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ALTERNATE ROUTES

A JOURNAL OF CRITICAL AND SOCIAL RESEARCH

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Volume 15, 1999

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Editorial Policy/Call For Papers

Alternate Routes is a refereed multi-disciplinary journal published annually by graduate students in the department of Sociology and Anthropology at Carleton University Ottawa, Canada, K1S 5B6, altroutes@ccs.carleton.ca . *Alternate Routes*, a peer reviewed journal, provides a forum for debate and exchange among North American and International graduate students. We are therefore interested in receiving papers written by graduate students (or co-authored with faculty), regardless of (their) university affiliation.

The editorial emphasis of the journal is on the publication of critical and provocative analyses of theoretical and substantive issues which have clear relevance to progressive political intervention. Although we welcome papers on a broad range of topics, members of the editorial board work within a feminist and (post) Marxist tradition. Therefore, we encourage submissions which advance or challenge questions and contemporary issues raised by these two broadly defined perspectives. We also welcome commentaries and reviews of recent publications and works in progress.

Alternate Routes is currently seeking submissions for Volume 16, 2000. Papers should be submitted double-spaced and in triplicate, following the American Psychological Association (APA) referencing system, keeping end-notes to a minimum. Floppy disks formatted in WordPerfect or Microsoft Word are required for papers accepted for publication.

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Crisis of Co-Optation: Human Rights Social Movements and Global Politics

Christopher Powell

Global politics includes both *international* and *transnational* processes of political interaction. 'International' processes involve interactions that take place within the formally recognized channels of state politics. Visits by heads of state, signing of treaties and trade agreements, diplomatic negotiations and the proceedings of intergovernmental organizations such as the United Nations, are all examples of international processes. 'Transnational' processes occur when non-state actors, resources, and communication flow across state borders to create networked structures of power that are analytically distinct from the state system itself. Patterns of trade and investment, the dissemination channels of global media, and interacting networks of social movement activists are all examples of transnational flows. The distinction is an analytic one: analysis in terms of formal state structures, or analysis in terms of other structural configurations. Most transnational action is also international in a formal sense, with the exception of illegal activities (e.g. smuggling, prohibited communications). Also, states themselves are capable of acting transnationally.

Therefore, following on these definitions, this paper investigates the impacts on human rights movements of specifically transnational political processes. Social movement theorists have used the concept of transnational social movement organizations (TSMOs) to study these effects. Social movements have effectively created new political structures in the global arena by forming transnational organizations and networks of organizations. TSMOs have been able to access the immense resources of the state system through a variety of techniques, enabling them to foster a global human rights culture. Social movement theorists

have ventured to declare that a global civil society is emerging. Civil society constitutes the realm of politics which is beyond the immediate threat of coercion, where state and non-state actors alike can dispute the legitimacy of various practices of power. Proponents of the civil society hypothesis argue that sovereignty is leaking away from the state. This approach is useful, but it does not provide an account of the limits to TSMO politics. Highly successful in obtaining formal recognition of human rights norms by states, TSMOs have not been able to enforce those norms reliably. Case studies show how transnational and local actors can cooperate to make substantial impacts on particularly vulnerable states, but these cases remain exceptional. Critics have argued that social movement theory is uncritical in its use of statist conceptual categories and that it lacks a theory of state power or a strategy for confronting the state.

To assess the validity of these objections, I explore critical approaches to a theory of the state, asking whether the state system as such is essentially inimical to human rights struggles. The superficial answer is yes; states that are powerful in the global arena are frequently involved in supporting despotic regimes or even destabilizing relatively democratic ones. These actions appear to be partly a result of Cold War security concerns, but they are also a result of the link in most parts of the world between the state system and capitalism. Powerful states, especially superpowers, are capable of acting transnationally — that is, directing the use of force outside their own territorial boundaries to create global power structures that do not register on formal political maps. A systematic relationship exists between the needs of capital investors and the limits of state willingness to support human rights. Despite these limits however, opportunity for change exists, mainly because neither states nor 'civil society' are homogeneous entities. Human rights movements can make progress by taking advantage of the contradictions within the state system, capitalism, the media, and the NGO community itself. Based on this analysis, I argue that the transnational human rights movement will face a crisis in the near future. The danger in this crisis is that the movement could reach a permanent impasse in its search for an effective enforcement mechanism; human rights discourse could be appropriated and TSMOs themselves co-opted to service the legitimating needs of global power arrangements that pay only lip service to human rights. Alternatively, states could abandon human rights commit-

ments altogether. The opportunity, however, is that global and local human rights movements could reinforce each other, strengthening the movement as a whole and enabling a global human rights culture to solidify.

