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Introduction to *A Research Agenda for Human Rights:* Generations of human rights scholarship

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The study of human rights has grown as an interdisciplinary field over several generations, and this volume aims to help generate and guide the next wave of human rights research in a singularly troubled time. We will map the historic trajectory of scholarship on the international rights regime, the emergence of new areas of inquiry, and suggest alternative methods and perspectives for studying the pursuit of human dignity.

Human rights are a set of norms, institutions, and practices to safeguard the survival, freedoms, sustenance, identity, and equality of all people. Rights imply responsibilities by authorities—whether governments, employers, social institutions, or the international community—to respect, protect, and fulfill these fundamental entitlements. While initial recognition of rights begins with threats to life, physical integrity, and freedom, the “second-generation” social and economic rights include access to essential resources and sustainable life and labor conditions. Moreover, international standards include collective and cultural rights premised on a broader concept of self-determination, and special protections for vulnerable populations such as women, children, and indigenous peoples. The 1993 United Nations Vienna Human Rights Conference endorsed by most states affirms that human rights are in principle “universal, indivisible, and interdependent.” This means that the “right to have rights” discussed by Hannah Arendt should not be restricted on the basis of culture or citizenship, that rights are inalienable regardless of a person’s behavior or status, and that the enjoyment of a civil right like free speech might depend on a social right such as education—and vice versa (United Nations 2020).

Human rights principles and practices have evolved in a dialectical dynamic with power relations and the global order. As the notion of rights developed along with the rise of capitalism and the nation-state, the definition and debate centered in the first instance on border-crossing humanitarian abuses such as war crimes, and by the nineteenth century focused on the slave trade. Human rights mobilization and law turned next to institutionalized systems of oppression within sovereign states, such as chattel slavery, and later to protection of religious minorities. With the turn of the twentieth century and increased migration flows, the international regime developed further around human trafficking and the right to asylum—especially in the wake of the displacements of the two world wars. By mid-century, the establishment of the United Nations human rights treaties and mechanisms was followed by Cold War-era diplomacy and citizen movements for freedom, empowerment, equality, and protection from state terror—mostly targeting dictatorships. The end of the Cold War and the intensification of economic, political, and social globalization produced a vast increase in human rights networks, purview, and targeted authority relations.

The study of human rights began as a branch of international law to track the development of intergovernmental understandings to govern border-crossing abuses. But as human rights foreign policy, global governance, and human rights movements became more consequential in world politics by the late twentieth century, social science inquiry increased—especially political science analyses of political violence, international relations, democratization, and social movements. By the turn of the millennium and intensified globalization, fields like sociology and anthropology initially resistant to the liberal origins of human rights norms engaged more deeply from a critical perspective with transnational, collective, and interdependent rights abuses and struggles. The growing interdisciplinary fields of international, global, and area studies often combined historical, sociopolitical, and cultural lenses to chronicle the complex roots and effects of rights problems, mobilizations, and policy change. In the past generation, the scholarly agenda embraced more historical interrogations of the concepts and uses of rights and its relationship to humanitarianism. At the same time, disciplines like political science extended methodological tools like quantitative analysis to rights research, while sociolegal studies broadened attention to the normative context of power relations. Across all of these fields, scholars have grappled increasingly with the contested nature of universalism, sovereignty, and complex inequalities.

Currently, human rights conditions and scholarship stand at a crossroads, expanding in some directions while contracting in others. Liberal international institutions and citizen empowerment have advanced some protections

against state power, but war crimes continue unabated, the reach of rights is still contingent on citizenship status, and new vectors of border-crossing abuse are resistant to rights mechanisms designed for an interstate world. On the one hand, the range, venues, and addressees of rights claims have expanded. These developments allow potential access for historically excluded actors such as indigenous peoples seeking a human right to water and offer innovative pathways for fulfilling rights at the regional and local levels. On the other hand, indivisible political and social rights have been delinked in a neo-liberal era, settled civil rights undermined in illiberal democracies, even as key states have moved from resisting to withdrawing from the liberal international human rights regime. In many reactionary nationalist regimes worldwide, exclusionary, patriarchal, and xenophobic backlash are supported by pseudo-populist counter-frames that contest the core principles of universal human dignity in the name of some rival ideology (Brysk and Stohl 2017, 2018, 2019).

While the progressive norms and mobilizing potential of human rights remain strong, the human rights crisis of a post-liberal world may be defined by a contradictory combination of persisting sovereignty and collapsing governance at the state and international regime levels. Rights continue to enlarge recognition of the human condition and the interdependence of the human community, but have lost traction over responsibilities for implementation and fulfillment (Brysk 2020b). In the COVID-19 crisis, we see the culmination of a toxic brew of these tectonic shifts in world order, the dysfunctionality of authoritarian political pathologies, linkage between threats to indivisible rights and unsustainable levels of social inequality, and above all, an epic failure of moral imagination (Brysk 2020a).

