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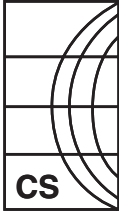
Public Sociology for Human Rights as Rites of Rule

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abstract: This article critically considers Michael Burawoy's 'public sociology for human rights' through the lens of Timothy W. Luke's 'rites of rule'. The author argues that, while admirable in its stated aim, public sociology for human rights neglects to reveal its roots in governmentality and thus does not recognize the empirical practice of human rights within cosmopolitan global governance as a shift to consolidated contragovernmentality. The author concludes that public sociology for human rights as it is currently framed stabilizes the practice of human rights as rites of rule in an attempt to stabilize knowledge and the relations that it orders.

keywords: contragovernmentality ✦ cosmopolitanism ✦ development ✦ governance ✦ public sociology

Introduction

Advocates of public sociology have much to say about human rights, but say curiously little about the power/knowledge relationship in which they are embedded. Michael Burawoy's (2006) recent campaign in the edited volume *Public Sociologies Reader* in favour of 'a public sociology for human rights', conducted with his interlocutors as a narrative of cosmopolitan global governance, places an emphasis on the intersection between public sociology, human rights, non-governmental organizations (NGOs), the state and professionalized knowledge (Beck, 2005a; Burawoy, 2006; Delanty, 2006; Pubantz and Moore, 2006). However, absent from this crusade is recognition of how this regime governs through the transfer of productive knowledge. Public sociology for human rights as it is conceived by Burawoy fails to problematize the cosmopolitan human rights regime, which, in practice, often is an authoritarian and hierarchical regime

of power, where power is conceived of as the manifestation of the practice of instrumental knowledge (Foucault, 1980, 1991, 1995, 2002; Horkheimer and Adorno, 1989).

In this article, I argue that the 'rites of rule' (Luke, 1996) imposed by the regime of knowledge, right(s) and the capitalist state–NGO–knowledge–rite regime advocated by Burawoy stabilizes the present as a rite of passage according to the narrative of development. My argument is structured in four parts. First, I begin by demonstrating how the narrative of public sociology for human rights stabilizes unquestioningly the legitimacy of cosmopolitan global governance. Second, I argue that, while admirable in its stated aim, this framing of public sociology for human rights neglects to reveal its roots in governmentality and thus does not recognize the empirical practice of human rights as consolidated contragovernmentality, which in turn facilitates the legitimacy of the development. Third, I demonstrate that public sociology's participation in the human rights regime, as it is advocated by Burawoy, conflates human rights and market rights through the narrative of development as a rite of passage. Finally, I demonstrate how public sociology for human rights stabilizes the practice of human rights as rites of rule, which subjugates rights (entitlement) to right (correct) in an attempt to stabilize a new logic of ruling.

'Public Sociology for Human Rights' as Cosmopolitan Global Governance

I fully support the ideal of universal human well-being. It is for this reason that I am critical of the practice of public sociology for human rights as it is currently framed as cosmopolitan global governance, which is, in practice, a regime often dedicated to universal capitalist development/ exploitation, as though profit and environmental degradation are the source rather than the denial of human well-being. Public sociology for human rights is first expressed by Michael Burawoy (2006) in the introduction to *Public Sociologies Reader*. Citing the aftermath of Hurricane Katrina and civil wars in Sudan, Rwanda, Afghanistan and Bosnia and Herzegovina, Burawoy (2006) correctly points out that the world is full of atrocities; he then points out that 'The advantage of a human rights framework is its widespread appeal. Who, after all, can be against human rights?' (Burawoy, 2006: 5).

Burawoy is correct that human rights are highly marketable, no less for sociology than for Angelina Jolie, Bono, Coca-Cola, Starbucks and Oprah Winfrey. While no doubt there are genuine humanitarianisms and genuine humanitarians concerned with human rights, and Burawoy is correct that they are appealing, there are also commodified and exploitative

humanitarianisms that impose upon everyday practice the very ontological and epistemological frameworks that are the basis for the *denial* of human rights.[1] It is not the ideal of human rights as human well-being that needs evaluation, but the way in which human rights are practically situated as rites, or those rituals and practices that stabilize the necessity of the present. Like truth, rights are 'a thing of this world' (Foucault, 1980: 131).

The theme of public sociology for human rights is buttressed in the *Public Sociologies Reader* by cosmopolitanism as it is articulated by Ulrich Beck (2005a, 2005b) and Gerard Delanty (2006) in their discussions of public sociology. Delanty argues that cosmopolitanism is 'essential to public sociology' (Delanty, 2006: 38), while Beck (2005a: 340) argues that public sociology is in 'danger of *reaching false conclusions from nation-state premises*', which is an extension of his call for a new cosmopolitan realism, which shares its ontology with the market: 'the counter-power of global civil society is based on the figure of the *political consumer* . . . not buying certain products and therefore casting a vote against the politics of corporations . . . is completely free of risk' (Beck, 2005b: 7). When considering Burawoy's public sociology for human rights we are thus involved in the legitimation of the so-called shift from government to governance; from the nation-state as the locus of legitimate power to networks of non-state actors as the locus of legitimate power. In his introduction to 'a public sociology for human rights', Burawoy (2006: 8) establishes a fictional distinction between the state, market and civil society, holding the state and the market responsible for the advance of neoliberalism while absolving sociology of any epistemological stabilization because it supposedly belongs exclusively to civil society and keeps its distance from the state and the market.[2] Burawoy has made a false distinction between the state, civil society and the market, while calling for cosmopolitan global governance, which collapses these distinctions altogether (Nickel, 2007).