The term 'human rights' covers wide ground; contemporary human rights theory can be organized into three generations (Weston, 1989: 17-18). In practice, the most prominent organizations in the human rights movement, such as Amnesty International and the Human Rights Watch groups, generally focus on first generation rights, that is civil and political rights. Articles 2-21 of the Universal Declaration of Human Rights provide the generally accepted summary of these. They include rights to freedom of speech, thought, belief, creed, association, movement, democratic participation, and freedom from discrimination — rights that are necessary components of liberal democracy. They also include:

... the right to life, liberty, and the security of the person; freedom from slavery or involuntary servitude; freedom from torture and from cruel, inhuman, or degrading treatment or punishment; freedom from arbitrary arrest, detention, or exile; the right to fair and public trial (Weston, 1989: 17)

These rights are sometimes described as 'negative rights' because they are mainly constructed as 'freedoms from' various forms of interference with or discrimination against the free and equal individual. Second generation rights are economic, social, and cultural in nature; they are more often constructed as 'freedoms to' or 'positive rights'. Examples include the right to a sufficient standard of living for self and family, the right to free choice of employment, the right to trade unionism, and the right to participate in the cultural life of one's community. Third generation rights, also 'positive' in character, are called solidarity rights and apply to groups; examples include the right to self-determination, the right to economic and social development, the right to peace, and the right to a healthy environment.

In this paper, I will focus primarily on first generation rights when speaking of 'human rights'. This is partly because first-generation rights are a significant focus for human rights movement activity and partly because these rights raise interesting questions regarding the nature of

state power and the doctrine of sovereignty. One major focus of first generation civil and political rights is limiting the state's right to use force or direct violence against its subjects. This is reflected in the practice of human rights advocacy organizations, which expend much of their energies combatting unethical uses of violence, generally by state actors. Protections against arbitrary arrest, detention, torture, and execution, therefore, have far greater implications than ordinary ethical prohibitions; they effect a shift in the fundamental balance of power between states and individuals. Enlightenment doctrines of natural law, upon which human rights theory is based, were constructed in opposition to the absolute sovereignty and hence, the unlimited power implied by the "divine right of kings" (Weston, 1989: 13). Human rights discourse attempts to take away from states the power to define what is a legitimate use of force and to construct a moral authority that supersedes state power. It does not necessarily follow, however, that human rights are incompatible with sovereignty altogether. As I will later argue, questions about the extent to which sovereignty is being reconfigured or compromised are important to assessing the impacts of human rights movements.

Human Rights in Practice (Social Movements)

The study of transnational social movement organizations (TSMOs) is an attempt to address a major lacuna in international relations discourse, namely, the realm of politics which belongs neither to the state nor to the economy. Fundamental to this conception is the division of politics into three levels: local, state and transnational (Smith, 1995: 189). Given this division, the question is: who acts in the transnational arena? Traditional realist and neo-realist theory defines states as the only significant political actors on the world stage and also under-emphasizes the complexity of politics within state boundaries. Interdependency theory gives more credence to the functioning of non-state systems, particularly the economic system, while functionalist theories give a role to non-governmental organizations (NGOs)¹ but stop short of analysing their complexities (Smith et al 1994: 122-123). In sum, international relations theory is generally state-centric and cannot account for the various contestations of state power by non-state actors which are international in scope. To fill this gap, the study of social movements, as developed by Charles Tilly (1984), is incorporated into international

relations studies. Social movements are presented as "sustained interactions between changing sets of challengers and authorities" of which the chief actors are presumed to be social movement organizations (SMOs) (Smith et al. 1994: 123).² SMOs are transnational if their membership, funding sources, and/or their political activity systematically cross state boundaries.

Social movements have evolved in response to the changing nature of state power, creating new organizational forms to react against and to interface with new power structures. Hence,

... as parties, unions, and other associations 'specializing in the struggle for power' grew in importance, so did 'parallel streams of people' who organized to raise 'sustained, self-conscious challenge[s] to existing, [national] authorities'. (Smith et al. 1994: 124)

Correspondingly, *transnational* social movements and transnational forms of social movement organizations have emerged in response to the growth of the international system, particularly the increasing importance of intergovernmental organizations (IGOs). According to Smith and Pagnucco (1999), however, most research on social movements has generally been limited to three ways in which movements have an international or transnational aspect: the diffusion of ideas, strategies and knowledge from one national setting to another; the mobilization of public bystanders in foreign countries; and the transnationally coordinated action of national movements, all triggered by common trends. In the case of all three strategies, social movements remain 'prisoners of the state,' constrained to act exclusively in response and relation to the nation-state or to other actors within it. Smith argues that rather than remaining prisoners of the state, social movements are 'fugitives from the state,' breaking outside its boundaries, creating spaces outside the state system that may be marginal and transient but that do provide a basis for independent action (Smith and Pagnucco, 1999: 1-2).

One way of creating such space is to form transnational alliances of domestic organizations. Another is to create organizations which themselves are transnational, by having members in and/or operating in more than one country. The networks which these strategies create not only diffuse information globally but also enable the coordination of tactics,

the cultivation of expertise, and the concerted and strategic use of resources on a global scale. These alliances and organizations can then pursue two broad strategies: waging 'diplomatic guerrilla warfare' on states, and penetrating or influencing intergovernmental organizations.

