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Author	Family Name	Damay
	Particle	
	Given Name	Ludivine
	Suffix	
	Division	
	Organization/University	Université libre de Bruxelles
	Address	Brussels, Belgium
	Email	Ludivine.Damay@ulb.be
Corresponding Author	Family Name	Delmotte
	Particle	
	Given Name	Florence
	Suffix	
	Division	Fund for Scientific Research
	Organization/University	Université Saint-Louis – Bruxelles
	Address	Brussels, Belgium
	Email	florence.delmotte@usaintlouis.be
Abstract	Can the ‘human rights’ be considered the ‘last utopia’ of our epoch? Do they have nothing in common with the ‘Rights of Man’ of the eighteenth century, or is there a continuity between the first and the latter? This chapter aims to shed light on these theoretical and political or even philosophical questions from a historical-sociological standpoint. Sociology has long displayed a certain scepticism regarding human rights. The chapter reviews some works in contemporary sociology nonetheless devoted to human rights. Then it explores the path opened up by the long-term approach of Norbert Elias. For him, in an era of globalised interdependencies, the development of human rights constitutes an indicator of the construction of a political community on the scale of humanity, yet this process is fragile. More broadly, the claims related to these rights reveal both certain continuity and profound transformations since the eighteenth century, which are also related to the transformation of the role played by the state.	

Transformations of Human Rights Within Ruptures and Continuity: A Historico- Sociological Approach

Ludivine Damay and Florence Delmotte

5.1 INTRODUCTION

The origin of the reflexion proposed hereafter is twofold. It lies on the one hand in the comparison of two equally interesting and stimulating theses on human rights: that articulated by the historian Samuel Moyn and that defended by Justine Lacroix (2010) and by Justine Lacroix and Jean-Yves Pranchère (2016), who react to the positions defended by the former in

L. Damay
Université libre de Bruxelles, Brussels, Belgium
e-mail: Ludivine.Damay@ulb.be

F. Delmotte (✉)
Fund for Scientific Research, Université Saint-Louis – Bruxelles,
Brussels, Belgium
e-mail: florence.delmotte@usaintlouis.be

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F. Delmotte, B. Górnicka (eds.), *Norbert Elias in Troubled Times*,
Palgrave Studies on Norbert Elias,
https://doi.org/10.1007/978-3-030-74993-4_5

his book *The Last Utopia*, published in 2010.¹ On the other hand, this chapter stems from the reading of some Norbert Elias's texts that interrogates the relevance of those texts in order to think about national and post-national political integration in contemporary Europe and beyond (Delmotte 2012).

Human rights, according to Moyn, emerged suddenly in the 1970s, following the implosion of other utopias, in order to be invoked progressively around the world in the media and in social movements, in the manner of a slogan. Above all, these human rights have very little in common with the rights of man contained in the declarations of the eighteenth century. According to him, the rights of man of the eighteenth century, historically, entailed the development of citizenship in national political communities, while contemporary human rights are more related to a policy that takes into account the distant suffering of others (Moyn 2010, 12–13). The first are indissolubly linked to state-building and nation-building while the latter are essentially transnational. The author also criticises a hagiographic vision which is in his view dominant.

Lacroix's criticism is particularly aimed at the argument held by Moyn of a rupture between the rights of man of the eighteenth century and human rights of the end of the twentieth century. Moyn's analysis would fail to take into account the elements of strong continuity, from the point of view of political theory, between the rights of man and human rights, in particular because both in fact mix those two dimensions, nation-state and transnational, which Moyn's approach separates brusquely. Lacroix's argument refers, on the one hand, to the fact that human rights not only have a transnational dimension, insofar as certain new rights (of children, of women, of homosexuals) clearly contribute to reinventing citizenship at

¹ The thesis developed by Moyn provoked a controversy which is not unrelated to the success his book met (see e.g. Alston 2013). For Moyn, human rights constitute the 'last utopia' of our epoch, according to which the norms of human rights and their observance would ensure a better life for all. For lack of space and because it is not the object of our discussion, we will not develop here the different ways in which Moyn, on the one hand, and Elias, on the other, apprehend or define 'ideology' and 'utopia'. We will content ourselves with underlining the obvious: the utopia takes on a strong derogatory meaning for Moyn. It is less obvious with Elias. Utopia and ideology are both reality-incongruent ways of thinking, but Elias reserves most of his criticisms for the latter, even if he is relatively little interested in the content of political ideologies, and more in the obstacle than an ideological way of thinking represents for the development of a reality-congruent, sociological, knowledge. It should also be noted that Elias does not seem to associate human rights with either an ideology or a utopia.