'A public sociology for human rights', as Burawoy has framed it, is a public sociology practised through NGOs and other voluntary associations, which he refers to as collective self-organizations (Burawoy, 2006: 9). Of course, NGOs are not at all distinct from the state and the market, but often are dependent upon both for funding and legitimacy, if they are not completely co-opted as time once spent with human beings in need is increasingly spent with accountability forms and training in the *means of right* (Chandhoke, 2003; Hayden, 2002; INCITE!, 2007; Kamat, 2003). Describing civil society as 'Janus-faced', Burawoy (2006: 10) notes such limitations: '[NGOs] become the lubricant and contraceptive of third-wave marketization. Global civil society is Janus-faced – decisively shaped by and connected to the interests of nation-states and multilateral agencies even as it is also terrain for contesting those interests.' Despite

his recognition of the limitations of the supposedly lubricating tendencies of civil society, a point recognized *at least* since Antonio Gramsci *c.* 1930, Burawoy's call is for a public sociology from the standpoint of civil society. Of course, civil society is constituted by the state and sovereignty (see Ehrenberg, 1999) and thus the idea of public sociology from the standpoint of civil society is already an argument on behalf of the state.

To clarify, then, Burawoy is arguing for a public sociology for human rights operating from the standpoint of civil society, a space that he frames as being distinct from the state and the market and the unique purview of sociology, which is, in contraction to his previous (Burawoy, 2005a) division of labour for sociology, theorized as being independent from and in opposition to the state (and thus, we might assume, in opposition to his professional and policy sociologists). Burawoy's own Janus-face results from his neglect of every critical theory of the state and civil society including and since Hegel. The periodization by which Burawoy (2006) discusses the state, market and neoliberalism is derived from Karl Polanyi's (1944) *The Great Transformation*, or commodification. Based on his reading of Polanyi, Burawoy names the present period 'third wave marketization'. A closer reading of Polanyi would reveal that commodification and transformation are, at the least, partially the result of the politics of knowing; yet, Burawoy offers no explanation of power and epistemology in relationship to the state or the market.

In his introduction to a 'public sociology for human rights' in opposition to the state and the market Burawoy (2007: 366) argues that 'Sociology lives and dies with society. When society is threatened so is sociology. We can no longer rely on the state to contain the market and so sociologists have to forge their own connections to society, i.e. to develop public sociology. We have to do more than passively serve society, but have to conserve and constitute society.' Of course, sociology does not live and die with society; it frequently lives and dies with the state (Gouldner, 1970) and when the state devolves more governing functions to civil society, as it has done in the supposed shift from 'government to governance', then sociology typically follows in order to stay 'legitimate' and maybe even edge political science and economics out of the monopoly over the governing game. Make no mistake: this is precisely the argument that Burawoy (2006: 17) makes when he blames political scientists and economists for the failures of modern life: 'economists and political scientists who are largely responsible for ideologies justifying the collusion of market tyranny and state despotism'. 'Conserving and constituting society' is, of course, a governing activity and by no means automatically a democratic one (Nickel, 2007); fascists also conserved and constituted society and thus it would seem that sociology is at least equally as guilty as 'the economists and political scientists'. Burawoy (2006) then claims the territory known as 'civil society', which, he

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argues, is best governed by sociology as the saviour/*savoir*. Nation-states have been reasserting civil society as the best possible space from which to govern since *c.* 1989; in his call for governing from the standpoint of civil society, Burawoy is at least 15 years behind the neoliberal brigade led by Fredric Hayek. Framing civil society as the sole space within which to achieve well-being fortifies the neoliberal state as it absorbs the supposedly bloated bureaucracy into its aura of democracy so that the state might appear leaner and more market-like in the interest of making the market and its anaemic rituals seem more robustly legitimate (see Luke, 1990).

Despite this argument for a cosmopolitan public sociology in which *sociology governs through civil society* more legitimately than do the state and the market, Burawoy does not offer an explicit theory of the state except to reject the category of nation-state in favour of cosmopolitanism. The argument in general for public sociology as cosmopolitanism, drawing on Beck (2005a, 2005b), Delanty (2006) and Burawoy (2006), is that the state is now what Beck calls a 'zombie category' and thus we need a 'new realism' beyond the nation-state. However, public sociology for a cosmopolitanism regime of human rights merely replaces sovereignty as the study of power with human rights as the study of power, still neglecting the 'techniques and tactics of domination' (Foucault, 1980: 102).

There is nothing particularly revolutionary about cosmopolitanism, which, though rejecting the nation-state, in practice still favours analysis of the juridicial and institutional over analysis of the practice of domination through the rituals of rights. Given that Alvin Gouldner (1970) demonstrated that the growth of sociology was dependent upon the welfare state, it is not at all surprising to now learn that public sociology is dependent upon the growth of global cosmopolitan governance. The adaptability of sociology to the needs of state does not ensure human well-being and neither does the adaptability of sociology to the needs of global capital and its mythology of development. Although he claims to be critical of neoliberalism, Burawoy's stance is based on an affirmative theory of the state/governance that neglects the way in which knowledge functions to discipline human rights in concert with neoliberalism (Harvey, 2005, 2006). Human rights, as we see later, are conflated with neoliberalism's view of human rights as development rights – a view as old as Enlightenment (Horkheimer and Adorno, 1989).

