals as having universal rights outside of their governments and regarding state borders as artificial and, most of the time, detrimental to the advancement of human rights internationally. Thus, the conventional notion of state sovereignty in international affairs is seriously challenged by the collective of global NGOs. Human rights advocates, particularly those with substantial financial and political clout, can potentially force governments to abide by a number of human rights treaties and, in many situations, present serious obstacles to states that violate human rights while maintaining national borders and the non-intervention principle.

The Universal Declaration of Human Rights explicitly states in its charter that states should not interfere in the internal affairs of other states (at least not unless it is to address violations of human rights). This is one paradox of the current global governance system embodied in the United Nations, as it articulates an objective set of substantive human rights that all people have by virtue of their humanity, regardless of where they live. Therefore, the limitations imposed by international law serve as a roadblock to the globalization of human rights as a moral system. It is important to emphasize that human rights and international law are not always synonymous in order to comprehend the reality of the global system of both (Cushman, 2015). Ensuring that everyone has access to their human rights may be entirely acceptable in terms of the UDHR, but it may also be wholly illegitimate in terms of international law. The 1948 ratification of the United Nations Convention Against Genocide serves as one illustration of this. According to this convention, governments are required to step in and put an end to genocide when it occurs. The principle of non-intervention, which the United Nations Charter specifies can only be used in cases of self-defense, has the enduring power to prevent genocide, with the possible exception of the NATO intervention in Kosovo, which was justified more by security concerns than by international law against genocide or the advancement of human rights (Aina, 2020). This means that the treaty has never been invoked and there have been no specific cases in which states have intervened to stop genocide. The primary conclusion to be drawn

from this is that the globalization of human rights does not significantly include governmental intervention to stop violations of human rights. The question of whether and when governments should intervene to put an end to flagrant violations of human rights is, in fact, a hotly debated one. In the discourse on human rights, this is one of the central issues.

NGOs have been tasked with carrying out a large portion of the intervention activities in the name of human rights due to the predominance of the non-intervention principle. Due of their acknowledged widespread presence, a number of academics now refer to them all together as making up a global civil society. Global civil society is a "sphere of ideas, values, institutions, organizations, networks, and individuals located between the family, the state, and the market and operating cause driven," according to Kaldor, Anheler, and Glasius (2015). It is reactive, meaning that its goals extend beyond national societies, polities, and economics. Although there is a seemingly endless amount of human activity included in this vague term, it also implies that globalization has given rise to a recognizable new social structure made up of both forms that are independent of the state and cultures that work together to further the cause of human rights. Unlike most definitions of society, which rely on some idea of geographical limits and borders, this definition locates global civil society as existing outside of the time and space of the "normal" structure of states and societies. Under the guidelines of this definition, it is hard to conceive limitations on who or what may be deemed a “member” of global civil society. If enough organizations proclaim themselves to be a part of this entity, a new social formation that is perceived by the participants as a part of the global civil society arises. It is more challenging to imagine what it may mean for someone to say, "I am a member of global civil society," unless we understand membership as normative conduct that goes beyond the traditional boundaries of politics, the economy, and national society. Such a person would still be entitled to the privileges and rights of citizenship in the relevant country even though they are a novel type of participant in the global system. The concept of "global civil society" has been reified in an effort to define the actual global patterns of organizational activity that are spreading around the world and becoming increasingly normative. It is a very idealized, utopian conception as well as an analytical concept. It might be argued that the concept of global civil society is romanticized and represents what community members think they are doing more so than what they are really accomplishing. This is referred to as a social imagination or imagined community by Benedict Anderson (2021).