Diplomatic guerrilla warfare exploits the decentred nature of the nation-state system as a whole, creating a space that is perpetually outside any particular nation-state. Amnesty International, for example, exploits this tactic *par excellence* by engaging in letter-writing campaigns addressed directly to governments engaged in human rights abuses. States are acted on by individuals who are protected from retaliation; the institution of sovereignty generally is used to systematically impinge on the sovereignty of particular states. Human rights organizations are therefore engaged in a project of governance 'from below.' They seek to regulate the behaviour of states in accordance with the formal codes of human rights ideology (epitomized in the United Nations Declaration on Human Rights). Their primary tool is surveillance and disclosure, making public what was erstwhile the 'private' business of states. However, disclosure is ineffective if it does not lead to some kind of penalty. It is the need for this power of penalty that leads human rights organizations to go knocking on the doors of IGOs.

Influencing the policies of intergovernmental organizations (IGOs) is the second major tactic open to TSMOs. Smith and Pagnucco argue that IGOs represent a political space independent from nation-states (Smith and Pagnucco, 1999: 3-4). Even though IGOs are created and funded by states, they operate at 'arms-length' from their founders and enjoy a significant degree of autonomy. Furthermore, the set of nation-states that sponsor an IGO may not be unified in their interests on any given issue; even within individual nation-states this unity may not exist. This situation makes it easier for the IGO to behave autonomously and also to respond to the lobbying of non-state actors. Finally, participating in the creation of an issue-oriented IGO entails some commitment to that issue. Although this commitment is largely symbolic, governments can be publicly reminded or embarrassed into keeping their word. IGOs can therefore actually influence state behaviour through their policy statements and through their role in the enactment of international charters and treaties.

IGOs are in turn open to influence from TSMOs both because of their basic commitment to an issue, whether genuine or merely formal,

and also because TSMOs are an invaluable source of information necessary to the functioning of many IGO mandates. For example, the United Nations Human Rights Commission relies heavily on the work of Amnesty International, along with that of other transnational human rights organizations that extensively monitor human rights abuses. This gives these TSMOs leverage in setting the IGO agendas. TSMOs are also able to gain headway because of the nature of their mandate: they focus on a single issue area, they possess a neutrality that comes from faithfulness to principle and they have an intense commitment to their issue areas. As Clark points out, "Amnesty International's staff size and budget now stack up favourably against the proportion of United Nations resources dedicated to human rights concerns" (1995: 517). In addition, TSMOs are sometimes able to rally domestic public opinion in a number of countries through the actions of their transnational membership. State governments are unable to constrain the actions of IGOs because they primarily deal in information, something that states are increasingly powerless to control.

What do these tactics look like when put into practice? There is no simple *a priori* standard for evaluating the impacts of transnational human rights activism; the effects of such activism tend to be subtle and bound up with the particular opportunities and limitations of social movement politics. Two examples help illustrate these openings and limits. The efforts of women's human rights advocates at the Second World Conference on Human Rights at Vienna, 1993, and at the Fourth World Conference on Women in Beijing, 1995, met with considerable success in two areas: 'mainstreaming' the question of women's human rights within human rights discourse generally and in extending feminism beyond its Western origins to incorporate diverse cultural perspectives without losing its basic normative foundations (Desai, 1996: 112-115). Important as these successes were in terms of discourses and alliance, participants in the process recognized that states could still not be held accountable for the violence they commit or permit against women. Until accountability mechanisms could be found and implemented, it was expected that successes in international and IGO fora were likely to have a marginal impact on nation-state behaviour (Desai, 1996: 116).

A more direct impact was registered by actors involved with the Argentinean human rights movement under the Proceso dictatorship (1976-1983). In this situation, human rights activists moved outside state

structures, mobilizing public bystanders and making use of transnational alliance networks and TSMOs in their efforts to oppose the Proceso regime's harsh repression. According to Alison Brysk, this combination of local and transnational actors was able to take advantage of existing international human rights norms in order to delegitimize the regime in international fora, restricting the diplomatic and economic mobility of the regime and even substantially affecting US policy, causing it to suspend all military aid to the Argentinean government (Brysk, 1993: 269). At the same time, international resources helped keep the human rights movement operational in Argentina, and international scrutiny helped keep particular human rights leaders alive. Overall, these agitations helped catalyse the end of the military regime and the transition to formal democracy.

The Argentinean success must be qualified in several respects, however. The transnational alliances broke down once the official transition to democracy was effected, leaving the domestic movement too weak to ensure that human rights offenders would be punished. More importantly, the movement met with the success it did only because of a favourable conjunction of factors. One important consideration was that Argentinean human rights activists belonged to the local elite:

Although dissidents were persecuted and politically powerless, they were mostly urban, literate, and middle class. On this basis, the transnational alliances available to Argentine attorneys are not matched by the options of Guatemalan Indian peasants. (Brysk, 1993: 281)

The Proceso regime had politically marginalised "not only workers and farmers, but also ... landed oligarchs, business people, industrialists, and intellectuals" (Cockroft, 1989: 515). As well, the United States' temporary break with its long tradition of supporting coercive rule in Argentina may have been partially the result of NGO activism (Brysk, 1993: 268) but is likely to have also been influenced by Argentina's growing commercial ties to the Soviet Union (Cockroft, 1989: 515). It is therefore questionable whether the Argentinean case is likely to be paradigmatic of increasing numbers of TSMO successes in the human rights field. Both of these case studies underscore the limits of TSMO politics

and, consequently, problematise the importance of any emerging 'global civil society.'

