HUMAN RIGHTS QUARTERLY

From Skepticism to Embrace: Human Rights and the American Anthropological Association from 1947–1999

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I. INTRODUCTION

In 1947, the Executive Board of the American Anthropological Association (AAA) submitted its Statement on Human Rights to the United Nations.[1] Anthropologists have been embarrassed ever since. In the late 1940s, anthropologists were embarrassed because they saw the Statement as limiting tolerance. In recent years, embarrassment has derived from a sense that the document refused to place a limit on tolerance.

This debate among anthropologists over the limits of tolerance has occurred in the context of the development of an international human rights regime. In the debate, culture and human rights have largely been seen as oppositional. To be for human rights would be to oppose the acceptance of

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 I am grateful to members of the "free exercise of culture" working group, especially Martha Minow and Richard Shweder, for their feedback on the original draft of this paper, as well as to Antony Anghie, David Kennedy and Annelise Riles for their careful reading and insightful critique of earlier drafts. Brenda Viera and Tom Larsen provided invaluable research assistance.

1. Executive Board, American Anthropological Association, *Statement on Human Rights*, 49 AM. ANTHROPOLOGIST 539 (1947).

cultural practices that might conflict with one's interpretations of human rights' norms. To support an acceptance of conflicting cultural practices would be to oppose human rights.

The AAA's 1947 Statement has primarily been read as taking the latter position. It warned the United Nations against adopting a universal bill of rights that did not attend to cultural particularities. In June 1999, the membership of the AAA adopted, by official ballot, a Declaration of Anthropology and Human Rights.[2] Its primary proponent, a newly organized Human Rights Committee within the Association, considers the Declaration to be a "complete turnaround" from the 1947 position.

This article questions the characterization of the 1999 Declaration as a complete turnaround by studying the role that the 1947 Statement has played in the development of anthropological views on human rights. In particular, it takes a diachronic look at the institutional actions of the AAA of the 1940s and those of the 1990s by comparing the 1947 Statement with the 1999 Declaration. It also compares responses to the Statement in the 1940s with those in the 1990s, exploring various ways that anthropologists have reacted to the Boasian cultural relativism that is generally considered to be embodied in the Statement. I argue that, despite their many disclaimers of the Statement (generally voiced as embarrassment), today's pro-rights anthropologists continue to struggle with the same issues that the 1947 AAA Board confronted regarding the limits of tolerance. In particular, the question of how one might be a cultural relativist and still make overt political judgments guides today's Human Rights Committee in much the same way it guided the 1947 Board.

I further argue that neither the AAA's substantive political commitments nor its understandings of culture have changed significantly since the 1947 Statement. Rather, the attitude toward the ability of human rights law and rhetoric to protect culture and achieve certain political aims has changed. While the AAA of 1947 was skeptical of human rights law, the AAA of the turn of the millennium has embraced human rights rhetoric.

In their embrace of human rights, though, pro-rights anthropologists of the 1990s protest too much about the 1947 Statement. The similarities between the Statement and the Declaration, for example, are striking in that both argue for the protection of culture. I will demonstrate that the Declaration and the actions of the AAA's Human Rights Committee are very much in line with the 1947 Statement in that their primary focus is the protection of culture. Calling that protection a human right provides a means of mediating the tension between universal rights and cultural

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2. American Anthropological Association, Declaration on Anthropology and Human Rights (1999), *available on* <http://www.aaanet.org/committees/cfhr/ar95.htm> (last updated 2000).

relativism, or judgment and tolerance. Pro-rights anthropologists have deployed other strategies for mediating this tension as well, including reviving Boasian relativism's antiracism and anticolonialism, separating relativism from tolerance and searching for transcultural values. The seeds for these strategies, I argue, can also be found in the 1947 Statement.

This article proceeds by describing and situating the 1947 Statement and discussing the embarrassment it has engendered over the past fifty years. It grounds the discussion in an historical account of the rise and fall and partial resurrection of Boasian anthropology. It then considers the statements and interventions of the AAA's Human Rights Committee and other recent pro-rights anthropological scholarship to discuss the similarities in the positions. Through this analysis, I argue that current anthropological attempts at embracing human rights continue to be plagued by the controversies of the 1940s.

In examining the AAA Human Rights Committee's discourse and the recent Declaration adopted by the AAA, I do not assume that these positions represent the state of American anthropology in the 1990s. Indeed, one of the striking aspects of pro-rights anthropology is that it asserts a human right to culture, often failing to attend to conflicts within cultures, despite the tendency in much of anthropology over the past fifteen years to complicate or even abandon the notion of culture.

II. THE 1947 STATEMENT

In 1947, United Nations Educational, Scientific and Cultural Organization (UNESCO) invited a number of thinkers from UNESCO member states to draft statements on human rights to aid in the formulation of a Universal Declaration on Human Rights.[3] In response to the invitation, the Executive Board of the American Anthropological Association submitted its now

3. For the text of the questionnaire, which was formulated by the UNESCO Committee on the Theoretical Bases of Human Rights, see Human Rights: Comments and Interpretations: A Symposium Edited by UNESCO 251–57 (1949). For other responses to the questionnaire, see generally id.

Somewhat ironically, given all the attention the Statement has received within anthropology, it was not among the responses that UNESCO chose to publish in its 1949 volume. It was presumably, however, among the responses to the questionnaire that UNESCO forwarded in a report to the Commission on Human Rights. According to Johannes Morsink, the Commission "did not pay much attention to the UNESCO report and was even a bit miffed at what had been done." Johannes Morsink, The Universal Declaration of Human Rights: Origins, Drafting & Intent 301 (1999). Indeed, the Commission did not distribute the report to all member states. *Id.* In short, although it has plagued anthropologists for the past fifty years, the AAA's Statement seems to have had little or no impact on either UNESCO or the Commission.

infamous Statement. That Statement, primarily authored by a well-known Boasian, Melville Herskovits,[4] is seen as a prototypical statement of American cultural relativism. Although the Statement has been the topic of much discussion in anthropology, it is rarely given a detailed reading. While the Statement calls for tolerance of difference, or cultural relativism, it is more nuanced than that description suggests. It also argues for biological sameness. That is, while cultures might be different (but are also similar) in many ways, and individuals develop their identities within their cultures, human beings are biologically the same. The argument for sameness is important for supporting the call for tolerance. Written in a time when colonialism was still commonplace and largely justified by a belief that colonized peoples were biologically inferior, the Statement was antiracist and anticolonialist. Finally, the Statement acknowledged at some level that there might be conflicts within cultures, and that the dominant position within a given group should not necessarily define the group's culture.