A critical analysis of this notion of civil society has been provided by Rieff and Anderson (2015), who contend that the idealized representation of a global civil society is neither a utopian ideal nor a useful analytical term. It would be more realistic, in the opinion of Rieff and Anderson, to describe the global civil society movement as the defender of universal values that works both inside the confines of globalization and as a vehicle for its dissemination. Rather, it should be understood as a tendency toward universalizing the final, regionalized version of European Union integration. Rieff and Anderson claim that a group of "social movement missionaries" devoid of democracy and accountability make up the global civil society. This perspective offers a convincing sociological study of the idea of global civil society, albeit being quite critical. Since NGOs are essentially social organizations, they have their own goals, values, customs, procedures, and social structures. They are not, in a sense, democratic organizations as they frequently rely on membership and administrative

hierarchies that are not selected by the general public. A human rights representative from the US government would be an elected individual who would answer to that government, as opposed to an NGO actor who would simply represent their organization and be accountable to it.

Therefore, it is crucial to refute the idea that, despite the fact that the NGOs that comprise this so-called global civil society ought to be committed to defending the weak, this global civil society—if it exists at all—actually represents a new distribution of power. It is outside the scope of this paper to completely explore the implications of this discovery, as they deserve. The most important lesson is to be very careful when talking about the globalization of human rights so as not to mix up analytical concepts with utopian or idealistic ones. Undoubtedly, international nongovernmental organizations (NGOs) hold significant power inside the global world order, having made significant progress in promoting their human rights perspectives. On the other hand, global civil society is a product of globalization and has to be critically analyzed much like other globalization processes, such as capitalism. This is so because the phrase isn't idealized.

Conclusion:

Despite the vastness of the topic, we have attempted to distill the globalization of human rights into three main subprocesses in this paper. These do not even come close to covering all that the term "globalization of human rights" may imply. It is essential to consider human rights as a kind of culture since they are a continual reminder that they are social constructs. Adopting a new analytical framework that sees human rights as socially constructed notions of freedom, human vulnerability, and means to improve freedom and decrease that vulnerability is necessary to comprehending human rights in the context of the modern world. By conceptualizing human rights as successive generations of incommensurate rights, we can see the process of advancing human rights as conflictual, not only between advocates and states that violate human rights, but also between advocates who disagree on what constitutes a human right. The dialogic approach to human rights, which helps us comprehend both the potential and the limitations of human rights in the current state of affairs as an intersection of the universal and the specific, is, in our opinion, one of the most beneficial features of human rights advocacy.

Finally, we draw attention to the globalization of human rights by understanding the concepts that human rights advocates use to describe and conceptualize their work. This means not just evaluating how far human rights have come—or have not—but also closely examining the people and institutions that defend them. Human rights have always been founded on idealism, but given the terrible realities that still exist in many parts of the world, we need to reconsider what it means to act in the world on behalf of others and acknowledge its limitations.

References:

Ahmed M'Baye. 2018. "Human Rights in Africa", in K. Vroom and P. Alston (eds.), *The International Human Rights* (Westport, CT.: Westwood Press).

Aina, Joseph. 2020. *Human Rights and the Future of International Society* (Oxford: Oxford University Press).

Akeju, Cranston. 2019. *The Human Rights Reader* (Philadelphia: Temple University Press).

Albrow, Martin. 2007. *The Global Age: State and Society Beyond Modernity* (Stanford, CA: Stanford University Press).

Anderson, Benedict. 2021. *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York: Verso).

Appadurai, Arjun. 1996. *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis, MN: University of Minnesota Press).

Babalakin, Laroul. 2020. *The Crisis of the Arab Intellectual: Traditionalism or Historicism?* (Berkeley, CA: University of California Press).

Bhagwati, Jagdish N. 2014. *In Defense of Globalization* (Auckland and New York: Oxford University Press).

Billet, Bret. 2017. *Cultural Relativism In the Face of the West: The Plight of Women and Female Children* (New York: Palgrave Macmillan).

Blau, Judith R. and Alberto Moncada. 2016. *Justice in the United States: Human Rights and the US Constitution* (Lanham, MD: Rowman & Littlefield).

Bob, Clifford. 2015. *The Marketing of Rebellion: Insurgents, Media, and International Activism* (Cambridge and New York: Cambridge University Press).