Impacts on Global Politics

The 'Global Civil Society' Hypothesis

What have been the impacts of the human rights movement on global politics? TSMO theorists have tended to argue that social movement organizations, through their success in institutionalizing themselves and their concerns, have created something new: a global civil society. Transnational social movement organizations, in the human rights and other movements, challenge and complement nation-states (and IGOs) but nearly always act in counterpoint to them (Clark, 1995: 507). TSMOs play a critical, activist role, pushing states by feeding information into dissemination channels and by creating and distributing human rights instruments. They represent "grassroots interest carried to the international level," and are "new *international* actors that represent non-state interests" (Clark, 1995: 509, emphasis added). In short, they represent an emerging global civil society.

Like human rights, civil society is an old concept which has recently been given fresh meaning. A roughly literal translation of the Roman *societas civilis*, the term was used until the eighteenth century to designate political society in general, the sphere in which the politically active citizen operates. Hegel narrowed its meaning to exclude the state and the family, and Marx often used it to refer to the economic activities of capitalists, but its current usage owes the most to Antonio Gramsci (Kumar, 1994: 75-76). Gramsci conceived of civil society as the arena in which politics operates through *hegemony* rather than through direct force. Hegemony is the deliberate organization of

the "spontaneous" consent given by the great mass of the population to the general direction imposed on social life by the dominant fundamental group; this consent is "historically" caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function in the world of production (Gramsci, 1971: 12).

In other words, hegemony is the mobilization (or manufacture) of consent to serve the interests of the ruling class.

The importance of civil society to social movements is that, by its non-coercive nature, it is open to the mobilization of *counter-hegemony*. The idea of counter-hegemony has emerged as a theoretical response to the limits of class-based struggles for state power, those prescribed by the "classical Marxist political narrative" (Carrol, 1992: 11). That narrative leaves little room for any kind of politics other than a revolutionary seizing of state mechanisms in the name of the working class. In Gramsci's analysis, however, the successful overthrow of the Russian state by Bolshevik forces was possible only because "in Russia the State was everything; civil society was primordial and gelatinous." The same strategy would not work in the West, where state and civil society existed in their 'proper relation' so that even when the state itself was attacked, the social order would remain stable because of the legitimating mechanisms of civil society (Gramsci 1971: 238)³. Consequently, a new kind of political strategy is required: instead of conquering the mechanisms of the state, political challengers must storm and occupy the 'trench-systems' of hegemony itself. The emergence of civil society and hegemonic power also therefore marks the emergence of counter-hegemony as the key strategy for political change⁴.

By describing the necessary shift to the politics of hegemony and counter-hegemony, Gramsci argues that the struggle to directly control state power must give way to the struggle to define the terms of legitimacy of that power. Focussing on civil society necessarily draws our attention away from state structures themselves and onto structures, networks, identities and allegiances which are formed by non-state actors. Hegemony theory directs us away from the exercise of formal authority backed by the state's near-monopoly on force and towards the strategies and tactics used in the struggle to *define the terms of consent* by which formal authority is exercised. The question is, do these concepts apply to global politics? At first glance, the answer is yes. Social movements such as the environmental, development, indigenous, and human rights movements, are bringing about

... the emergence of a parallel arrangement of political interaction, one that does not take anarchy or self-help as central organizing principles, but is focused on the self-conscious constructions of networks of knowledge and action, by

decentered, local actors, that cross the reified boundaries of space as if they were not there (Lipschutz, 1992: 390).

These non-state actor networks create communities and ethical frameworks which react against "the fictions of the nation-state system" (Lipschutz, 1992: 398). Lipschutz argues that this civil society performs three functions: it causes sovereignty to leak away from the state level to both the transnational level and various sub-state actors, creating a world similar to pre-Westphalian Europe⁵ in which the state is only one actor among many; it picks up the task of addressing various social welfare functions that state governments are increasingly unwilling or unable to fulfill; and it allows for "a form of large scale resistance to the Gramscian hegemony of the current international system" (Lipschutz, 1992: 399). He emphasizes the danger and opportunity inherent in such a transformation. On one hand, the new post-Westphalian order could degenerate into a world as violent and fractious as pre-Westphalian Europe. On the other hand, however, there is the opportunity for a reconstructed, more democratic world politics in which force and authority are made to service, rather than impede, the interests of non-elites.