A. Tolerance of Difference

The Statement tends to be known as a call for tolerance, and much of the text supports that interpretation. The Statement begins by stating that equally important as respect for the individual is "respect for the cultures of differing human groups."[5] It further suggests that this position is not controversial in most of the world:

> In the main, people are willing to live and let live, exhibiting a tolerance for behavior of another group different from their own. . . . In the history of Western Europe and America, however, economic expansion, control of armaments, and an evangelical religious tradition have translated the recognition of cultural differences into a summons to action.[6]

Hence, the Statement considers the West aberrational in its response to cultural difference; tolerance is the norm.

This call for tolerance is reflected in much of the rest of the document. The Statement sets forth three propositions that it sees as dictated by the "study of human psychology and culture . . . in terms of existing

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4. Although the Statement only lists the Executive Board as the author, Herskovits is generally considered to have drafted the text. One commentator has noted that the Statement reflects Herskovits' style. *See* Alison Dundes Renteln, International Human Rights: Universalism Versus Relativism 83 (1990) (citing D. Bidney, *The Concept of Value in Modern Anthropology*, *in* Anthropology Today 682–99 (1953)).
5. Executive Board, *Statement on Human Rights*, *supra* note 1, at 539.
6. *Id.* at 540.

knowledge."[7] Each of these propositions, taken on its own, could be seen as supporting tolerance for difference. First, "[t]he individual realizes his personality through his culture, hence respect for individual differences entails a respect for cultural differences;"[8] second, "[r]espect for differences between cultures is validated by the scientific fact that no technique of qualitatively evaluating cultures has been discovered;"[9] and third, "[s]tandards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole."[10] The last sentence of the document supports the three propositions: "Only when a statement of the right of men to live in terms of their own traditions is incorporated into the proposed Declaration, then, can the next step of defining the rights and duties of human groups as regards each other be set upon the firm foundation of the present-day scientific knowledge of Man."[11]

As this last sentence underscores, the Statement does not argue against the idea of a declaration on human rights. Rather, it suggests that any declaration must attend to differences among cultures. A declaration based on only one culture (Western culture), the third postulate suggests, would not be universal and would be inapplicable to "mankind as a whole."

B. Preference for Collective over Individual Rights

The call for tolerance of difference, combined with the possibility of a declaration on human rights that would be applicable to "mankind as a whole," suggests that such a declaration might protect collective or group rights. Indeed, the Statement never says that individual rights should not be protected, only that any declaration "also take into full account the individual as a member of the social group of which he is a part, whose sanctioned modes of life shape his behavior, and with whose fate his own is thus inextricably bound."[12] This same position can be found in the first proposition that "respect for individual differences entails a respect for cultural differences," and in the discussion of that proposition: "There can be no individual freedom, that is, when the group with which the individual identifies himself is not free."[13] In other words, the Statement calls for

7. *Id.* at 541.
8. *Id.*
9. *Id.* at 542.
10. *Id.*
11. *Id.* at 543.
12. *Id.* at 539.
13. *Id.*

Western liberal tolerance regarding individuals to be extended to groups outside the West. This position is essentially a call for collective rights, or the right to cultural protection, even if it is not specifically framed as a right. As we shall see, the contemporary AAA shares this commitment, only through an explicit call for protection of collective or group rights.

C. Attention to Cultural and Biological Similarities

Although the main theme of the Statement might be respect for difference, there is a strong undercurrent that argues for similarities. In the discussion of the history of Western European and American expansionism, the Statement argues that "[d]efinitions of freedom, concepts of the nature of human rights, and the like, have thus been narrowly drawn."[14] Through Western control of non-European peoples, the Statement continues, "[t]he hard core of *similarities* between cultures has consistently been overlooked."[15]

The Statement also asserts biological sameness. As part of its discussion of the first proposition, the Statement declares: "Man, biologically, is one. *Homo sapiens* is a single species, no matter how individuals may differ in their aptitudes, their abilities, their interests."[16] Through this assertion, the Statement suggests that, to the extent that there are cultural differences, those differences are unrelated to biology. Indeed, "[t]hat cultures differ in degree of complexity, of richness of content, is due to historic forces, not biological ones."[17] For the Statement, in fact, culture is so indeterminate that "any normal individual can learn any part of any culture other than his own, provide only he is afforded the opportunity to do so."[18]

D. Awareness of Conflicts Within Cultures

Although the Statement recognizes that culture is not naturally determined, it does leave the impression that culture is something that can be located. Whether it be the culture of Western Europe and America or the culture of "the Indonesian, the African, the Indian, the Chinese,"[19] the Statement suggests that each has a definable culture that can be discovered. That there

14. *Id.* at 540.
15. *Id.*
16. *Id.* at 541.
17. *Id.* at 542.
18. *Id.* at 541–42.
19. *Id.* at 543 (discussing the need for any human rights document to be convincing to these groups).

might be conflicts about the substance of culture within those groups is not a focus of the Statement.

Toward the end of the Statement, however, one paragraph belies the above-stated understanding of culture. This paragraph received a lot of attention by anthropologists in the late 1940s:

> Even where political systems exist that deny citizens the right of participation in their government, or seek to conquer weaker peoples, underlying cultural values may be called on to bring the peoples of such states to a realization of the consequences of the acts of their governments, and thus enforce a brake upon discrimination and conquest. For the political system of a people is only a small part of their total culture.[20]

This paragraph is generally acknowledged as the Nazi Germany paragraph. It provided a way for the AAA to call for tolerance without seeming to condone Nazi Germany. Although, as I discuss below, this paragraph was largely read as undermining the call for tolerance, I also read it as an acknowledgment that culture should not be accepted at face value. There might well be competing claims about what comprises the culture of a particular nation. "Underlying cultural values" could be deployed to combat the claim asserted by the government.

This paragraph created a lot of stir in its time. It also represents an ongoing struggle between relativistic and universalistic impulses in human rights discourses, including within today's AAA's Human Rights Committee. That the Statement acknowledged the conflict, and even proposed some approach to mediating it, is generally overlooked in contemporary discussions.

III. EMBARRASSMENT

For the past fifty years, the Statement has caused the AAA great shame. Indeed, the term "embarrassment" is continually used in reference to the Statement. The Statement embarrasses anthropologists who consider themselves human rights advocates in the 1990s but it also embarrassed anthropologists who considered themselves scientists in the 1940s. If the Nazi German paragraph was the source of much of the embarrassment in the 1940s, it might provide a means of redeeming the Statement in the 1990s. Instead, it has been largely ignored.