Chidiebere, Michael B. 2019. "Human Rights and the Transition to Democracy in Nigeria", *Human Rights Quarterly*, 39:3.

Cowan, Jane K., Marie-Bénédicte Dembour, and Richard A. Wilson. Eds. 2011. *Culture and Rights: Anthropological Perspectives* (Cambridge and New York: Cambridge University Press).

Cushman, Thomas. 2016. "Rights, Human", in Bryan S. Turner, ed., *The Cambridge Dictionary of Sociology* (Cambridge: Cambridge University Press).

——2015. "The Conflict of the Rationalities: International Law, Human Rights, and the War in Iraq." *Deakin Law Review*. Vol. 21, No. 2, pp. 546–571.

Dada, Victor. 2020. *Human Rights* (New Delhi, India: Har-Anand Publications).

Dembour, Marie-Bénédicte. 2021. "Following the Movement of a Pendulum: Between Universalism and Relativism", in Jane Cowan, Marie-Bénédicte Dembour, and Richard A. Wilson, eds., *International Culture and Human Rights* (New York: Cambridge University Press).

Engle, Karen. 2018. "From Skepticism to Embrace: Human Rights and the American Anthropological Association." *Human Rights Quarterly*, Vol. 33, No. 3, pp. 536–59.

Falk, Richard. 1999. *Predatory Globalization: A Critique* (Cambridge: Polity Press).

Giddens, Anthony. 2012. *Runaway World: How Globalisation is Reshaping Our Lives* (London: Profile).

Glendon, Mary Ann. 2021. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House).

Harvey, David. 2015. *A Brief History of Neoliberalism* (New York: Oxford University Press).

——2016. *Spaces of Global Capitalism* (London: New York: Verso).

Hunt, Lynn Avery. 2017. *Inventing Human Rights: A History*. (New York: W.W. Norton).

Hunt, Lynn, ed. 2016. *The French Revolution and Human Rights: A Brief Documentary History* (Boston, MA: Bedford Books of St. Martin's Press).

Ignatieff, Michael. 2021. *Human Rights as Politics and Idolatry* (Princeton, NJ: Princeton University Press).

Joyce, Joseph. 2019. "Globalization and Inequality Among Nations," in Sisay Asefa (ed.), *Economic Globalization and Development: Critical Issues of the 21st Century* (Kalamazoo, MI: W.E. Upjohn Institute for Employment Research).

Kaldor, Mary, Helmut Anheier and Marlies Glasius. 2015. *Introduction to Global Civil Society* (Cambridge: Cambridge University Press).

Keck, Margaret E. and Kathryn Sikkink. 2018. *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press).

Kymlicka, Will. 2015. *Liberalism, Community, and Culture* (Oxford: Clarendon Press).

Levitt, Peggy. 2021. *The Transnational Villagers* (Berkeley, CA: University of California Press).

Merry, Sally Engle. 2016. *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago, IL: University of Chicago Press).

Mutua, Makau. 2018. *Human Rights: A Political and Cultural Critique* (Philadelphia, PA: University of Pennsylvania Press).

Nweke, Vincent. 2015. *Human Rights and International Relations* (Cambridge: Cambridge University Press).

Rieff, David and Kenneth Anderson. 2015. *Global Civil Society: A Skeptical View* (Cambridge: Cambridge University Press).

Robertson, Roland. 2013. *Globalization: Social Theory and Global Culture* (London; Thousand Oaks, CA: Sage).

Singer, Peter. 2014. "Outsiders: Our Obligations to Those Outside Our Borders," in Deen K. Chaterjee, ed., *The Ethics of Assistance: Morality and the Distant Needy* (Cambridge: Cambridge University Press).

Turner, Bryan. 2020. *Vulnerability and Human Rights* (University Park, PA: Pennsylvania State University Press).

Waldron, Jeremy. 2021. *Nonsense Upon Stilts: Bentham, Burke, and Marx on the Rights of Man* (London and New York: Meth Press).

Walzer, Michael. 2014. *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame, IN: University of Notre Dame Press).