Generating a research agenda

How can human rights scholarship grapple with these trends and challenges? A research agenda for human rights must be centered on questions of governance, responsibility, interdependence, and inequality. Our contributors focus on these questions, tracing the arc of a generation of human rights scholarship and suggesting new directions to expand the scope of inquiry. From the standpoint of history, law, politics, and policy, the chapters employ approaches that range from linguistic analysis to case studies, databases, and process tracing. Their interventions reflect our contributors' varied cultural, generational, disciplinary, and gendered perspectives. They draw upon research based in Europe, the Middle East, Latin America, Asia, Africa, and the United States.

Our survey of the research agenda begins by revisiting the historic modes of inquiry with fresh perspectives, emerging methodologies, and critical analysis. In “The study of human rights history: A corpus-based linguistic approach to ‘human rights’ in the nineteenth-century British press,” Eetu Vento contributes to the growing literature on the European origins, meaning, circulation, and reception of human rights principles. His study helps to expand our understanding of the comparative history of human rights and the role of language in framing human rights mobilization. Vento’s study shows the utility of new methodologies for establishing historical evidence and systematically analyzing language, with implications for historicizing the study of human rights in other regions and time periods.

We continue interrogating the foundations of human rights in attention to war crimes that span from the nineteenth and twentieth centuries. David Forsythe critically analyzes the ongoing relationship between humanitarian and rights-based principles, policy, and practice in “Humanitarianism: Coping in the void.” Forsythe argues that humanitarian law, like the international human rights regime, has established and extended standards, but founders on a severe gap in implementation and responsibility. In a sweeping overview, complemented by a case study of his decades of fieldwork with the International Committee of the Red Cross, Forsythe shows how the combination of regressive sovereignty and collapsing governance vex the application of humanitarianism to both states and non-state actors. In an era of failing states and a flailing international humanitarian regime, Forsythe suggests that human rights scholarship can contribute by deepening research on the eroding distinction between humanitarianism and human rights; the emerging nexus between conflict, climate, and development drivers of humanitarian crisis (taken up by Patel in Chapter 4); and renewed attention to the political and ethical dilemmas of humanitarian practice amply documented by this generation towards strategic pathways forward.

The refugee regime of international treaties, institutions, and non-governmental organizations bridges from humanitarian to human rights law, while policies regarding displaced persons have struggled through the latter twentieth century to close the citizenship gap (Brysk and Shafir 2004). Yet by the twenty-first century, the poorly governed impact of internal displacement within borders has overtaken even the dire straits and lagging implementation of the refugee regime. In “People out of place’: Developing a human rights research agenda on internally displaced persons,” Champa Patel outlines the distinctive nature of internal forced displacement, rooted in her experience in the Asia-Pacific region. As a research agenda, she highlights the need for more reliable data, greater understanding of multi-faceted and multi-stage displace-

ments, analysis of development and crime-related drivers of displacement distinct from armed conflict, and greater attention to the impact on host communities. Each of these elements of investigation have the potential to better inform burgeoning norms and policy responses to internal displacement, yet they fail to address the fundamental governance gap in global responsibility.

Next we turn to law and the development of first-generation civil-political rights, the origin of human rights scholarship and the institutional human rights regime. Kyle Rapp and Wayne Sandholtz's chapter, "International human rights law: Progress and prospects," approaches laws and treaties as both an expression and constituent of international society. But their work reminds us that law recognizes rather than creates rights, centering the governance question. They use the analysis of databases to advance scholarship on the growth and diffusion of compliance pathways for international human rights law, and point towards adaptation of the international regime. Moreover, the chapter highlights areas for expansion of the human rights research agenda in the area of international law: rising issues of business responsibility (taken up by Mende in Chapter 11), variance in domestic implementation, and the rising relevance of regional institutions as a meso-layer between the global and the national.

The most consequential diffusion of international human rights law has been the generations of transitional justice, from the Nuremberg trials to the scores of truth commissions and tribunals associated with conflict resolution and regime change in the ensuing decades. In "The future of transitional justice: Mercy or impunity?" Iosif Kovras details the remarkable progress of rising standards and expanding mechanisms—entwined with political dilemmas of sovereignty and responsibility. His sweeping overview is derived from case studies of transitional justice experiences in Latin America, Europe, and the Middle East and North Africa. Like Rapp and Sandholtz, Kovras exemplifies and makes the case for an increase in methodological pluralism in sociolegal study. He calls for greater analysis of the impact of technology, particularly on the issue of forensic accountability. In an extension of the transitional justice research agenda to interdependent economic rights, Kovras expands his analysis to accountability for economic abuses.