In 1948, the *American Anthropologist* published two "Brief Communi-

20. *Id.*

cations" on the Statement, one by Julian Steward[21] and the other by H.G. Barnett.[22] Both critiqued the Statement for its lack of scientific rigor. Barnett argued that the Statement "places the Association on record in a way that embarrasses its position as a scientific organization."[23] The entire enterprise was flawed for him because it flew in the face of the anthropological aspiration of objective cultural study.[24] Because anthropologists are merely to study and record the value systems of people they study, "It is an inescapable fact that we cannot at the same time be moralists (or policy makers) and scientists."[25] To the extent that the AAA should take political positions (and he believed they sometimes should), "let us admit, either tacitly or explicitly, that we have an axe to grind and dispense with the camouflage."[26] To do otherwise, "to advocat[e] predilections disguised as universals," would be to "jeopardize what little scientific repute we have."[27]

Steward expressed similar concerns. He considered that "the Statement is a value judgment any way it is taken,"[28] and was therefore outside the realm of science. Steward seemed to disagree with Barnett's notion that the AAA should ever take political or moral positions. Rather, individuals might make value judgments, but "As a scientific organization, the Association has no business dealing with the rights of man."[29]

While both Steward and Barnett were critical of the sheer attempt of the AAA to formulate a statement on human rights, they also critiqued the substance of the document. For Barnett, the document was ethnocentric, in that it represented American values. In particular, a basic premise of the Statement, "that 'man is free only when he lives as his society defines freedom'"[30] was "a value or a standard that is relative to American tradition. There are a great many people in the world to whom it is not a self-evident fact; and it certainly is not a discovery of science."[31] The irony that the

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21. Julian H. Steward, *Comments on the Statement on Human Rights*, 50 Am. Anthropologist 351 (1948).
22. H.G. Barnett, *On Science and Human Rights*, 50 Am. Anthropologist 352 (1948).
23. *Id.*
24. *See id.* at 353.
25. *Id.*
26. *Id.* at 355.
27. *Id.*
28. Steward, *supra* note 21, at 351.
29. *Id.* at 352.
30. Barnett, *supra* note 22, at 354 (quoting Statement, *supra* note 1, at 543).
31. *Id.* at 354. This criticism of Boasian anthropology is still echoed today, even by at least one sympathizer of the position. *See, e.g.*, Elvin Hatch, *The Good Side of Relativism*, 53 J. Anthropological Res. 371, 376 (1997) ("[T]he Boasians proceeded to do exactly what they asserted should not be done, which was to advance a universal moral standard. This was the standard of tolerance . . .").

Statement set forth a universal position against universals did not escape Barnett: "Thus, the Statement unwittingly sets up what it aims to attack, namely an absolute in the carnival of values."[32]

Additionally, Barnett and Steward shared a concern over the paragraph that seemed to create an exception for Nazi Germany. That paragraph, by suggesting a limit to tolerance, would seem to undermine the rest of the document. For would-be scientists, the contradiction was unbearable. As Steward agonized: "This may have been a loophole to exclude Germany from the advocated tolerance, but it looks to me like the fatal breach in the dyke. Either we tolerate everything, and keep hands off, or we fight intolerance and conquest—political and economic as well as military—in all their forms. Where shall the line be drawn?"[33] And later, "[t]he conclusion seems inescapable that we have gotten out of our scientific role and are struggling with contradictions."[34] For Barnett, the paragraph represented the "weakness that is inherent in all evaluative approaches to social problems,"[35] and he seemed dismayed that the AAA could have included it "apparently without embarrassment."[36] While important, the dilemma raised by the paragraph ("the ultimate dilemma of democracy") did not justify anthropologists "throw[ing] themselves on its horn with a 'scientific' solution."[37] In mourning the decline of the scientism of the profession, Barnett put some of the blame on contradictions engendered by the desire to take political positions while at the same time professing tolerance:

> To date our performance in the field of cultural anthropology has not been very promising. We can do an excellent job of reporting and analyzing, but beyond that we are, as a group, badly confused. . . . And as long as we cannot ourselves divorce our opinions from our facts we cannot expect others to take us at face value as scientists.[38]

The Statement's call for tolerance in the tradition of Boas was largely impervious to Barnett's critique that its call for tolerance was ethnocentric, or "relative to American tradition."[39] Although Boasian ethnographic method

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32. Barnett, *supra* note 22, at 354.
33. Steward, *supra* note 21, at 351.
34. *Id.* at 352.
35. Barnett, *supra* note 22, at 354.
36. *Id.* at 355.
37. *Id.*
38. *Id.*
39. *But see* Melville J. Herskovits, *Tender-and Tough-Minded Anthropology and the Study of Values in Culture*, 7 S.W. J. OF ANTHROPOLOGY 22, 23 (1951):

> One friendly critic of our discipline, more witty than wise in his assertion, has defined an anthropologist as a person who respects every culture-pattern but his own. Like any other *bon mot*, it is true and not true; but the part that is true is to the point here. That is, anthropologists,

rigorously opposed moral judgments of the cultures it studied, it equally rigorously promoted antiracism. Boas himself called for the "equality of treatment for even the most 'primitive' or 'savage' society."[40] For Boasian anthropology, then, the argument for tolerance was merely an extension of the scientific method of objective study of cultures. As Edward Purcell explains, "anthropologists throughout the interwar years saw their work as not only scientific, but also didactic and moral."[41] Indeed, "[a]fter the turn of the century anthropology was one of the strongest and earliest forces in attacking racism in all its forms."[42]

On the other hand, Boasian anthropology was far from impervious to Steward's and Barnett's critique of the Nazi Germany paragraph. It is not surprising that the Nazi Germany paragraph was seen as problematic by anthropologists who were desperately trying to keep a grasp on the scientific reputation of the profession. The paragraph *did* contradict the themes set forth in the rest of the document, fueling the speculation that Herskovits did not even author the paragraph.[43] But there was more at stake. According to Purcell, "[b]y the late thirties the rise of Nazism had made the whole concept of non-Euclidean ethics [a major effect of which had been the popularization of anthropology in the 1920s and 1930s] an immediate and frightening reality. *Mein Kampf* had outlined a crude but extremely dangerous system on non-Euclidean ethics."[44] Although in the mid-1930s, some anthropologists began to acknowledge the "double-edged" nature of non-Euclideanism,[45] it was already fully entrenched. For Purcell, "[s]ocial scientists were thus forced to accept the moral precepts of all cultures as

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> as with any members of any society, live in a climate of opinion whose influence is so strong and yet so gentle that it is only by an effort of will that one becomes aware of it. And on this point the present-day climate of opinion in the United States—an in this paper we are concerned only with American anthropologists, since cultural relativism has not as yet evoked any responses from elsewhere in the world—is quite confused.