the national level. On the other hand, the fact that the rights of man were first of all understood and recognised within ‘bounded political communities’ (Balibar 2010, 41–59) does not prevent their cosmopolitan character. At the very least, their claim to be universal is undeniable, and it did not escape the conservative and reactionary critiques (see Burke 1987 [1790]; de Maistre 1988 [1797]).

Moyn’s argument, his historical method and the criticism addressed to him from political theory offer much to ponder. However, the alternative raised by their comparison—in a word: a break or continuity between the rights of man and human rights—does not exhaust the ways in which one can respond to the question. In what follows, we defend that the historical-sociology approach developed by Norbert Elias (2010 [1987]; 2012a [1939]) suggests that there is both a certain continuity and a substantial evolution between the two ‘generations’ of human rights, due to profound social and political transformations which must be sought to explain.

The first section of this chapter attempts, without any claims to being exhaustive, to give an overall perspective of how human rights have been considered by major approaches in sociology. We first of all intend to rehearse the main reasons for the indifference or scepticism as regards ‘the rights of man’ long demonstrated by sociology and bolstered by what Saskia Sassen calls ‘methodological nationalism’ (2007, 22–23). We then address the watershed observed in the mid-1990s, marked by stirring appeals aimed at getting sociology to finally take seriously human rights and by the development of significant research programmes, first on Anglo-Saxon side. Nevertheless, these sociological approaches seem at times to lack historical depth. In the second section of the chapter we thus intend to shed light on what Elias’s (historical) sociology can offer to the contemporary understanding of human rights. Although not considered at first as a specialist on the subject, Elias is one of the rare sociologists of his time to directly address the question of the rise in importance of human rights, at the end of one of his last essays, ‘Changes in the ‘We–I’ Balance’, in 1987 (Elias 2010; see also Van Krieken 2019; Linklater 2020). In the rest of the oeuvre as well, his approach radically questions, although implicitly, the evidence of law (Bucholc 2015), and closely connects the question of rights to the destiny of the state: to its genesis in the West, to its development and also to its being transcended in the twentieth century. In an age of globalised interdependencies, the development of human rights for Elias thus corresponds and contributes to the beginnings of a

fragile process, which is not an inevitable imperative: political integration on the scale, a planetary one, of the human community.

5.2 CONTRIBUTIONS AND LIMITS OF SOCIOLOGICAL APPROACHES TO HUMAN RIGHTS

Unlike the jurists and philosophers who reflected on and accompanied the birth and the development of the notion of the rights of man, sociologists have distinguished themselves by their scepticism towards them. While the concept of citizenship, studied since the 1950s (and Marshall's keynote text in 1950), has gained importance within the discipline, suspicion towards a norm linked to the idea of a universal and a-historical human nature has long prevailed.

5.2.1 *Between Suspicion and Indifference*

Without alluding to the rights of man in particular, the perspectives adopted by the two major 'founding fathers' of sociology concerning the law already illuminate part of the resistance sociologists have displayed in confronting the rights of man. In short, in Émile Durkheim (1858–1917), the law is indicative of the types of social relations within a society and accompanies the social changes (Serverin 2000). The law (like property law) meets the needs of the division of labour and the development of capitalism. Knowing whether or not the rights of man should be protected (and if so, which ones) is not the work of sociology, which remains outside any prescriptive debate (Turner 1993, 490). Nevertheless, in *Individualism and the Intellectuals*, a more political writing, Durkheim contributes to the debate over the Dreyfus affair in order to affirm the 'sacred' character of human nature: the reference to the rights of man and the Enlightenment, 'this religion of humanity whose rational expression is individualist morality' (Durkheim 1970, 271; see also Joas 2011, 161–172). Defending these rights characterises a society in which, owing to the division of labour, owing to individualisation, respect for the individual is central (Durkheim 1970, 275–276).