Assessing the Global Civil Society Hypothesis

The power of the global civil society hypothesis is that it seems to describe a real shift in the *content* of global politics. In *Inside/Outside: International Relations and Political Theory*, Rob Walker (1993) argues that 'international relations' has historically been regarded as outside of political or ethical critique because of the Hobbesian myth of anarchy among states. Especially in its dominant (neo)Realist forms, international relations theory has proceeded according to systematic misreadings of Hobbes and of Machiavelli which exaggerate the amorality of the Prince and the Leviathan and downplay their accounts of community involving both rulers and ruled. The state system, according to international relations theory, is not a community but an anarchic collection of anomic power-seekers; in the absence of a global leviathan, the very survival of every nation-state is threatened by the existence of the others. Politics, as a necessarily *ethical* enterprise, exists within nation-states but not between them; between states there are only 'relations.' This doctrine has been used to keep citizens out of global politics and to position the geopolitical machinations of great powers somehow beyond eth-

ical critique. Recently, Stanley Hoffmann and other 'liberal-utilitarians' have declared a resurgence of interest in the intersection between ethics and international relations (Walker, 1993: 50). Counter to this, Walker problematises the notion that 'international relations' and 'ethics' are separate enough to 'intersect,' and argues instead that the state system is a political community; the legitimation of the state system, and of internal 'relations' within the system has always rested on ethical assumptions and generated ethically intentioned normative imperatives. It is tempting to conclude that the emergence of global civil society has revealed this situation for what it is, that social movements have prompted both the 'liberal-utilitarians' and Walker's response to them, highlighting the political/ethical nature of state practices through their own injection of grassroots-driven politics into global arenas.

However, Walker reveals a problem implicit in the language of the 'global,' 'national' and 'local.' Talking about state and international 'levels' which social movements have 'entered' concedes that states have somehow *created* new spaces, arranged in a hierarchical order: the sub-state space of local administrations, the state-space of national governments and the supra-state space of international relations. In one sense this is appropriate because states are such a significant focus of power that their structures must necessarily be reckoned with by social movement actors. In another, it is dangerous. To employ a 'levels of analysis' schema is to accept without comment the nation-state's aggrandizing claims to sovereignty, which locate the state as the ultimate political actor in a given geographical territory and accepts the analytical terms in which state actors prefer to frame politics. States themselves could be conceived of as 'movements,' but statist theory prefers to represent them as stable and inescapable structures. Social movement actors may not accept this reification but social movement theory and global civil society discourse tend towards doing so. As a result,

[a] merely contingent point of transitions, transgressions, comings and goings is rendered as an ontological absolute. [...] As a specifically *liberal* account of a world of individuals, states, and anarchies, it renders all other political categories - of class, race, gender, capitalism, modernity, and so on - entirely superfluous (Walker, 1994: 671, emphasis original).

One effect of this is that the substantive programs of social movements become less important to analysts than the ability of TSMOs to successfully interact with state and intergovernmental structures. Within this analytical framework, for example, the "co-optation and deradicalization" (Rucht, 1999: 19) of social movement actors observed by some authors is not surprising, since the actors focussed on by the framework are those that are most intimately related to state structures and hence most likely to 'deradicalize.'

A more radical critique of civil society theory refuses to make any separation between state and civil society; to do so is a fatal concession to the state system and to the specifically capitalist social order which that system protects. Mooers and Sears assert that

[t]o classify the state as either the passive or active partner in its relations with civil society is to opt for liberal rather than Marxist state theory. It is to split in two what is a single set of social relations (1992: 57).

The problem with liberal theory is that it falsely assumes that liberalism can be separated from capitalism and neglects the important role that force plays in the maintenance of liberal democracy⁶ itself. This argument directly attacks the logic of the human rights movement, not just in terms of its influence on global politics, but in terms of its basic assumptions regarding the efficacy of rights-based strategies. 'Juridic freedom and equality,' along with citizenship and citizenship rights, are the products of capitalist social relations and are essential to the maintenance of the systematic inequality that is class rule. 'First generation' civil and political rights are antithetical to 'second generation' economic and social rights because the capitalist's right to private property systematically overrides the worker's right to a decent standard of living. Not only that, but it is only by continual mobilization of the means of force that the capitalist system remains intact. The need to maintain capitalism by force means that the civil liberties of workers are expendable whenever capitalist property relations are threatened. Force emerges in struggles between capitalists and workers; in liberal democracies both groups are equal in rights, and, in Marx's words, 'between equal rights, force decides.' By neglecting the state and neglecting capital, social move-

ment theory "will fail in its own terms ... All social movements come up against the state, and those that have no strategy for confronting the state tend to be incorporated or defeated" (Moore and Sears, 1992: 68).

How valid are these criticisms? Does social movement theory lack a strategy for confronting the state? Are social movements doomed to co-optation and defeat? To answer these questions we have to move beyond the discussion of social movement organizations themselves and situate social movements in the context they operate in. This involves exploring the dynamics of power in the state system itself.