Herskovits then goes on to point out the contradiction he sees between American society's assertion that Western ways are best and its belief that political freedom for all is desirable. Hence, while Herskovits might have recognized the irony that Barnett pointed out, he was untroubled by it because he imagined American anthropologists as his audience.

40. Edward A. Purcell, Jr., The Crisis of Democratic Theory: Scientific Naturalism & The Problem of Value 68 (1973) (citing Franz Boas, The Mind of the Primitive Man (1913), Franz Boas, *The Methods of Ethnology, reprinted in* Race, Language & Culture 281–82 (1940)).
41. *Id.* at 71.
42. *Id.*
43. At the very least, the language was not in the original draft. *See* Wilcomb B. Washburn, *Cultural Relativism, Human Rights, and the AAA*, 89 Am. Anthropologist 939, 940 & n.1 (1987) (suggesting that Herskovits might have added the paragraph in response to comments from other board members).
44. Purcell, *supra* note 40, at 65.
45. *See id.* (discussing Margaret Mead's warning that plasticity was "a two-edged sword") (quoting Margaret Mead, Sex and Temperament in Three Primitive Societies 226 (1935)).

nondebatable postulates. . . . As scientific naturalism had denied the possibility of validating ethical judgments by inductive methods, non-Euclideanism denied it to deductive ones."[46]

Put in its historical context, then, the Nazi Germany paragraph is both completely understandable and an offense to the non-Euclidean method that drove the Statement. Preventing future atrocities like those committed by Germany during the Second World War was, after all, a primary impetus behind the Universal Declaration. It would have been difficult for the AAA—an association comprised of anthropologists deeply committed to anti-racist principles—to draft a Statement that altogether denied that context. As Alison Dundes Renteln explains, the members of the AAA Board "were torn. Their commitments to both professional and political ideologies appeared to be at odds. They were sensitive to the danger of imposing Western values on non-Western societies . . . but at the same time, they were reluctant to disavow their own liberal, democratic principles."[47] Even without the paragraph, the Statement could be seen as having played an important role in pointing to and attempting to prevent the atrocities of colonialism. Such a position might have seemed disingenuous, however, without what turned out to be the offending paragraph.

If the paragraph was offensive to the non-Euclidean method and to aspiring scientists of the time, it has been largely ignored by contemporary anthropologists. The Statement, along with the relativist principles that the document has come to represent, continues to cause embarrassment. In a recent Harvard Law School roundtable, David Maybury-Lewis applauded the fact that anthropology "has outgrown its ethical impotence,"[48] and dated anthropology's reputation for "extreme relativism" to the Statement.[49] He began his explanation of the Statement with: "At that time, I'm embarrassed to say, the executive board of the Anthropological Association sent a memorandum to the United Nations criticizing the draft Declaration by saying that it was much too western."[50] Maybury-Lewis's very next sentence was: "It probably was."[51] He then discussed some of the language from the document, but never explained the source of his embarrassment. He also never mentioned the Nazi Germany paragraph, which would seem to temper the Statement's relativism. Maybury-Lewis is not alone in considering relativism an embarrassment to the profession. Elvin Hatch has noted

46. *Id.* at 72–73.
47. Renteln, *supra* note 4, at 86.
48. David Maybury-Lewis, *Anthropologists, Anthropology and the Relativist Challenge, in* Interdisciplinary Faculty Perspectives on the Human Rights Movement 29 (1999) (transcript of a symposium held in 1997).
49. *See id.* at 24.
50. *Id.* at 25.
51. *Id.*

that "World War II was a moral embarrassment to ethical relativism."[52] For Wilcomb Washburn, anthropology moved in the twenty years after the Statement "from optimism to pessimism, and from a naive faith in cultural relativism to an embarrassed and skeptical unease concerning the doctrine."[53]

This postwar attack on relativism was just the beginning. By the time Clifford Geertz published "Anti Anti-Relativism" in 1984,[54] it would seem that no anthropologist, including Geertz, would call herself a relativist. Relativism had come into disrepute, and no one seemed willing to defend it. Pointing to what he considered anti-relativist hysteria, Geertz discussed how relativism was considered responsible "for the whole modern disaster—Lenin and Hitler, Amin, Bokasso, Sukarno, Mao, Nasser, and Hammarskjold, Structuralism, the New Deal, the Holocaust, both world wars, 1968, inflation, Shinto militarism, OPEC, and the independence of India."[55] If relativism was not responsible for all that, it was at least seen as nihilistic.[56]

Even in 1984, then, anthropology continued to be haunted by a critique of its relativist past. According to Hatch, by the 1970s, relativism "was almost universally rejected by the discipline."[57] Boasian anthropology's non-Euclidean theory was seen as incapable of condemning fascism; the Nazi Germany paragraph in the Statement was still not convincing. If Geertz's description is even partly accurate, the anti-relativist rhetoric during the 1980s rivaled that during and immediately following the war. Perhaps poststructuralist and postmodernist thought conjured up the fear of nihilism, which immediately tied it back to an era where non-Euclidean thinking had failed to respond to the atrocities of the war.

IV. THE 1990S: A DECLARATION FOR RIGHTS AND CULTURE

Given the apparent death of—even strong antagonism toward—relativism, the way would seem to be paved for anthropologists to take up human rights issues. If the Statement and the views it embodied were an

52. Elvin Hatch, Culture and Morality 104 (1983).
53. Washburn, *supra* note 43, at 940.
54. Clifford Geertz, *Distinguished Lecture: Anti Anti-Relativism*, 86 Am. Anthropologist 263 (1984).
55. *Id.* at 267 (citing Paul Johnson, Modern Times: The World from the Twenties to the Eighties (1983)).
56. *Id.* at 266 ("[B]ehind relativism nihilism looms," quoting I.C. Jarvie, *Rationalism and Relativism*, 34 Brit. J. Soc. 44 (1983)).
57. Hatch, *supra* note 52, at 103. *See also* Renteln, *supra* note 4, at 67 (according to Barnes and Bloor, "In the academic world relativism is everywhere abominated.").

embarrassment to the profession, the profession had tried to remake itself. In the 1940s and 1950s, a number of anthropologists analyzed ethnographic data to attempt to locate common, if not universal, values,[58] and in the 1970s many anthropologists turned to serving the needs of the third world.[59] The AAA took activist positions in the 1960s and 1970s, against racism and against United States intervention in Vietnam. Despite these years of non-relativist method and activism, when the Human Rights Committee formed in the 1990s, the 1947 Statement continued to present an obstacle.