In Max Weber (1864–1920), while the approach is comprehensive, more interested in the social representations of individuals, there is also a distancing as regards the law. Weber distinguishes between the law of jurists and the law of sociologists: the former are interested in 'the

prescriptive sense [...] which should be logically attributed to a certain given language construction as a standard of law', while the latter ask themselves what happens to it in practice, pondering the possibility of the actors behaving in compliance with these prescriptions (Weber 1995, 11). For that matter, Weber would go on to demonstrate that modernity and rationalisation go hand in hand with the development of bureaucratic administration and substantive law against traditions and natural law. Rights are related to the legal-rational domination wielded by one social group over others (Turner 1993, 493–495). As for the rights of man, they were viewed by Weber from the perspective of 'extreme rationalist fanaticisms' (Joas 2011, 162). On this aspect, certain authors argue that the two main currents of sociology, the positivists and the Weberians, have 'formed an unusual alliance as both have come to insist that morals lie outside the scope of sociology's mission' (Sjoberg et al. 2001, 14).

The Marxian view of law and the Marxist critique of the rights of man would also impact upon sociologists. Marx's position in *On the Jewish Question* certainly sparked off divergent interpretations, and on this subject suggests a more ambiguous and nuanced position (Lacroix and Pranchère 2012). It remains that Marx has above all been remembered for his attack against the rights of man, portrayed as the rights of an egotistical individual, which goes back to the more general assumption according to which the law is nothing but an instrument intended to reproduce the power relations. Extending this perspective, the critical tradition within sociology often adopts the position of unmasking: the law in general and human rights in particular are not what they claim to be; they are instruments which perpetuate the power relations. Against an ideologically neutral view of human rights, a number of sociologists thus criticise the individualist and liberal vision of the world that these rights cover and which would disregard the material conditions of their existence (Deflem and Chicoine 2011, 104).

This position relates to another series of considerations, this time against the idea of a universal human nature. Here again, sociology's suspicions aim at an essentialist and universalist conception of human nature which could exist independently of social conditions. In *The Sociological Imagination*, Charles Wright Mills evokes 'the limits of human nature'. In fact, 'every individual lives, from one generation to the next, in some society', 'within some historical sequence', and contributes 'to the shaping of this society and to the course of its history', at the same time as they are produced 'by society and by its historical push and shove' (Mills 1970,

12). Sociology's difficulty in grasping human rights would appear to stem from its refusal to accept a 'universal ontology' (Turner 1993, 496). Consequently, the rights accorded to individuals would always be situated in a process of emergence, institutionalisation or of being called into question.

In substance, for sociology it is a matter of criticising an a-contextual view of human rights, in time and also in space. From a methodological perspective, sociology developed through the study of social phenomena often confined to the boundaries of a national society (Hynes et al. 2010). According to Saskia Sassen (2007), sociology is thus to a great extent marked by a national bias, insofar as the scale of reference used for the study of social realities is very often the national scale. This 'methodological nationalism' (Beck 2014) has not encouraged sociologists to think through phenomena which explicitly exceed these national boundaries, such as globalisation, cosmopolitanism and human rights.

5.2.2 *A Booming Research Area*

The last few decades have seen the spectacular development of a 'sociology of human rights' (Turner 1993). Arguing that human rights were not solely a series of legal norms, certain sociologists have considered that human rights were an integral part of social life and that they were invoked, declared, contested and implemented through diverse practices which sociology should grasp, without prejudging a normative definition of human rights nor showing concern about the possibility they had of being effectively recognised from a legal point of view (Devillé 2003). For that matter, it was a question of accepting that sociology precisely studies the distinction between saying and doing, between the ratification of treaties and actual compliance with the norms, between the contents of different declarations of rights and social realities.