From Governmentality to Consolidated Contragovernmentality

The rise of cosmopolitan governance, network governance, global governance and the general narrative of the supposedly radical transformation

upon which the human rights regime is practised is old news. The state has been 'unbundling' for decades (Luke, 1990, 1996, 2007). The idea that such an unbundling is in the service of human rights is certainly functional, but it is hardly transformative. In order to understand how public sociology for human rights as Burawoy has framed it can only result in the further subjugation of human rights to instrumentality, we first need to shift the discussion of public sociology in relationship to the state and rights away from Burawoy's conceptual categories, which are based in acceptance of the myth of the boundary between the state, market and civil society and the auto-legitimacy of public sociology governing within a global cosmopolitan realism.

Pace Burawoy, my stance on rights does not begin with a boundary between the state, the market and civil society and an equivalent boundary between political science, economics and sociology. I begin from an alternative starting point in governmentality (Foucault, 1991) and the shift to what Luke (1996) has called contragovernmentality. In other words, I argue that the shift in the practice of the state on rights was not from sovereignty to cosmopolitanism or from the welfare state to neoliberalism or even from government to governance; the shift was from governmentality to contragovernmentality. From the perspective of governmentality, public sociology for human rights is governmentalized as the practice of human rights.

To begin with, governmentality, as Foucault (1991: 102–3) originally theorized it, involved:

> . . . the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge . . . political economy, and its essential technical means . . . apparatuses of security . . . [which] steadily led towards the pre-eminence over all other forms (sovereignty, discipline, etc.) of this type of power which may be termed government, resulting, on the one hand, in the formation of a whole series of specific governmental apparatuses, and on the other, in the development of a whole complex of *savoirs*.

Governmentality is instructive in the case of the supposed shift from *sovereignty*-in-relationship-to-the-state to *human-rights*-in-relationship-to-global-civil-society because, according to Foucault (1991: 102), the modern practice of government never involved only sovereignty, but was a 'triangle, sovereignty–discipline–government'. The focus on human rights as the basis for a public sociology opposed to the nation-state/market thus neglects at least two angles of the triangle through which the management of the population is achieved.

In an era of cosmopolitan global governance this triangle sovereignty–discipline–government gives way to human rights–discipline–governance

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through the consolidation of what Luke (1996) named contragovernmentality. Contragovernmentality involved 'decentered sovrans', which became institutionalized as the very NGOs and collective organizations to whom Burawoy (2006) assigns the right to rule through the right rites, or practice, techniques and knowledge. These rites to manage the population have not changed; only the logic in the shift from sovereignty to rights as the basis of rule and the shift from government to governance as the territory of the apparatus through which techniques and knowledge are practised has changed. Luke (1996: 492) explains that:

> . . . contragovernmentality rewrights[3] people as many different kinds of denationalized agents – believer, viewer, consumer, listener, gendered, racialized, reclassed, dialected, faithful, truthful, skillful, watchful – operating in new cultural and economic domains written against the state by non-statal forces. Power, conflict, and struggle continue, but more often now at very amodernized sites, which are becoming de-territorialized, un-stated, contra-governmental spaces.

In its 1996 context, contragovernmentality involved the dislocation of national governmentalities as strategies of 'dissolution of territoriality and degradation of sovereignty' (Lukes, 1996: 493). However, this dissolution has now been reordered through the transfer of rites and consolidated through the logic of cosmopolitanism, by which denationalization is consolidated through a process that Luke (1990), with Paul Piccone (1978), earlier theorized as artificial negativity:

> Counter-bureaucratic bureaucracies become one of the paradoxical expressions of artificially generated negativity. The problem with this system-generated negativity is that, to the extent that it is itself bureaucratically sanctioned, it tends to become an extension of the very bureaucracy in need of control . . . it simply extends the bureaucratic logic it was meant to challenge and becomes counter-productive. The organic negativity necessary to successfully sustain this challenge must develop outside the bureaucratic administrative framework. (Piccone, 1978: 48)

By 2006, when Burawoy argues for public sociology for human rights, the origins of contragovernmentality have transformed from what may have originally been formations of organic resistance in 1996 as they have become bureaucratically sanctioned and consolidated within cosmopolitan governance, often through grant funding by national governments and the *sovran*ty of sociological knowledge.

Contragovernmentality, as theorized by Luke (1996), like governmentality, involves a complex of practices and knowledge, but, where legitimacy was once assigned to government, it is now assigned to actors who have been legitimated within cosmopolitan global governance. Consolidated

contragovernmentality shares with cosmopolitanism the observation that sovereignty has been degraded as a legitimating idea: where sovereignty was once the locus of 'legitimate' power, the authority of government action, now human rights are the locus of 'legitimate' cosmopolitan power and governance as action. 'Extra-legitimate' power through rites, however, is not taken into account in either legitimating logic, both of which serve the same function: to forestall resistance to discipline through the stabilization of practice. This shift therefore is not reason for uncritical celebration of a supposedly grand democratic transfer of rule from the nation-state to global civil society because rule always took place through rite and rite is still an 'ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and its essential technical means apparatuses of security' (Foucault, 1991: 102).