For many contemporary anthropologists, the Statement has hampered the ability of anthropologists to participate in human rights debates. In an article exploring reasons why anthropologists are rarely involved in human rights advocacy, Ellen Messer cites "the 'burden' of cultural relativism," explaining that the Statement "rejected the notion of universal human rights."[60] The 1995 Annual Report of the AAA Commission for Human Rights, the precursor to the current Committee for Human Rights, echoes this sentiment: "Cultural relativism is a major factor which has severely retarded anthropological involvement in human rights since the Executive Board's 1947 [S]tatement."[61] Consequently, the Commission makes it clear that its work on human rights is a "complete turn around from the 1947 stance."[62]

In light of the pervasive anti-relativist sentiments after the war and again in the 1980s, this move away from the Statement is not surprising. It turns out, though, that the embarrassment over the Statement, and over cultural relativism more generally, is more tempered than it might at first seem. At the same time that those anthropologists who argue for human rights feel the need to distance themselves from the Statement, they also emphasize many of the substantive positions embodied in the Statement. Indeed, in many ways their positions vary little from that expressed by the Statement fifty years ago.

Pro-rights anthropologists have tempered their embarrassment over the Statement in a variety of ways. Far from abandoning relativism for universalism, even the staunchest proponents of human rights among anthropologists find some support for their view in Boasian relativism. Over time, pro-rights anthropologists have adopted a number of strategies to attempt to mediate the tension between rights and relativism. First, they

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58. Hatch, *supra* note 52, at 106–08 (discussing the work of Ralph Linton and Clyde Kluckhohn).
59. *Id.* at 126–32.
60. Ellen Messer, *Anthropology and Human Rights*, 22 Ann. Rev. Anthropology 221, 224 (1993).
61. Leslie E. Sponsel, 1995 Annual Report Commission for Human Rights, *available on* <http://www.aaanet.org/committees/cfhr/ar95.htm> (last updated 2000).
62. *Id.*

reclaim Boasian relativism for its antiracism and anticolonialism. Second, they assert a human right to cultural protection of groups, particularly of indigenous peoples. Third, they call for a relativism that places limits on tolerance. Finally, they engage in a search for common moral values across cultures. I contend that the seeds for all of these attempts at limiting tolerance can be found in the 1947 Statement. Although each of these strategies mediates the conflict in some way, none adequately addresses the very concern that seemed to be raised by the Nazi Germany paragraph. That is, what happens when people within cultures disagree about the meaning of the culture? While lip service is paid to this difficulty within most of the work, none addresses it head on.

A. Reclaiming Boasian Antiracism and Anticolonialism

At the same time that some pro-right anthropologists blame anthropology's lack of involvement in human rights issues on Boasian relativism, others use Boasian anthropology to show that interest in human rights is natural for anthropologists. In doing so, they tend to focus on the ways that Boas and his followers were antiracist (including antifascist) and anticolonial.

In her opening address to the AAA's 1994 meeting, the theme of which was human rights, AAA's president Johnetta Cole pointed to the discipline's "long tradition of concern about human rights," attributing it directly to Boas.[63] At one point, she noted the Association's public stand against racism, and traced it back to the anti-Nazi work of Boas and Benedict. As for Boas:

> In American anthropology, there is a particularly strong tradition of taking public positions against racist ideas and ideologies. Perhaps you are aware that in our American Anthropological Association we have passed four resolutions against racism: in 1968, 1969, 1971, and 1972. . . . We can trace this kind of activism back to Franz Boas. In response to the Nazi notion of Aryan racial superiority, Boas spoke out in newspapers and articles about the dangers of this ideology. He also spoke out against the myth of black inferiority, and was among the first anthropologists to caution us about differences among the concepts of race, culture, and language.[64]

The reference to anti-Nazi work here is not accidental. Even if anthropology was ambivalent about or even antagonistic toward human rights, anthropologists have a lot at stake in resurrecting their anti-Nazi past. But, perhaps

63. Johnetta B. Cole, *Human Rights and the Rights of Anthropologists*, 97 Am. Anthropologist 445 (1994).
64. *Id.* at 447.

because of the Statement, or because of the way that relativism is seen by some to require tolerance of everything (therefore making the Nazi Germany paragraph a contradiction), the antiracist agenda of Boasian anthropology continually needs to be reasserted.

Boas' opposition to racism and fascism might also need reasserting because, while at one level history supports Cole's assertion, Boas was opposed to United States intervention in the war.[65] As such, he was subject to the criticisms of "debilitating relativism" that interventionists put forth at the time: that relativists refused to defend democracy, condemn totalitarianism and actively oppose Nazism.[66] Edward Purcell has refuted these criticisms by demonstrating that relativists, as well as absolutists, though in agreement in their condemnation of fascism, were in fact divided on the question of intervention. Indeed, he views Boas as having "strikingly exemplified the moral commitment of naturalists who opposed intervention,"[67] discussing Boas' specific opposition to fascism as well as the ways that his anti-racist work was used by his followers to discredit Nazism.[68]

Elvin Hatch has similarly asserted Boasian anthropology's anti-colonial stance. He notes that the "call for tolerance was an appeal to the liberal philosophy regarding human rights and self-determination."[69] Putting the doctrine in its historical context, he explains:

> The call for tolerance (or for the freedom of foreign peoples to live as they choose) was a matter of immediate, practical importance in light of the pattern of Western expansion. As Western Europeans established colonies and assumed power over more and more of the globe, they typically wanted both to Christianize and civilize the indigenous peoples. . . . The treatment of non-Western societies by the expanding nations of the West is a very large blot on our history, and had the Boasian call for tolerance—and for the freedom of others to define "civilization" for themselves—been heard two or three centuries earlier, this blot might not loom so large today.[70]

Although Hatch ultimately argues that ethical relativism "goes too far by giving indiscriminate approval to every foreign institution,"[71] he defends its general anticolonialist bent. Similarly, Alison Dundes Renteln has argued

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65. *See* PURCELL, *supra* note 40, at 227.
66. *Id.* at 223.
67. *Id.* at 227.
68. On Boas' own opposition, Purcell tells that when Boas was struck by a fatal heart attack during a Columbia faculty club luncheon, he spent his last words urging his colleagues to oppose racism. *See id.* at 227–28.
69. HATCH, *supra* note 52, at 65.
70. *Id.*
71. *Id.* at 85. For Hatch's basic critique of Boasian anthropology, *see id.* at 85–101. Nevertheless, he continues to defend some parts of the theory. *See generally* Hatch, *supra* note 31.

that "[c]ultural relativism was introduced in part to combat . . . racist, Eurocentric notions of progress."[72]

For contemporary anthropologists, it would seem, Boasian relativism is embarrassing to the extent that it is tied to inaction or lack of moral condemnation. When it is connected to antiracist or anticolonial views, it would seem to be redeemed. The challenge for pro-rights anthropologists, then, is to separate the two strands of relativism.