The recognition of the social importance of human rights, and of the inflation of discourses formulated in these terms, does not mean therefore that all sociologists accept that these rights are based on a universal human nature. Anthony Woodiwiss (2005, 11–15), for example, calls for a 'sceptical' defence of human rights, which contests the approach in terms of natural rights, in order to grasp how the 'human rights systems' represent the state of the power relations in the social configurations which have adopted these systems. It is thus possible to take human rights seriously, even to wish to defend them, while at the same time adopting a critical

position which refuses to base these rights on a universal human nature. That said, not all sociologists share the same opinion. Bryan Turner (1993) understands human rights on the basis of the notion of human ‘fragility’ or ‘vulnerability’, in other words of a foundation common to humanity. According to him, all human beings are fragile, marked by finitude, living in conditions of a scarcity of resources, diseases and danger. Different degrees of vulnerability exist, but the strongest human beings, the more provided for, taking into account their own finitude, are capable of demonstrating empathy for the weakest. Nevertheless, for Turner, a sociology of human rights must also grasp these human fragilities in a dynamic relation with the existing social institutions, which can reduce these vulnerabilities or on the contrary contribute to their increase. While this author thus takes into consideration the foundations of human nature, the social context is not absent; it contributes, in a constant interaction, to giving them tangible form. But mainly, against Turner, sociologists think that human rights are more socially constructed than related to a human nature (Nash 2015).

This sociological perspective on human rights takes into consideration the political conditions, the power relations and the resources available for thinking through the reality of these rights (Woodiwiss 2005). It is also a question of analysing the social representations of the political communities which take up human rights or which are the subject of discourses related to human rights (Hynes et al. 2010, 812). On the latter point, sociologists seek to demonstrate that beyond the work of normative interpretation of human rights, the meaning and the content of these rights are configured by political and social struggles between actors. Nicolas Guilhot (2008), for example, argues that the growing recourse to human rights in American foreign policy has been at the cost of a change in the meaning attributed to these same rights, in connection to the power relations between liberals and neoconservatives. Other works study human rights as a special discursive register implying their transformation into a ‘cause’ (Sarat and Scheingold 1998; Israël 2001) or as a repertoire of action for social movements to have new rights extended, acknowledged or applied.

Methodologically, sociological works are marked out by their empirical approaches, which aim to grasp the reality of human rights in one or more societies, or through transnational dynamics. Risse et al. (1999) have put forward a general interpretative model what is called a ‘spiral’ model to understand the links between international standards and the changes

observed in the national spheres: how, for example, are we to understand that authoritarian states or those flouting certain human rights somehow come to respect them? Inspired by the constructivism of the sociology of international relations, these authors have developed a model enabling an understanding of these processes by which the states ‘become socialised’ with the norms of human rights. They identify different phases (from repression to behavioural changes in compliance with the norms) and different actors (the transnational civil society, the local groups which become mobilised, etc.) which influence these phases in different public arenas. For some ten years, these authors have set themselves the task of putting their model to the test through empirical studies. They adapted it to pay greater attention to the way in which international norms find a concrete existence in the field, by analysing the conditions which enable observation of these standards, for example, the presence of an effective state and not a weak or a failed state (Risse et al. 2013). Once again, it is here a question of pondering the distinction between saying (of the order of ‘commitment’) and doing (which is more in the realm of ‘compliance’), and also the conditions which favour the articulation between the two.

Another research path attempts to pinpoint the distinction between the rights linked to citizenship and the rights which originate directly from the recognition of human rights at an international level and studies the relations between the two levels. It should nevertheless be noted that while certain sociologists acknowledge the increased importance gained by human rights and their promise to address themselves to humanity in its entirety, globalisation has created for them a ‘citizenship gap’, a citizenship vacuum for non-citizens or second-class citizens, a gap which human rights, still insufficiently effective, do not make up for (Brysk and Shafir 2004). In this perspective, Kate Nash (2009) shows that human rights development allegedly helps create a multiplicity of statuses between ‘super-citizens’, protected both by their belonging to a community and their ability to play the game of globalisation, and the non-citizens, those who are in legal limbo and in the complete absence of the recognition of their rights (such as the Guantanamo prisoners).

In the same vein, evoking citizenship and human rights, Gershon Shafir (2004) convokes ‘two traditions of rights’. He thus distinguishes between the rights granted on the grounds of the belonging to a political community and the rights granted on the grounds of the belonging to humanity. This perspective seems to echo the rupture brought to the fore by Moyn. Shafir is nevertheless more nuanced, showing the similarities and the

paradoxes between these traditions, including that brought to light by Hannah Arendt: the state (the belonging to a particular political community) remains the best guarantee of enjoying rights, be they of ‘the citizen’ or of ‘the human being’.