In a similar vein, George Andreopoulos' chapter on "Academic freedom as a human right" expands the analysis of challenges to freedom of expression to recognize the influence of their socioeconomic and collective context. His contribution is also notable for advancing a global and comparative context to deconstruct American exceptionalism. Like Kovras, Andreopoulos proposes greater attention to the impact of technology on human rights claims and

conditions. Andreopoulos further reframes the research agenda around issues of economic inequality in his discussion of the implications of the turn to contingent labor on academic freedom, in parallel with Kovras, Winkler, Cherif, and Feng et al.

Turning to the “second generation” of social, economic, and cultural rights, our authors outline a research agenda for the recognition of interdependence and analysis of the impact of inequalities in entitlement and access to basic needs across the full range of rights. In “Socio-economic rights: Consolidating progress, charting future directions,” Inga Winkler charts the twenty-first-century increase in visibility and implementation of socioeconomic rights. She calls for greater scholarly treatment of the interdependence and indivisibility of civil-political and economic-social rights, which are bridged by discrimination and cross-cutting inequalities. Winkler draws attention to the need for further examination of the role and responsibilities of non-state actors, articulating with Mende (Chapter 11). She highlights the extension of socioeconomic rights research to the North, disrupting the false association between social rights and “development” and American exceptionalism, in a parallel move to Andreopoulos.

Unequal access to socioeconomic rights is highly gendered, and Feryal Cherif revisits gender discrimination through the lens of interdependent generations of rights in “Women’s rights: Then and now.” She traces the history of women’s rights norms, advocacy, and institutions but goes on to extend the research agenda to intersecting patterns of economic development and debates on culture and religion. Cherif’s fresh perspective is based on her research on the political economy of women’s rights in the Middle East and North Africa, with access to education as a linkage from social rights to political empowerment and physical security. She calls for greater use of data analysis—like Vento, Rapp and Sandholtz, and Kovras—as well as more research on the influence of institutions and translations of global norms to local settings.

Along another axis of emerging rights recognition and interdependent vulnerability to abuse, Jeff Feng, Matto Mildenberger, and Leah Stokes consider global patterns of persecution of environmental defenders. In “Inhumane environments: Global violence against environmental justice activists as a human rights violation,” they apply database methodologies to map threats and analyze causal chains. This chapter makes the case for ecological rights as human rights that bridge the first-generation right to life, social rights to sustainable conditions, and discriminatory patterns of inequality. Their urgent call for accountability highlights the sentinel function of human rights in global governance, and the intensifying challenge of complex responsibilities.

Finally, we move to constructing new regimes and pathways for the fulfillment of human rights responsibilities. As each of our chapters has elucidated the growing influence of non-state actors and economic processes on human rights conditions, business responsibility for human rights is a priority area for research and analysis. In “The public, the private, and the business-societal: A threefold approach to business responsibility for human rights,” Janne Mende envisions a reconceptualization of the public and private that has the potential to provide a way forward for governance of market actors. The complementary work of translating human rights beyond the global–national binary to the grassroots is considered by Gerd Oberleitner and Klaus Starl. In “Understanding human rights at the local level,” they track the emergence of new understandings in human rights law that seek to localize human rights beyond the state and map a range of new mechanisms such as multi-stakeholder partnerships for implementing and adapting human rights at the city and regional levels. This rising generation of human rights research leads towards expanding the regime itself.

What are the lessons learned as we survey this research agenda for the next generation of human rights scholarship? Our chapters point towards intersections and applications. The intersections of academic interactions between legal, political, and socioeconomic phenomena and modes of inquiry are especially present in chapters on history, justice, academic freedom, and women’s rights. At the level of problematic and policy, the intersections of vulnerability and response by race, class, gender, and global geography are woven through every chapter—especially humanitarianism, internally displaced people, women’s rights, and environmental justice. The normative and policy challenge of shifting roles of the state and civil society also permeate our conversation, with special salience for academic freedom, women’s rights, business responsibility, environmental defenders, and local implementation. Across all of the areas of inquiry in our volume, the overarching challenge is to increase our understanding of how to close the gap between rights recognition and fulfillment.

This volume is a testament to the relevance and resilience of academic inquiry on the most urgent aspects of the human condition: the use and abuse of power to threaten or advance human dignity. The research agenda of human rights provides an ample range of social and institutional responses and strategies to protect and empower, across all levels and locations of the global order. But the scope, scale, and persistence of worldwide poverty, oppression, and discrimination in ever evolving forms, despite decades of worldwide struggles and global governance, suggest that the coming generation of research must attend even more to the underlying ethical and psychological dimensions that inspire or undermine the quest for rights. The next agenda that will carry

human rights through the twenty-first century must be to understand the drivers of dehumanization, the ethos of solidarity, and the transformation of fear into agency.

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