To the extent that, as with the rise of governmentality, consolidated contragovernmentality achieves 'security, territory, and population' as truth production becomes institutionalized as techniques of practice (rites), what we have witnessed is the shift from sovereignty to human rights as a source of legitimation and a shift from government to governance as a locus of practice. The ensemble of governmentality may have been disengaged from the legitimacy of sovereignty, but the ensemble of contragovernmentality practised through governance rather than government does not abandon the objective of power through knowledge (right) and apparatuses of security (rite). Liberal government-for-the-sovereign and cosmopolitan-governance-for-human-rights are both a means of ensuring 'the emergence of population as datum, as a field of intervention and as an objective of governmental techniques, and the process which isolates the economy as a specific sector of reality' (Foucault, 1991: 102). The objective of the rites of rule has not changed and neither have the techniques; only the population, which is now cosmopolitan, the economy, which is global and also an object of development, and the legitimating logic, which is now human rights (see Figure 1).

Contragovernmentality, in this conception, territorializes based not on sovereignty, but based on human rights. Government shifts to governance, the techniques of rule now fully legitimated in their panoptical formation (Foucault, 1995). Human rights work becomes 'economically advantageous' (Foucault, 1980: 101) and thus knowledge services the production of the practices of rite (modernity's rituals of practice) on rights (entitlements) by those organizations that are right (correct) about human rights as they are determined by those who have the means to fund and discursively construct human rights practice. As with madness, human

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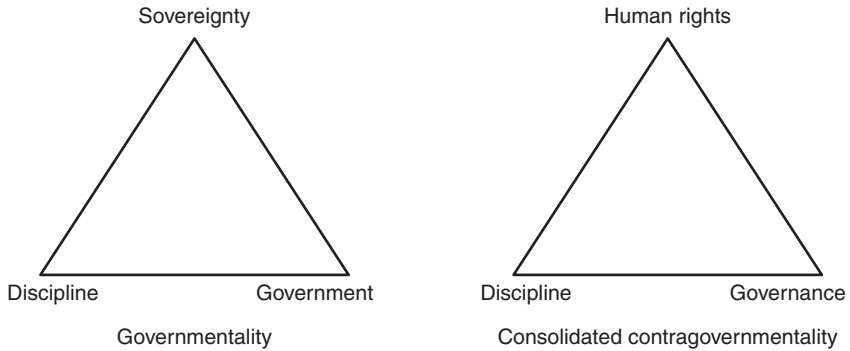
Figure 1 *The Shift from Governmentality to Consolidated Contragovernmentality*

rights 'lend themselves to economic profit . . . as a natural consequence, all of a sudden, they became colonised and maintained by global mechanisms and the entire State system' (Foucault, 1980: 101). Human rights are useful for development because they provide a legitimating logic, a basis of intervention, for the exercise of power over 'undeveloped' territories, or territories that are still difficult for global capital to exploit. At its worst, the regime of rite ruling human rights is not interested in human well-being anymore than the 19th-century bourgeoisie was interested in madness: the regime of rite is interested in control and thus exercises discipline through human rights. Human rights are brought into line as instrumental rites and since the advent of Enlightenment it has been these rites that have ruled, regardless of the logic of rule.

Consolidated Contragovernmental Rites of Passage: The Conflation of Right(s) and Development

That human rights are increasingly conflated with development and its associated rites can be observed as the ideals of world peace and human rights are increasingly embedded in development-speak (see Hilhorst, 2003). In 2006, the Nobel Peace Prize was awarded to economist Muhammad Yunus of Bangladesh. The United Nations News Service reported that, 'Speaking at UN Headquarters in New York during a tribute to Professor Yunus, who founded the Grameen Bank, Mr Malloch Brown hailed the Bangladeshi as a banker, advocate, activist and champion for the poor. "You have done wonderful things for development and by doing that you have done wonderful things for peace", he told the

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laureate' (UN News Centre, 2006). In a similar construction of development as peace, General Assembly President, Sheikha Haya Al Khalifa, was quoted as saying that 'the Grameen Bank has disbursed over $5 billion in micro-credit loans to 7 million borrowers, 97 percent of whom are women, thus making "a tremendous contribution towards ending poverty in Bangladesh" ' (UN News Centre, 2006). Within this narrative, loans are equated with the elimination of poverty and with world peace. This is problematic because Professor Yunus has not donated $5 billion dollars, he has created a debt of $5 billion dollars, which could also be understood as potentially increasing poverty. Debt is only inaccurately equated with dignity. For the UN and the Norwegian Nobel Committee, creating a $5 billion debt is equated with creating world peace. According to this logic, Visa, MasterCard and predatory lending agencies are also agents of world peace. World peace becomes predicated on banking; so deeply held is this belief that capitalist finance is the only means to achieve world peace that the Nobel Peace Prize is awarded to a banker who created a new market for the creation of debt, '[disabling] men even as it nurtures them' (Horkheimer and Adorno, 1989: 37).