B. Asserting a Right to Culture

If Boasian relativism provides a basis for antiracist and anticolonialist thought, it is also invoked by some pro-rights anthropologists as a basis for the rights of indigenous peoples. After discussing the "burden" of cultural relativism in making anthropologists seem uninterested in human rights, Messer argues that the lack of interest is belied by the extent to which "anthropologists have tended to advocate rights of collectivities, especially indigenous peoples."[73] Similarly, Carole Nagengast and Terence Turner have connected indigenous advocacy to Boasian relativity: "Cultural relativity has been a part of anthropological consciousness for at least a half century, having been developed by Boas, Benedict, Mead, and others as an attempt to instill respect for variability and especially to defend indigenous peoples from ethnocide and genocide."[74]

Pro-rights anthropologists call for support for indigenous peoples to be translated into a right to culture. Because indigenous rights have become "legitimate demands within the international legal framework" over the past 45 years, Messer argues that "the acceptance and advocacy of the human rights legal framework by anthropologists [is] an important means of protecting indigenous cultures and interests."[75] Messer highlights, I believe, the main source of the new interest in human rights by anthropologists. It is not so much that there has been an about-face from the 1947 Statement, but that human rights law and discourse now seem to provide promising vehicles for promoting indigenous peoples' rights, a goal that anthropologists have long pursued.

The work of the Human Rights Committee bears out this instrumental use of human rights in two ways, in its choice of cases to pursue and in the wording of its Declaration. The Committee has decided to limit its

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72. Renteln, *supra* note 4, at 63.
73. Messer, *supra* note 60, at 224.
74. Carole Nagengast & Terence Turner, *Introduction: Universal Human Rights Versus Cultural Relativism*, 53 J. Anthropological Res. 269, 270 (1997).
75. Messer, *supra* note 60, at 236.

interventions to two types of cases: "One is where anthropologists or their associates are themselves threatened because their professional work reveals an officially embarrassing instance of human rights abuse. A second is where a specific ethnic and minority group is subjected to human rights abuse, or threat thereof, targeted as a result of its cultural distinctiveness."[76] Although the first type involves the protection of an individual right, it is presumably emphasized in order to protect the second right. In other words, because individual anthropologists will be required to report abuses of the second type, they must be protected in doing so. The work of the Committee demonstrates that their interventions in fact follow these guidelines. In 1997, for example, the Committee investigated two instances of threats against anthropologists for revealing human rights violations, and eight cases involving the human rights of cultural minorities.[77] In 1998, the Committee pursued cases regarding the displacement of the Peheunche of southern Chile by a dam project financed in part by the World Bank, the killing of a native hunter in Zambia, the massacre of Mayan villagers in Chiapas, the expulsion and harassment of a Brazilian anthropologist accused of fomenting native opposition to gold mining, and the assassination of a Guatemalan priest who reported human rights abuses against indigenous peoples in Guatemala.[78]

The AAA's focus on group rights is specifically meant to counter the traditional focus on individual rights. As the Committee's Guidelines state, "[m]any existing human rights NGOs focus on individual rights, and they treat violations of civil and political rights to the exclusion of economic, social, and cultural rights and indigenous and environmental rights."[79] In other words, while the Committee is taking advantage of an increasing acceptance of indigenous rights in international law, it also sees itself as pushing the envelope. The preamble to the 1999 Declaration states that the Committee's interventions require "expanding the definition of human rights to include areas not necessarily addressed by international law. These areas include collective as well as individual rights, cultural, social, and economic development, and a clean and safe environment."[80]

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76. American Anthropological Association, Committee for Human Rights, 1997 Annual Report 4 (1997), *available on* <http://www.aaanet.org/committees/cfhr/ar95.htm> (last updated 2000). In 1988, the Committee added to the criteria: "More pragmatic factors include the following: Do we have (or can we obtain) expertise? Are the facts reasonably clear cut? Do we have time? Can we have a salutary impact?" American Anthropological Association, Committee for Human Rights, 1998 Annual Report 6 (1997), *available on* <http://www.aaanet.org/committees/cfhr/ar95.htm> (last updated 2000).
77. *See id.*
78. *See id* at 6–8. Most of the action taken involved letters addressed to the respective government signed by the AAA's president.
79. American Anthropological Association, Committee for Human Rights, Guidelines 2 (1995), at 2, *available on* <http://www.aaanet.org/committees/cfhr/ar95.htm> (last updated 2000).
80. American Anthropological Association, *supra* note 2.

In pursuing this expanded notion of human rights, the Committee in many ways expresses the concerns of the 1947 Statement. The Declaration, for example, emphasizes difference:

> As a professional organization of anthropologists, the AAA has long been, and should continue to be concerned whenever human difference is made the basis for a denial of basic human rights, where "human" is understood in its full range of cultural, social, linguistic, psychological, and biological senses.
>
> Thus the AAA founds its approach on anthropological principles of respect for concrete human differences, both collective and individual, rather than the abstract legal uniformity of Western tradition.[81]

Terence Turner has expanded upon similar language in an earlier statement by the AAA Commission on Human Rights by noting that "While difference is explicitly cited in this statement only as an invalid basis for denying rights, rather than a positive principle of right in itself, the implication is that the right to difference may constitute a positive, transcultural basis of human rights."[82] In other words, as with the 1947 Statement, the 1999 Declaration emphasizes respect for cultural difference.

C. Limiting Tolerance

The pro-rights anthropologists of the 1990s continue to struggle with the same question that the Nazi Germany paragraph addressed: what are the limits of tolerance? A way to mediate the tension between relativism and rights, or observation and action, would be to put some limit on what relativism will tolerate. It would be to demarcate a moment when the observer must act. Beginning with Hatch's work in the 1980s, it has become almost commonplace to distinguish types of relativism for this purpose.