5.3 NORBERT ELIAS’S SOCIOLOGY: ANOTHER PERSPECTIVE ON STATE AND HUMAN RIGHTS

With regard to history, the history of ideas, political philosophy or law, the sociological approaches, regardless of their divergences, offer other perspectives on human rights—on their political and social effects, the discourses and the practices associated with them, or the distortions observed between these two levels. These sociological approaches restore powerfully the socio-historically incarnate, contentious and contingent dimension of human rights and the struggles waged in their name. Sociological approaches thus nourish criticisms which are irreducible to those of the jurist and of the philosopher. Some of them nevertheless remain marked by certain *a priori* if not by a manifest mistrust towards the supposed idealism of human rights. For reasons linked to the history of the discipline in the twentieth century (Déloye 1997, 5–28), the majority of the sociological approaches bear witness to a lack of historical depth, which does not enable them to fully enter the debate which constituted our starting point, bearing on the filiation and the rupture between the rights of man proclaimed in the eighteenth century and the human rights claimed since the end of the twentieth century. At this point, a detour through Norbert Elias’s historical sociology may prove useful. Elias never stopped denouncing ‘the retreat of sociologists into the present’ (Elias 1987), and he saw humanity as sociology’s frame of reference, the social unit to be considered. These two concerns—taking into account long-term evolutions, on the one hand, and the need to go beyond the nation-state level to grasp certain social developments, on the other—were for him eminently linked.

5.3.1 *Law and Rights in a ‘Reality-Congruent’ and Long-Term Approach*

Admittedly, as Woodiwiss (2005, 25) points out, Elias ‘does not directly address the issue’ of law. In the terms of Robert van Krieken’s, Elias ‘said so little about law, buried deeply in asides and footnotes, that it is fair to

say that he neglected an analysis of legal processes and institutions, certainly in comparison to the social theorists to whom legal scholars usually turn' (2019, 268). However, defends van Krieken, 'among sociologists and social theorists more broadly, Elias is often read alongside those better known names, and there are a number of reasons why he should also be ranked alongside them in law and social science scholarship' (van Krieken 2019, 268). According to Woodowiss, Elias was even one of the first, together with Michel Foucault, to try to explain 'how the law has come to constitute an effective constraining force' in modern societies, a powerful mode of social discipline. Obviously, this could be one of the ways of summarising the subject of Elias's major work, *Über den Prozess der Zivilisation* (2012a [1939]). In this book, Elias proposes to link the genesis and development of the state in the West to the transformations of the ways of behaving and of 'controlling' oneself—what Elias calls the 'civilising' of behaviour and manners—by addressing the importance of the institutionalisation, by the state, of the monopoly of legitimate physical violence in extended and pacified territories already experiencing a complex division of social functions.

The strength of the law is in Elias often associated with the existence of a coercive apparatus. This is very clear when he underlines in late texts the contrast between the relative pacification of social relations operated within states, and violence and the law of the strongest which dominate relations between states in the absence of genuine international law, in other words one backed by effective constraint (Elias 2007). The idea is already present indeed in the conclusion of the text from 1939, marked by the imminent outbreak of World War II which, in the absence of centralised monopolies, would see the reproduction, between states this time, of battles for hegemony which had led to the formation of the states when they opposed feudal entities. Elias moreover predicts, at the outcome of the conflict, the formation of political entities at the least 'continental', encompassing the nation-states. For this long-term approach, the conditions for the genesis of the state in reality prefigured the conditions of its being outstripped several centuries later: the ever-increasing interdependencies between human groups which had formerly rendered obsolete the political forms of the Middle Ages had no reason to stop at the stage or at the borders of the state and would soon call upon other, expanded forms of political communities.