If human rights are achieved through development, then all social action can only be justly and humanely oriented towards the market, thus is it possible for a banker to be awarded the Nobel Peace Prize for creating debt. Hugo Slim (2003), Chief Scholar for the Centre for Humanitarianism in Switzerland, argues that the distinction between humanitarianism and development ought to be dissolved completely:

> . . . that dreadful tendency to dualism which dogs the Western mind and has led to the pernicious idea that humanitarianism and development are different pursuits. . . . It is in human rights that we can finally dissolve the unhelpful dualism between humanitarianism and development. . . . If, in the new century, humanitarians and development workers could both take the bold step of recognising that they are all human-rights workers, then, the theory, management, and practice of relief and development work would be relieved of one of their most mesmerizing and exhausting distractions – the false dichotomy between these two professions and their common values. (Slim, 2003: 22–5)

Slim (2003) is correct that development and humanitarianism are often the same practice; however, this is not to the advantage of human well-being. The ideal, as Slim (2003) has presented it, of conflating development and human rights is distinctly problematic because it assumes that development is the only possible path towards human rights, thus tying human rights to the market and commodifiying well-being. Slim's (2003) call for dissolving the supposed 'false dichotomy' between the rights of humans and the right of development is a call for development rights as human rights – the practice of human rights as development rites. When

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rights cannot be distinguished from development it follows that rights can only be achieved *through* development.

If development and human rights are functionally the same, or even if they are 'only' narratively the same, is it important for those who genuinely are concerned with human well-being to understand what development is in practice. For Timothy Mitchell (2002: 233), development 'is a discourse of rational planning. To plan effectively, it must grasp the object of its planning in its entirety. It must represent on the plans it draws up every significant aspect of the reality with which it is dealing.' This is so, argues Mitchell (2002), because the foundations upon which development bases the legitimacy of its actions – democracy and pluralism – are untrue in practice. For Mitchell (2002: 35), Slim's 'theory, management, and practice of relief and development work' *makes* human rights through the practice of experts, who create binaries with human expertise on one side and nature on the other.

As an objective of development, human rights become valorized as development *inputs* and 'economized as a site of production' imposing a 'hierarchy of value over the devalued' (Agger, 1993: 121). It is not true that development is equivalent to the achievement of human rights unless human rights are (falsely) conceived of as being market rights achieved through market rites; a logic that results in domination of the valueless by the valued (Agger, 1993). Development is completely barren of a normative basis independent of the market. This is so because human well-being can be and has for eons been achieved independently of the new global hypermarket. Development attempts to achieve universal participation in global capitalism in order to protect global capitalism from the risk of collapse as a result of non-participation. The ethically barren discourse of development, which is simply preparation for the rite of passage to market participation, therefore *needs* the discourse of human rights, now provided by public sociology, in order to justify its emphasis on economic engineering. The conflation of rights and development overcomes neoliberalism's need for a normative rationality. While Jurgen Habermas (1971: 111) was troubled that 'the leading productive force – controlled scientific-technical progress itself – has now become the basis of legitimation', the conflation of human rights and development brings the leading productive force to the forefront by rewriting the productive force as a normative force on behalf of human rights. The aforementioned logic of debt as peace is a case in point.

It is not only economists and development scientists who argue on behalf of the market as the basis for human rights. Burawoy (2006) himself tacitly supports development and the market as the basis for human rights even as he argues that sociology must defend human rights against

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the market. In his discussion of the introduction of public sociology at the ASA meetings, Burawoy (2005b: 418) writes: 'On the second evening [of the ASA meetings] Mary Robinson, former President of Ireland, former UN High Commissioner for Human Rights, spoke of the close connection between human rights work and public sociology'. Yet, in *Human Rights and Development: Towards Mutual Reinforcement*, Mary Robinson, with Philip Alston (2005), specifically argues for human rights to be practised *as* development and thus her support of a public sociology for human rights against the market concerns me as a defence of public sociology. Alston and Robinson (2005) argue that human rights must be *main-streamed* in concert with development, thus completely collapsing the space between human rights and the market that Burawoy proposes that we must defend them against.

It is problematic that the human rights regime of rite governs not on behalf of human rights, but through development as human rights/rites, which frames compliance with human rights and their associated rituals of rite as a rite of passage to the 'developed world'. The practice of human rights typically shares its rites with development, which, because it belongs to the same ontological and funding regimes, in turn is the practice of market rites, which is the practice of subjugating rights to the market through the construction of the right to participate in the market rightly. Such rites neglect that commodification of well-being is a denial of human rights as it forces individuals into market participation for survival. We therefore cannot predicate human rights, as a resistance to commodification, on development, which is itself commodification. Development is instrumentality and its management practices achieved through the dominance of rites over rights.

In order to demonstrate how knowledge subjugates rights to right, next I examine those practices exercised as the defence of human rights – the domination of rights by right – as they are manifest and enforced by the congregation which officiates the rite of passage from pre-development to development, the United Nations Office of the High Commissioner for Human Rights (UNOHCHR), a body that is endorsed by Burawoy (2005b) *as* public sociology.

The Practice of Human Rights as Rites of Rule, Rites of Rule as Instruments of Domination

Public sociology for human rights advocates appear to be rather naive about the *practice* of being 'for human rights'. Human rights are currently framed within the language of global capitalism and are not practised as the right to well-being, but as development and its associated 'rites of

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rule' (Luke, 1996). The human rights regime of rite – the nation state, global capital, NGOs, IGOs and the academics charged with the legitimation of performative knowledges (Lyotard, 1991) – is charged with the creation of meaning and subsequently the employment and monitoring of meaning. In opposition to this regime of rite, which governs human rights, our second task in regard to human rights is to reveal how their obfuscation is achieved through epistemological hierarchy, which is embedded in the practices and institutions of the rights regime and its creation of rites of passage (see van Gennep, 1909). As Foucault (1991) observed:

> . . . it is the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on; the state can only be understood in its survival and its limits on the basis of the general tactics of governmentality. (Foucault, 1991: 103)

I view these tactics as the rites and the rituals of marketized modernity, to which the development discourse belongs (Mitchell, 2002). As exercised by the regime of rites – including NGOs, the states that fund them, and the academics who advocate their right to rule – human rights are practised *as* the tactics of consolidating contragovernmentality, or governmentality according to the shift from sovereignty to human rights as a legitimating logic.