In this vein, Hatch and Renteln both attempt to take the tolerance out of ethical relativism. Both aim to find a way to make moral judgments that would lead to action. Hatch, for example, "disagree[s] with Benedict and Herskovits to the extent that they held that warrantable judgments across cultural boundaries can never be made, if only because the failure to act is itself an action that may have unacceptable consequences for other people—consequences which are unacceptable to us."[83] Still, he does not want to abandon tolerance altogether:

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81. *Id.*
82. Terence Turner, *Human Rights, Human Difference: Anthropology's Contribution to an Emancipatory Cultural Politics*, 53 J. Anthropological Res. 273, 286 (1997).
83. Hatch, *supra* note 31, at 374.

> [W]hen we do not find good reason to make judgments about the actions or ways of life of other people, we ought to show tolerance toward them, and we should do so on the basis of the moral principles that people ought to be free to live as they choose.[84]

Recognizing that his own theory incorporates ethical relativism, Hatch complains that the difficulty is that there is no moral theory to replace relativism, to allow one to take a moral stand.[85] In the end, then, he is loathe to reject any part of relativism other than its inability to make moral judgments.

While this critique has long been aimed at relativism, it has also been undermined by the fact that Boas, Benedict, and Herskovits all took positions on racism and colonialism, as well as by the Nazi Germany paragraph in the Statement. Indeed, we could imagine the drafter(s) of that paragraph going through the same modes of analysis as Hatch. As such, it would be hard to claim that anyone ever took seriously the view that relativism required inaction. As Geertz puts it:

> The image of vast numbers of anthropology readers running around in so cosmopolitan a frame of mind as to have no views as to what is and isn't true, or good, or beautiful, seems to me largely a fantasy. There may be some genuine nihilists out there, along Rodeo Drive or around Times Square, but I doubt very many have become such as a result of an excessive sensitivity to the claims of other cultures; and at least most of the people I meet, read, and read about, and indeed I myself, are all-too-committed to something or other, usually parochial. "'Tis the eye of childhood that fears a painted devil": anti-relativism has largely concocted the anxiety it lives from.[86]

In the end, Hatch wants merely to "excise[] what is unacceptable" from relativism,[87] and replace it with moral judgment that he seems incapable of justifying. If Geertz is right, no excision may be necessary.

In a different approach to the same issue, Renteln argues against seeing tolerance as central to ethical relativism. For her, the main tenet of Boasian relativism is enculturation—"the idea that people unconsciously acquire the categories and standards of their culture"—not tolerance.[88] This focus on enculturation can be found in the Statement's notion of biological sameness, in which everyone is seen as capable of learning another's culture. Renteln further argues that enculturation leads to ethnocentrism because individuals tend to see their own society's values as superior to any others.[89] She then

84. *Id.*
85. *Id.*
86. Geertz, *supra* note 54, at 265.
87. Hatch, *supra* note 52, at 144.
88. Renteln, *supra* note 4, at 74.
89. *Id.* at 75.

concludes that "There is nothing inherent in the theory of relativism which prevents relativists from criticizing activities and beliefs in other cultures. But relativists will acknowledge that the criticism is based on their own ethnocentric standards and realize also that the condemnation may be a form of cultural imperialism."[90] Consequently, Renteln attempts to avoid the dilemma posed by Hatch. She simply erases the conflict by denying any contradiction between arguing for tolerance and making moral judgments.

Related to attempts by Hatch and Renteln to excise or separate tolerance from relativism, other anthropologists have seen relativism as a method, not a theory. In this understanding, relativism is "a commitment to suspending moral judgment until an attempt can be made to understand another culture's beliefs and practices in their full cultural, material, and historical contexts."[91] While limiting relativism to a method would seem to redeem it from the critique of being nihilistic, it is also seen as failing to offer an alternative. For Turner, "it gives no guidance for dealing with cases which still appear to constitute violations of elementary justice or human rights even after the acts, practices, or beliefs involved have been analyzed and understood in their cultural context."[92] Taking the tolerance out of relativism, however, at least prevents it from posing a threat to the development of universal or transcultural principles:

> There is, after all, no logical incompatibility between a pragmatic cultural relativism, understood as a method of understanding how the specific content of social practices or cultural form has been conditioned by their relations to their cultural, social, and historical context, and universal or transcultural principles considered as constituents of the human capacity for culture.[93]

The discovery of transcultural values, then, would seem to provide a basis for action.

All of these attempts to redeem some form of relativism rely on the separation of relativism from tolerance. It is not clear, though, how this separation adds to (or detracts from) the theory in any way that differs significantly from the Nazi Germany paragraph. Although the focus of that paragraph might have been to draw a distinction between the culture of a people and its government, it stood for much more than that; it suggested a limit to tolerance.

Despite all the critiques leveled at the tolerance associated with Boasian anthropology, the 1999 Declaration does little to disavow tolerance. Indeed, the limits it proposes are as buried (or at least as nuanced) as

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90. *Id.* at 77.
91. Turner, *supra* note 82, at 275.
92. *Id.* at 276.
93. *Id.* at 278.

that found in the 1947 Statement. The Declaration reads: "People and groups have a generic right to realize their capacity for culture, and to produce, reproduce and change the conditions and forms of their physical, personal and social existence, so long as such activities do not diminish the same capacities of others."[94] Perhaps the idea here is twofold, that cultures are not static or monolithic and that the limit of tolerance is intolerance. While the second is a classical liberal idea (and dilemma), the former would seem to open up the possibility of conflict within cultures. If so, it does not do so any more clearly than the 1947 Statement. Just as the Nazi Germany paragraph could be seen as in conflict with the rest of the Statement in 1947, this Declaration could be seen as embodying an internal contradiction. It calls for a right to difference and then places limits on it.

D. Searching for Transcultural Values

A number of contemporary pro-rights anthropologists have returned in some form to a project begun by Ralph Linton and others in the 1950s to discover common moral values across cultures.[95] As Renteln has pointed out, and Linton himself recognized, this type of work is difficult because all societies do not explicitly state their moral theories.[96] Empirical data must therefore be collected and analyzed, a job which would seem uniquely suited to anthropology. Although anthropologists differ in the ways they aim to find transcultural values, what they imagine the values will look like, and how they hope to apply them, there seems to be a pretty strong consensus that this study is where anthropology might make its contribution to human rights advocacy. As the Committee's Declaration states: "Anthropology as an academic discipline studies the bases and the forms of human diversity and unity; anthropology as a practice seeks to apply this knowledge to the solution of human problems."[97]

This approach would presumably mediate the tension between universalism and relativism by finding those ethical or moral principles that are universally agreed upon. Because it would seem to offer a resolution, it is not surprising that contemporary anthropologists have returned to it.