Fifty years after *The Civilising Process*, in an essay entitled 'Changes in the "We-I" Balance' (2010 [1987]), Elias returns to the question of

national and post-national political integration—or of citizenship, if one 338
 prefers. In both cases he accords an eminent position to the question of 339
 the rights of individuals. Thus, as regards national integration, in the 340
 framework of the nation-states, Elias writes: 341

The more complete integration of all citizens into the state in the European 342
 multi-party states has really only happened in the course of the twentieth 343
 century. Only in conjunction with the parliamentary representation of all 344
 classes did all the members of the state begin to perceive it more as a we-unit 345
 and less as a they-group. (Elias 2010, 186) 346

Political rights, political participation rights, the right to elect and to be 347
 elected here play a crucial role within the framework of a process of 348
 democratisation which also concerns the reduction of economic inequali- 349
 ties and the extension of social rights and which is carried out in a hitherto 350
 unseen way in the nation-state framework. At the same time, Elias's think- 351
 ing nourishes no attachment to national belonging. On the contrary, he 352
 never stopped denouncing its 'mythic' and 'affective' character, which 353
 impedes the development of a wider and more 'reality-congruent' political 354
 consciousness in the face of the challenges of the times. Indeed, the 355
 nation-states are for him henceforth incapable of rising to the challenges 356
 of the issues at stake and the risks of destruction (economic, ecological and 357
 military) which are from now on global. The vision of the world which is 358
 attached to nation-states, based on restricted political entities which are 359
 also in competition with each other, even contributes directly to increas- 360
 ing the dangers. Against this nationalist vision, the only alternative is the 361
 development of a 'sense of responsibility' at a worldwide level, timidly 362
 attested to, among other elements, by the birth of the United Nations, 363
 whose impact it would be too soon to evaluate. Elias (2010, 202–203) 364
 also cites certain non-governmental organisations like Amnesty 365
 International. Lastly, in a way that is as powerful as it is unexpected, the 366
 text 'Changes in the "We–I" Balance' concludes with the human rights. 367
 This conclusion highlights what the rise of human rights in itself indicates, 368
 the upsurge of claims connected to human rights and the role that human 369
 rights might play, not only through the struggles led in their name but 370
 also because of their very content and meaning: 371

[T]here are already unambiguous signs that people are beginning to identify 372
 with something beyond state borders, that their we-group identity is mov- 373

ing towards the plane of humanity. One of these signs is the importance that the concept of human rights is gradually taking on. It is worthwhile at the end of our study to look in more detail at what the demand for human rights means. In its present form it includes the idea that limits should be set on the omnipotence of the state in its treatment of individual citizens. This resembles the way in which, at the earlier transition from a lower to a higher plane of integration, limits were set, by the relation to the higher level, on the power that members of the lower level could wield over other members of their association. The state claimed extensive powers over the individuals forming it. In speaking of human rights, we say that the individual as such, as a member of humanity, is entitled to rights that limit the state's power over the individual, regardless of the laws of that state. (Elias 2010, 207–208)

5.3.2 *Individualisation and Integration: Human Rights Between Continuity and Change*

Certain propositions from the text ‘Changes in the “We–I” Balance’ seem to be marked with the seal of ‘common sense’ and may appear obvious, whereas they are not that obvious in sociological approaches. In the background, the most implicit probably concerns the possibility of a transition or an articulation between a sociological approach—reconstructive and more or less descriptive, comprehensive or explanatory—and a more speculative approach, in the sense of philosophy, or prescriptive, in the sense of the law. Like a will, this late essay leads to a reflection on the conditions of possibility—and the political, if not historical, necessity—of a transition to post-national forms of political integration. But the author, while being explicit as to the hypothetical and engaged status of what he proposes, resolutely bases his reflection on the observation of past occurrences, and thus builds a bridge between the sociological approach and political theory. A second striking feature, and implicit proposal of the extract above, is: one can fairly frankly value the content, scope and role of human rights while taking a critical view of them, including their content. Not only does Elias underline the ‘stuttering’ character of the human rights at the end of the twentieth century, but he also chooses to push to the fore a right which he ‘invents’, or which at least does not exist as such in the declarations: ‘the right of freedom from the use of physical force or even the threat of physical force, and the right to decline to use or threaten to use force in the service of another’ (Elias 2010, 207–208).