The human rights regime often stabilizes through rites the very ontological realisms and epistemological frameworks that are the basis for the *denial* of human rights. How we endeavour to know a particular version of the world *properly* in turn functions politically as the subjugation of rights to right as a set of rites – the rituals of rule (Foucault, 1991). As Foucault (1980: 131) explained of 'truth', rights are 'types of discourse which it accepts and makes function as true'. Rights are not exchanged, but exercised: rights exist 'in action' and thus in order to 'defend human rights' we must first examine how they are practised. Human rights work is not practised *on rights*; human rights work is practised *as right* on people who are monitored, measured, utilized and valorized. This rarely has anything to do with 'defending human rights'; it has everything to do with human management. In practice, all human rights are reduced to the performance of the right rites, which is currently the manufacture of knowledge that suppresses alternative versions of right, and thus it is the manufacture of power.

If, as Luke (1998: 10) argues, 'Rule boils down to giving commands, and getting compliance with them – by consent or coercion – from those who are ruled. . . . The practices of ruling are the in-statement of rules concocted from the arts of covenant', then rule is exercised as effectively, if not more effectively, by contragovernmentalized NGOs in the name of human rights as it was by the nation-state. We can understand the practice of commands as emerging from a *knowledge that commands action.*

Compliance with the human rights regime of *rule by rite* is thus *epistemological compliance.* This is so because epistemology is powerful, political and contestable whether exercised through governmentality or consolidated contragovernmentality, the nation-state or cosmopolitanism. If ruling is achieved through knowledge then knowledge is where we must transform the relations of rule.

When human rights are conflated with development, knowledge is imposed through administration on those NGOs and other actors assigned with the certification of human rights as right, resulting in development dominating rights through the assertion of shared rites. As Marie Campbell and Ann Manicom (1995: 9) argue:

> . . . administration, management, and government are accomplished through work processes that rely on distinctively organized ways of knowing those aspects of the world that are to be ruled. Not only does ruling *rely on* specialized knowledge, but a central task of ruling is to *organize and generate knowledge in a form that is useful for ruling practice*.

An empirical investigation of organization and generation of specialized knowledge in relationship to human rights is warranted. Here I offer a limited sample of statements on the right (correct) practice of human rights as they are produced by the global cosmopolitan governance regime which, according to the UNOHCHR (2008c), includes NGOs, the UN, nation-states, corporations and IGOs such as the World Bank. This regime dictates what I understand as the rituals of rite as they are practised as rites of rule. Literally, I aim to observe how the human rights regime proposes that we properly know human rights. Given Burawoy's (2006) emphasis on NGOs as the saviours/*savoirs* of human rights, I focus here on the role of NGOs within the human rights regime of rite. The UNOHCHR (2008b) Civil Society Unit specifically addresses NGOs as 'relevant stakeholders' in human rights and provides NGOs with a handbook on the rituals of rite: 'The Handbook aims to provide NGOs with a comprehensive and user-friendly guide to the work of OHCHR, including key information on human rights mechanisms, entry points for NGOs and contact details with a view to assisting NGOs in identifying areas of possible cooperation and partnership with OHCHR.' This guide to the rites of the UNOHCHR specifies the rituals associated with the rites of passage to human rights as instrumental rites, defined by the UNOHCHR. The following observations emphasize a sample of the employment of instrumental rites within the UNOHCHR (2008a, 2008b, 2008c, 2008d, 2008e, 2008f, 2008g) in order to demonstrate that, like governmentality, consolidated contragovernmentality achieves 'security, territory, and population' by ensuring 'the emergence of population as datum, as a field of intervention and as an objective of governmental techniques' (Foucault, 1991: 102).

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Observation One: Establishment of Human Rights Bodies as Instruments of Monitoring

The Core International Human Rights Instruments and Their Monitoring Bodies There are nine core international human rights treaties. Each of these treaties has established a committee of *experts* to *monitor* implementation of the treaty provisions by its States parties . . .

Universal Human Rights Instruments . . . there are many other universal *instruments* relating to human rights. . . . The *legal status* of these instruments varies: declarations, principles, guidelines, standard rules and recommendations have no binding legal effect, but such instruments have an *undeniable moral force* and provide practical guidance to States in their *conduct* . . .