As with the other three approaches discussed, seeds of this approach can be found in the 1947 Statement. Recall that the Statement asserts

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94. American Anthropolgical Association, *supra* note 2.
95. *See* Renteln, *supra* note 4 and accompanying text. *See, e.g.,* Ralph Linton, *Universal Ethical Principles: An Anthropological View*, *in* Moral Principles of Action: Man's Ethical Imperative 645 (Ruth Nanda Anshan ed., 1952) (cited and discussed in Hatch, *supra* note 52, at 106–07).
96. *See* Renteln, *supra* note 4, at 80.
97. American Anthropological Association, *supra* note 2.

cultural similarities as well as differences.[98] Although it insists that science has not yet offered the means for evaluating cultures qualitatively, it also emphasizes "the universals in human conduct rather than the absolutes that the culture of Western Europe and America stresses."[99] Further, "the eternal verities only seem so because we have been taught to regard them as such; [e]very people . . . lives in devotion to verities whose eternal nature is as real to them as those of Euroamerican culture to Euroamericans."[100] Regardless whether the Statement imagines that the goal of anthropology is ultimately to derive some scientific technique for evaluating cultures, it is certainly within anthropology's scope at the time to locate the values of differing cultures and to point to similarities among them. Indeed, the possibility of this method supports the Nazi Germany paragraph, the aim of which is to find "underlying cultural values" that can be used to "enforce a brake upon discrimination and conquest." Perhaps for this reason, Richard Wilson suggests that "[i]n his reference to 'underlying cultural values,' Herskovits hoped to play anthropology's trump card in order to reassert the continued usefulness of the discipline."[101]

V. CONTINUING CONFLICTS

In many ways, then, contemporary pro-rights anthropologists have merely reproduced the struggles apparent in the 1947 Statement. In addition to seeking ways to mediate the tension between rights and relativism by finding justifications for action, they also claim to act on a new generation of concerns. Nagengast and Turner, for example, identify a difficulty with the argument for culture, claiming that it has "definite repercussions for the acceptance of the universality of some human rights, especially those that pertain to women, 'minorities,' and indigenous peoples, and especially when violations of rights are perpetuated in the name of 'tradition' in the so-called private space of the household as well as in the community."[102] In his critique of Iris Young, Turner claims that "she overlooks the far more repressive forms of gender, class, and ethnic inequality that have historically been based on essentialized 'logics of difference.'"[103] In contrast, "[i]t is precisely against such abuses of human difference that the statement of the AAA Committee for Human Rights is directed."[104]

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98. *See supra* note 1 and accompanying text.
99. Executive Board, *Statement on Human Rights*, *supra* note 1, at 542.
100. *Id.*
101. Richard A. Wilson, *Introduction*, Human Rights, Culture & Context 1, 2.
102. Nagengast & Turner, *supra* note 74, at 270.
103. Turner, *supra* note 82, at 289.
104. *Id.*

By lumping together "gender, class and ethnicity" or "women, 'minorities,' and indigenous peoples," Turner and Nagengast fail to recognize the potential conflicts among these groups. Moreover, it is not clear how the Declaration or the Committee attends to potential conflicts within culture any more than the 1947 Statement. The activities of the Human Rights Committee, for example, focus on the protection of indigenous groups, but with an assumption that what is best for the group—in accordance with its culture—can be known. While the Declaration specifically states that "[h]uman rights is not a static concept," it does not say the same about culture.

Indeed, although the notion of culture in much of anthropology has undergone radical transformation since 1947, its meaning within human rights discourse, even among pro-rights anthropologists, has remained surprisingly constant. In fact, the more that some anthropologists have complicated the meaning of any stable cultural identity or practice, the more others seem to argue for a relatively unproblematic protection of cultural identity. If part of anthropology's resistance to human rights in 1947 was to avoid the imposition of outside values on indigenous peoples, the AAA's 1999 Declaration largely reflects the same aim.

Ann-Belinda Preis has argued that the types of mediating techniques I have described above

> offer no real solution to the methodological and theoretical questions pertaining to human rights and culture; at best, [they] reproduce[d] them at a different, perhaps more sophisticated, level. Because there now seems to be wide agreement among various scholars, politicians, and practitioners that in the years to come some of the most crucial intellectual, moral, and ideological battles about human rights issues are likely to turn on their cross-cultural intelligibility and justifiability, a radically new and far more dynamic approach to culture is needed.[105]

Preis asserts that contemporary anthropology provides that dynamic approach, in that over the past ten to fifteen years, globalization has led anthropologists to rethink, not just relativism, but "its underlying assumption of 'culture' as a homogenous, integral, coherent unity."[106] Referring to the work of Appadurai, Barth, and Clifford, she notes a paradox: "during precisely the same period as cultural relativism has been an active component of human rights research and debates (from which anthropologists have been excluded to some extent), the theory has gradually, but effectively, lost its import within anthropology itself."[107]

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105. Ann-Belinda S. Preis, *Human Rights as Cultural Practice: An Anthropological Critique*, 18 Hum. Rts. Q. 286, 297 (1996).
106. *Id.* at 288–89.
107. *Id.* at 288.

Preis's article adds an important piece to the narrative of the intellectual history of anthropology. But, if the AAA or the debate over human rights within the Association is any indication of the state of the discipline (which it may not be), she surely overestimates the extent to which the relativism debate has "lost its import." If anything, it is surprising how entrenched it remains.[108]

VI. CONCLUSION

Anti-colonial and antiracist commitments of anthropology have changed little over the past fifty years. Yet, the AAA has clearly moved from being skeptical of human rights law and discourse to embracing them. Just as skepticism offered hope, embrace is filled with doubts. The 1947 Statement imagined that there could be a document with worldwide applicability, while the 1999 Declaration fails to address the potential of conflicts among rights.

The question is not now, nor was it ever, whether to be for or against human rights. Rather, the debate has always been over the definition of those rights. Today's call by the AAA for collective rights, or the right to cultural protection, does not represent a complete turnaround for the Association. It also fails to resolve the issues raised by the 1947 Statement. Collective rights, along with the other mediating techniques, might provide new justifications for the AAA to act, but they don't determine *how* it should act. When anthropologists attempt to justify their desire to act, it is worth remembering that it was not Herskovits, but the scientific critics Steward and Barnett, who believed that the Association should refrain from making moral judgments.

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108. It might well be that pro-rights anthropologists are intentionally reacting to the postmodernism or even nihilism they see in the very type of work that Preis cites as contemporary anthropological thinking on relativism. Consequently, notions like creolization and hybridity—which Preis notes have emerged in anthropological thinking—have not made it into the discourse of the AAA Committtee. Ironically, they seem to have more currency in the legal than in the anthropological discussions of human rights.