According to Elias, the human rights bring or should bring into question the most essential and the most generic of the state's prerogatives, namely the monopoly of legitimate physical violence. More precisely they allow limits to be imposed on the exercise or implications of this monopoly. Elias does not go into the debate which underpins the thinking of Justine Lacroix, and which weighs on the question of knowing whether or not these rights which intend to limit the power of the state have their origins in the declarations of the eighteenth century and, before that, in the thinking of John Locke, which seems difficult to deny on a philosophical level. What interests Elias is that the human rights assume their political expansion, or a new burgeoning, through the struggles carried out in their name by individuals or by groups within the framework of a new upsurge of integration. However slender and fragile it may still be, the latter is taking place on the scale of, or is intended for, humanity as a whole. For Elias, the human rights in the twentieth century thus correspond both to a new upsurge of integration, in the direction of humanity, and to a 'new upsurge of individualisation', which is being played out in a profoundly transformed context by comparison with that of the birth of the rights, by the globalisation of planetary interdependencies, for him proven since the world wars.

Finally, according to Elias, this substantial evolution took place without a real rupture. Through the human rights, an upsurge of individualisation effectively goes beyond the level of state integration, and calls the latter into question by understanding human rights as the rights of the individual or the citizen *against* the state. The latter can be the citizen's state or any state arbitrarily threatening the citizen. However, this evolution has been prepared, fashioned and enabled by, among others, the state itself, which was at one time a powerful vector of the individualisation, the integration and even the emancipation of individuals through the law and through rights.

For all that, this (historical) sociology is not inscribed in a vision which makes of the state, the law or rights either an ultimate end or a primary cause. Instead it draws up a processual view of figurations and social change, which is neither 'progressive' nor, even less so, 'harmonious'. Change, in this approach, is born from a rupture in the balance of power. In the twentieth century, the 'institutional democratisation' that has developed through the extension, widening and deepening of rights, is not, for Elias, the cause but rather the effect of a 'functional democratisation' made necessary by the increased weight and influence, in advanced

industrial societies, of social groups dominated until then (Elias 2012b, 62–64). The civil and above all political and social rights of the citizens were thus first of all the subject of battles, conflicts and compromises in the nineteenth and twentieth centuries. Today, and as Hannah Arendt (1962) had somehow very well anticipated (see also Lacroix and Pranchère 2016, 299–308), the social existence and the political significance of the human rights reveal themselves through the struggles carried out in their name by certain human individuals and groups in a context which has rendered these struggles both necessary and possible.

5.4 CONCLUSION

In the perspective of a long-term historical sociology, one cannot deny that the context in which the human rights have been claimed since the 1970s is profoundly different from that of the eighteenth century, while democratisation and globalisation obviously has not the same concrete significance in both cases. Something new thus undoubtedly occurred towards the end of the twentieth century: even fragile and very minimal, a ‘sense of responsibility’ on the scale of humanity emerged through the invocation of the human rights and the claims which relate to them.

From the same sociological perspective, however, thinking through this change and this newness in no way prevents us from thinking them through in the mode of continuity. Beyond the kind of intrinsic, conceptual and political continuity pointed by political theory and philosophy, continuity underlined by historical sociology is not solely theoretical or philosophical; it also concerns the contents of the rights. What Elias’s approach suggests is that we can consider human rights in the twentieth century as rights which impose themselves—or should impose themselves—on states within which these very rights were first of all claimed and (sometimes) recognised. Without seeing there any rupture, Elias rather identifies the deepening of an individualisation process to which the state itself has powerfully contributed, distinguishing itself from other (clannish, tribal, feudal) more community-based modes of political organisation. In other words, the individualisation in which the modern state participated would ultimately contribute to its being called into question at the end of the twentieth century. It is as if the dynamic to which the state has strongly participated has partly turned against it, notably by the means of the rights of man (or ‘human rights’). Starting from the West, the latter had however developed within the states, even if always-already

with the effect or even the cause of limiting the prerogatives of the state over the individuals.

Following the socio-historical perspective, we can thus observe since the eighteenth century both an element of strong continuity, through the process of individualisation and the presence of the state as an actor, *and* a progressive yet major change of context, concerning the role and the position of this actor, the state. For Elias, as for Beck (1992), this change of context involves precisely going beyond the state as an effective survival unit in an era of globalised interdependencies. Elias, however, has maybe more proved to be attentive and worried about the resistance of national habitus to globalisation and post-national integration processes (Elias 2010). In the end, this globalisation ultimately renders possible—even necessary, through the dangers it brings about—a global mobilisation of human rights, in the twentieth century: not only by individuals against the state but also by individuals in the name of humanity, a concept which is certainly hazy, but a little more concrete in the twenty-first century than in the eighteenth century.

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