Human Rights Bodies The Office of the High Commissioner for Human Rights (OHCHR) works to offer the best expertise and support to the different human rights *monitoring mechanisms* in the United Nations system: UN Charter-based bodies, including the Human Rights Council, and bodies created under the international human rights treaties and made up of *independent experts mandated to monitor* State parties' *compliance* with their treaty obligations. (OHCHR, 2008g; my emphasis and formatting)

This first observation highlights the way in which human rights are monitored as expert (exclusionary) and instrumental (productive) rites, including: monitoring, experts, instruments, legal status, standard rules, undeniable moral force, conduct, mandate and compliance. These are terms generally associated with discipline and control rather than with human well-being. These instruments are a rationality of rights and, like all administrative reforms, administer human rights as though the tools that it uses to do so can somehow stand apart from the tools that were used to deny human rights in the first place. Human rights are not necessarily denied as a result of disorganization and their reorganization ignores that the human denial of well-being has often been denied in the name of 'efficiency' and 'organization'. The tools for efficient power are the tools of human rights-*cum*-development rites: 'time tables, collective training exercises, total and detailed surveillance' (Foucault, 1995: 220). The rise of disciplinary society parallels the rise of the practices of development. 'In a word, the disciplines are the ensemble of minute technical inventions that made it possible to increase the useful size of multiplicities by decreasing the inconveniences of the power which, in order to make them useful, must control them' (Foucault, 1995: 220). As Foucault (1995) observed, the state apparatus co-opts schools, churches, and now human rights organization, in its surveillance. The discipline of human rights 'swarms' in its flexibility (Foucault,

1995: 211). The UN practice of human rights is virtually indistinguishable from disciplinary society. The rise of the science of training the individual to be useful, of applying the individual to some 'great essential function' (Foucault, 1995: 211), is the very science of human rights-*cum*-development.

Foucault's (1980) discussion of power/knowledge directly addresses the demand by the United Nations that experts 'produce the truth of power that our society demands, of which it has need, in order to function: we *must* speak the truth; we are constrained or condemned to confess or to discover the truth. Power never ceases its interrogation, its inquisition, its registration of truth: it institutionalises, professionalises and rewards its pursuit' (Foucault, 1980: 93). The human rights expert is thus the conveyor of power as right. The boundary between human rights, which are the practice of knowledge, and power exercised as discipline is thus blurred. This is, of course, a point recognized not only by Foucault, but by all critical theories of the state in that critical theories of the state identify the ideological state apparatus, which does not exclude human rights organizations and the institutions charged with generating knowledge of rights.

Observation Two: Organization for Rites of Review

In accordance with Resolution 5/1, the documents on which the review would be based are:

Information prepared by the State concerned, which can take the form of a national report, and any other *information considered relevant* by the State concerned, which could be presented either orally or in writing. The written presentation summarizing the information *shall not exceed 20 pages*, and should be submitted six weeks prior to the session of the Working Group at which the specific review will take place. States are encouraged to prepare the information through a broad consultation process at the national level with all *relevant stakeholders*.

Additionally a compilation prepared by the OHCHR of the information contained in the reports of treaty bodies, special procedures, including *observations* and comments by the State concerned, and other relevant official United Nations documents, which shall not exceed 10 pages;

Additional, *credible and reliable information provided by other relevant stakeholders* to the universal periodic review which should also be taken into consideration by the Council in the review, which will be summarized by the OHCHR in a document that shall not exceed 10 pages. Stakeholders include, inter alia, NGOs, NHRIs, Human rights defenders, Academic institutions and Research institutes, Regional organizations, as well as civil society representatives. (UNOHCHR, 2008e; my emphasis and formatting)

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This second observation of the Universal Periodic Review describes the means by which the UNOHCHR enforces rights according to official knowledge and tools for management of the population: written reports conforming to a pre-established standard (and thus in the terms of the regime of rite in accordance with rule), relevance, procedures, observations, credibility and reliability.

The creation of official knowledge and language to discuss and evaluate human rights declares a boundary around what ought to be known about human rights and how it ought to be known. These boundaries are then monitored by those who have already falsely assumed that they have legitimate authority to construct discursive territory as though constructing discursive territory is not one of the most fundamental human rights. 'All spaces are reconstructed out of human discourse' (Luke, 1998: 3). The OHCHR has thus already excluded most human beings from the right to choose the terms according to which their rights will be discussed.

Observation Three: Certifying Rite as Right, NGOs as Participants in the Rites of Passage

Accreditation of NGOs . . . the *participation of NGOs in the Human Rights Council shall be based on the arrangements and practices observed by the Commission on Human Rights*, including Economic and Social Council resolution 1996/31 of 25 July 1996. NGOs in consultative status with ECOSOC wishing to accredit representatives to the first session of the UPR working group are invited to send their letter of accreditation request/s to the Secretariat of the Council . . .

The letter requesting accreditation should contain the following elements: It should be submitted on the *official letterhead* of the organization; It should clearly state the title and duration of the session the organization wishes to attend, e.g. 'Name of NGO, in consultative status with ECOSOC, wishes to send the following members to attend the 1st session of the UPR working group . . .'; The letter needs to be signed by the President or the Main Representative of the organization in Geneva; It should also indicate the name/s (first name and family name) of the person/s who will represent the organization at the HRC session: Names of persons must appear exactly as they appear in the *ID document*, Family Name(s) have to be capitalized. . . . It is important to ensure that the name(s) of those members already in possession of a *valid identity* badge issued by UNOG Security and Safety Section, and who plan to attend the first session of the UPR working group, is/are also included in the accreditation letter, with an indication that the person(s) hold(s) an annual badge. Annual or temporary representatives of NGOs in possession of an identity badge issued by UNOG Security and Safety Section and valid for the duration of the session, will have unrestricted access to the access to the conference rooms . . . (2008b; my emphasis and formatting)

This observation is of the establishment of proper knowledge, which usually is only possessed by the most elite of any given society. Through the use of proper and improper formatting, language, knowledge, content, and, especially, keywords, the UNOHCHR excludes improper and perhaps transformative knowledge as it employs rites as a basis for exclusion and delegitimization of those whose rights are governed by the right rules of rite. Participation is specifically contingent on *arrangements and practices observed by the Commission on Human Rights* – an organization must have an official letterhead, identity must be validated and secure, submissions must be appropriately and technically formatted according to strict specifications. These rites pre-script content and ways of knowing based in already existing practices and full cooperation.