Sovereignty in Practice (States)

Lipshutz (1992) gives the following account of the origin of contemporary sovereignty: Prior to the Peace of Westphalia and the end of the Thirty Years War (1648), the Catholic Church was the supreme sovereign and states were local power-holders without ultimate authority even within their own territories. The Treaty of Westphalia did away with the political supremacy of the Church and institutionalized the territorially-based nation-states. This created the contemporary patchwork of formally equal, mutually exclusive, local sovereignties. Lipshutz agrees with Walker that territorial sovereignty did not create a global anarchy, but a "global political system operating under universally shared norms" (1992: 405). This raises the very interesting question of what those norms are. Is the sovereignty of states really equal and sacrosanct? Does state discourse extend beyond statism into other areas of political life - economic relations, for example? Does the state system set any *a priori* limits on the expansion of human rights discourses?

One major shortcoming of TSMO theory, and social movement theory generally, is that it doesn't articulate any theory of state power to complement its theory of social movement power. This is an unfortunate omission, since the meaning of social movements' visible successes varies considerably depending on what kind of forces they are up against. The key question is whether threats to human rights originate only within states themselves, or are fostered by the international state system as a whole. Brysk's (1993) analysis of Argentina under the Proceso dictatorship illustrates this problem. She examines the international system mainly in terms of its role in "amplifying the impact of domestic social movements on social change" (Brysk, 1993: 259). However, she also mentions the interesting and shifting role that the United States, Argen-

tina's acknowledged patron, played with regards to human rights struggles. Although "the United States under Carter was the foreign government that played the most active role in pressing for human rights reform in Argentina," the US had also "helped to nurture and inspire the Argentine dictatorship." Throughout an "escalating 20-year trend of military intervention" Argentina received substantial military aid and training, including counterinsurgency models, from the United States (Brysk, 1993: 267). IGO institutions also played their part in fostering human rights violations in Argentina: the state continued to receive funds, with an improved credit rating, from the World Bank, the International Monetary Fund and the Inter-American Development Bank, *after* the 1976 military junta (Chomsky and Herman, 1979: 270).

Latin American case studies, particularly from the 1970s and 1980s, tend to support the link which Mooers and Sears (1992) suggest between the enforcement of capitalism and the violation of human rights. Perhaps the most prominent of these cases is the United States support for the Nicaraguan Contra rebels. The Contras committed serious and widespread human rights abuses, while the Nicaraguan regime was relatively democratic (Cockcroft, 1989: 51-52, 185-187). American intervention in Nicaragua so deeply contravened international norms that the US was actually convicted by the International Court of Justice in the Hague for violating Nicaraguan sovereignty. However, the Nicaraguan example illustrates an important point — that not only social movements but states themselves can act transnationally. Great powers can intervene in the 'internal' affairs of sovereign nation-states, either overtly where the necessary conditions of legitimacy exist, or covertly where they do not. This intervention can range from the provision of military aid and 'special advisors' to a repressive state, as the US did in Proceso Argentina, through the Nicaraguan case of covert support for insurgency movements, to direct invasions such as the undeclared Soviet and American wars in Afghanistan and Vietnam respectively. Conventional explanations for such transnational activities of states have centred on the Cold War, envisioned as either an ideological or strategic struggle between the Soviet Union and the United States. Such an interpretation would lead us to expect that with the end of the Cold War, powerful nation-states could feel less threatened, state transnationalism would subside, and the role of international forces in encouraging human rights abuses will decrease.

However, Noam Chomsky (1992) argues that the Cold War was neither an ideological or strategic conflict between two superpowers, the United States and Soviet Russia, but was and continues to be a mainly one-sided effort to maintain a US-controlled world order, against which Russia was the prime holdout. First envisioned during the Second World War, when US planners realized that their nation was on the verge of becoming the first truly global power, this order was directly linked to capitalism and directly inimical to the sovereignty of 'Third World' states:

The general framework of world order was to be a form of liberal internationalism guaranteeing the needs of US investors. ... The conflict between US policy and independent Third World development was deeply rooted in the structure of the world system. The persistent resort to violence to bar nationalist threats is a natural concomitant of these commitments (Chomsky, 1992: 57).

Hurrel and Woods (1995) make a similar, if less radical, assessment of the impact of capital interests on the state system. They discuss globalization, the "process of increasing interdependence and global enmeshment which occurs as money, people, images, values, and ideas flow ever more swiftly and smoothly across national boundaries" (Hurrel and Woods, 1995: 447). One important aspect of globalization has been the increased permeability of state boundaries to global flows of capital investment, and hence the decreasing ability of individual states to resist being incorporated into the marketplace of global finance. Globalization has historically been an uneven process that politically strong states have the power to shape and politically weak states experience as something imposed on them from without. The way in which globalization unfolds, and the priorities with which it pursues certain liberalization projects (e.g. liberal economics) at the neglect or expense of others (e.g. liberal democracy) is determined in the interests of the established power-holders in the world system. The globalization of liberal economic norms has done little to further liberal political values regarding political participation and human rights. For these authors, "transnational civil society is itself an arena of power" and one that contains the

inequalities, power interests and illiberal tendencies of the global order generally (Hurrell and Woods, 1995: 467).

Contradictions in Global Politics

My analysis so far has generally treated the various actors and entities in question as if each were a completely unified phenomenon with no internal divisions or contradictions. This is partly the result of needing to use broad categorical concepts to talk about highly complex phenomena and it is also a product of the particular discourses being evaluated. TSMO theory, by definition, takes organizations as its basic point of reference, and although Smith and others highlight the role that internal contradictions within IGOs and within states can play in enhancing TSMO influence, they do not explore the distinctions between the formal structure of political authority and the concrete relationships of power and allegiance. Moreover, to make my points about transnationally mobilized coercive power, I have treated 'the state system' and 'global capitalism' as if they were homogenous and uni-directional forces. If this were so, the 'war of position' described by Gramsci would be over, or at least doomed to failure; fortunately, even the most powerful organized systems are full of countercurrents and contradictory tendencies. The following selection explores some of those contradictions in order to give a sense of the potential for change in global politics.

Sikkink (1993, 1996) avoids organization-based analyses and focuses on 'international issue-networks'. Issue-networks are composed of SMOs, transnational or otherwise⁷, along with parts of regional and global IGOs and also private foundations (who make significant funding contributions to issue struggles). Issue-networks are defined by the interaction of their members and by their basis in *shared value systems*; this distinguishes them from epistemic communities, based on shared causal ideas, or organized interest groups, based on instrumental goals (Sikkink, 1993: 412). One merit of the issue-network approach is that it allows for the recognition that neither SMO communities nor IGOs are unitary actors. It also emphasizes the importance of channels of communication and of gatekeepers and open doors as structures of opportunity for human rights lobbying. Sikkink notes that government policy bodies provide "arenas and points of leverage" for changing state policy, and notes that state structures (such as embassies) can be used to advantage

even when their relationship with SMOs is "not congenial" (Sikkink, 1993: 422).

Sikkink (1993) points out that sovereignty has never been absolute either in discourse or in practice; international charters such as the Peace of Westphalia and the Treaty of Augsburg have always set limits on the power of states over their subjects, as have movements such as the anti-slavery campaign of the nineteenth century. Sovereignty is not a 'thing' but a *set of norms and practices*, reinforced by both state and non-state actors, which seems real because of the scale of its power. What is new about human rights movements is that they have significantly extended the range of issues that are considered to be 'above' sovereignty.

The human rights issue does not presage an alternative to sovereignty, but it suggests a future model in which understandings of sovereignty are modified in relation to specific issues that are deemed of sufficient importance to the international community to limit the scope of sovereign authority (Sikkink, 1993: 415).

Social movements have not caused a 'leaking away' of power so much as an alteration in the way it is exercised, or at least in the discourses that legitimate its exercise. Although state actors continue to resist being governed by human rights agendas, they have been forced to move 'from denial to lip service.'

The move from denial to lip service creates a new arena in which hegemonic and counter-hegemonic forces clash: that of information. The clash over information is illustrated in the struggles to publicize the El Mozote Massacre. In early December, 1981, El Salvadorian army soldiers commanded by Colonel Domingo Monterrosa systematically massacred the inhabitants of the village of El Mozote and surrounding hamlets, with a death total of at least 800 in the space of a few days, ostensibly in an attempt to eliminate the basis for FMLN insurgency in the Morazán province (Danner, 1993). Because this occurred precisely at a time when the U.S. Congress was required to approve new packages of financial and military support for the El Salvadoran government, the Reagan Administration was eager to suppress news of the massacre. Aryeh Neier, director of Americas Watch at the time, later commented: "What the Reagan Administration did was embrace the principle of

human rights and then conduct warfare over the facts" (Danner, 1993: 116).

The ensuing struggle to define the truth regarding the massacre illustrates how multiple and opposing networks can be present within state structures. Tom Farer describes how the American State Department constructed a 'plausible denial' of the existence of the El Mozote massacre at a time when Congress was discussing the possibility of curtailing military aid to El Salvador. State Department officials had been informed of the massacre at the time by sources other than the FMLN, and the Department sent officials to the area to investigate these claims. Despite not being allowed to visit the massacre site, these investigators produced substantial indirect corroborating evidence of the massacre and included it in their report to the Department. The facts were progressively suppressed and eliminated, however, as the report moved through Departmental channels, culminating in a denial by the Department and by the American president that the massacre had ever taken place (Danner, 1993: 106-112).

The mass media, as well, contains both foes and allies for the human rights movement. For example, the El Mozote massacre was reported as fact in the *New York Times* but denied outright in the *Wall Street Journal* (Danner, 1993: 120-121). The NGO community itself also contains voices that speak for established power relations, as well as those voices that speak against it. Again in relation to American policy towards Central America in the 1980s, Laura MacDonald has found that "although many NGOs were extremely critical of US foreign policy, other NGOs were used as tools of that policy" (MacDonald, 1994: 281).