Rites of passage to development thus require compliance with official knowledge. If we return to Foucault's (1980) understanding of the relationship between power, right and truth, 'what rules of right are implemented by the relations of power in the production of discourses of truth? . . . We are subjected to the production of truth through power and we cannot exercise power except through the production of truth' (Foucault, 1980: 93), the UNOHCHR is exposed as producing the truth of human rights through power. Power is exercised as the required truth for the rite of passage to development *via* human rights, which in turn become indistinguishable from the supposed *right* to development. These rituals of right(s) impose development's instrumental rationality as a relation of domination (Horkheimer and Adorno, 1989).

The rite of passage to human rights as development requires receiving through rituals of rite what Horkheimer and Adorno (1989) recognized as the myth of enlightenment: modernity's religion. Human rights as the rite of passage to a stage of development enchanted by the UN is just such an enlightenment practice, banishing 'fear of the unknown by evaluating the world with respect to the operational norms of "computation and utility" . . . rejects that which cannot be quantified and measured. In this way, science is less open-minded than its partisans contend; indeed, science is a new form of ancient mythology' (Horkheimer and Adorno, 1989: 6). Through the rituals of counting, monitoring and accreditation, the UNOHCHR, like Enlightenment:

> . . . treats its own ideas of human rights exactly as it does the older universals. Every spiritual resistance it encounters serves merely to increase its strength. Which means that enlightenment still recognizes itself even in its myths. Whatever myths the resistance may appeal to, by virtue of the very fact that they become argument in the process of opposition, they acknowledge the principle of dissolvent rationality for which they reproach the Enlightenment. Enlightenment is totalitarian. (Horkheimer and Adorno, 1989: 6)

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Anti-Enlightenment conceptions of humanity and its well-being are excluded based on their incalculability.

These rites of rule depend upon an epistemological hierarchy that knows human rights according to their use value: UNOHCHR knows human rights not only through the same rites as the economy and security, but according to what must be known in order for the 'developed' world to legitimately interact with the 'undeveloped' world through the exchange of capital. The cosmopolitan global governance regime acting on behalf of the global movement of capital through rituals of rite *depends upon* the guise of human rights in order to legitimate domination and exploitation as humanitarian action.

Conclusion

Public sociology for human rights as it has evolved thus far has been conflated with development and officialdom as they are embodied in the UNOHCHR's rites of rule, resulting in a public sociology that, in practice, would legitimate the shift from governmentality to consolidated contragovernmentality. We ought to question any discussion of public sociology for human rights that bypasses an analysis of disciplinary rites as it shifts the legitimating narrative of sovereignty to the equally legitimating narrative of human rights, dispersing governmentality more widely into increasingly infinitesimal contragovernmentalities of rule without ever shifting the *practice* of the *techniques* of rule, which are born of knowledge. These artificial contragovernmental human rights as rites of rule function according to the mythical rite of passage from an immature underdeveloped state to development-as-maturity achieved through the rites of instrumental knowledge exercised through the UNOHCHR's monitoring bodies. Yet, development is a fundamentally immature stance on the necessity of control based in the belief that the exercise of instrumental knowledge necessarily liberates rather than dominates. The myth of knowledge liberating humanity through infinite control and monitoring is an expectation of the most underdeveloped sort. Uncritically receiving the rites of enlightenment as they are practised by the UNOHCHR only forestalls the realization that human rights can only be attained *outside* of instrumental rationality because instrumentalized humanity is disciplined and often exploited humanity.

Our task in regards to human rights is therefore to *distinguish* human rights from development and thus to *deny* the myth that the only path to well-being is to sell one's labour and land according to the rules set by global capital. It is possible to resist the terms 'relevant', 'official', 'standardized', 'legitimate' and 'expert', as they are employed and enforced within

the regime of rite. However, this resistance requires exposure of the everyday realities specifically excluded from the UNOHCHR's practice of human rights as rites of rule, which excludes the knowledge inherent to the irrelevant, the unofficial, the illegitimate and quotidian expertise about the human condition. Public sociology for human rights is deeply implicated in such exclusions to the extent that it ossifies the knowledge boundaries by which they are achieved, but it also can be responsible for dissolving them. Knowledge and the relations of practice that it orders are contestable. There is therefore significant space within which sociologists can manoeuvre in order to contest the construction of human rights as the rites of rule. A 'public sociology for human rights' must stand apart from the 'rights of rule', cease provision of the legitimating logics for consolidated contragovernmentality, and instead focus on the ways in which the rituals of rite according to the mythology of development facilitate the denial of well-being.

Notes

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1. Burawoy (2006: 5) acknowledges that there is a 'bad humanitarianism', but fails to explain why or how it is that his own humanitarianism can be distinguished from it.
2. Here Burawoy has contradicted his earlier (2005a) call for a division of labour for sociology, which included the reification of policy sociologists.
3. Luke uses wright to mean the way in which academic *writing* stabilizes *right*, or correct. See Luke (2000: 41).

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