Synthesis

Where does this leave us, regarding the global civil society hypothesis? It is possible that civil society theory is more useful as a motivating metaphor, a tool to highlight the reasons and the opportunities for engaging in the politics of change, than as a literal description of structural dynamics. It certainly seems as if rumours of the death of sovereignty are greatly exaggerated. Social movement successes require a fundamental reassessment of international relations theory, but the human rights movement has not yet found the enforcement mechanisms it needs to systematically alter state behaviours. I propose a few conclusions regarding the utility of the 'global civil society hypothesis' and TSMO

theory generally: These analyses tell us much about the evolving organizational and political dynamics of human rights social movements and convey justified optimism regarding the continued political importance of TSMO actors in human rights politics. But they give misleading impressions about the various systems — especially the state system — which these actors interface with. They substantially overstate the impact of TSMOs on the practices of states with regard to the use of force and on the institution of sovereignty itself. The achievements of TSMOs remain at the level of the formal and discursive. This may set the stage for radical structural change, but that change has yet to occur.

Social movement theory, whether based around TSMOs or otherwise, needs to acknowledge the importance of the transnational movements of state-organized force to the understanding of human rights dilemmas; social movement actors themselves have demonstrated such an understanding for some time. Theorists also need to resist the temptation to incorporate movement activities into the already existing categories of international relations theory if they wish to contribute to movements' counter-hegemonic potential. One way to do this, the way that I have sketched out in this paper, is not to turn away from the state or de-emphasize it but to subject it to a renewed critical scrutiny, to critiques which foreground power and inequality.

Crisis

That being said, our original question remains: how successful have human rights movements been? I suggest that the human rights movement is approaching a crisis. To be in crisis is to have reached a point where danger and opportunity are present in the same moment, in the same circumstances, in the same set of choices. Because our descriptions of crisis tend to emphasize the danger, this one can be labelled the "crisis of co-optation." The danger is twofold, or rather has two aspects: movement organizations, through their very success in interfacing with state and intergovernmental structures, are in danger of being co-opted and drained of much of their efficacy; human rights discourse, through its very success in being formally incorporated into statist ideology, is in danger of being used to legitimize an emerging global order which places actual human rights concerns very low on its agenda. The opportunity, however, must not be overlooked: human rights activists are poised to take advantage of globalized political processes to make major

advances in the worldwide struggle for civil liberties and to substantially curb the power of the states to use force on their 'own' subjects.

There are three main scenarios possible. The first is a reversal of the current trend. Formal and symbolic commitments to rights could turn out to be too costly, too embarrassing for states to continue to maintain. This could happen if economic or strategic interests conflict too drastically with human rights mandates, relative to the legitimacy gains of affiliation with rights ideology. In this scenario, rights would then be swept quietly under the rug. National leaders would mention human rights less and less often in their televised speeches, national representatives would attend fewer and fewer human rights conventions, provide less support to human rights NGOs, and sign MIA-like treaties which make commitment to rights less and less feasible. Without continued pressure from human rights advocates, both institutional and grassroots, this backsliding remains an open possibility.

Judging by the criticisms which Wang Dan's release drew from domestic and international human rights organizations, there seems little likelihood that social movements will be voluntarily co-opted. Human rights *discourse*, however, can be co-opted by powerful actors who are eager to legitimate themselves. If they have not already, social movement actors will soon find themselves in a struggle to control the use, and consequently the meaning, of human rights discourses. The normative content of human rights has already been codified, in the U.N. Declaration and other international accords, but the criteria of successful change or substantial commitment is constantly negotiated among actors from states, corporations, mass media, and social movements themselves. The second scenario is therefore an ossification of the status quo, that powerful states could continue to espouse a human rights rhetoric while making substantive human rights interventions only when it suits them to do so; that is, only when the discourse of human rights provides an effective justification for practices of sanction or intervention which are necessitated by commercial or strategic interests. In this scenario, human rights discourse insinuates itself into global governance practices like a climbing trellis vine, providing decorative cover without affecting their basic structure more than marginally. Human rights concerns continue to be given lip service, and to inform numerous IGO committee reports, but the search for enforcement mechanisms is stalled. The primary danger of the 'co-optation' crisis is that human rights movements

could plateau indefinitely at their present level of symbolic success and end up having only contributed to the symbolic order of a refashioned and 'globalized' system of domination. Of course, this option assumes that domestic human rights struggles continue to be stalemated, which is not inevitable.

The third option, and the one that motivates activists, is a gradual ratcheting upwards of commitment to human rights. Domestic and transnational movement actors complement each others' efforts: the more individual states concede to pressure for symbolic and substantive commitments to human rights, the more that human rights discourse becomes institutionalized in global politics. As human rights discourse becomes institutionalized globally, individual states can in turn be subjected to greater pressure to make substantive rights commitments. Local and transnational social movement networks could reinforce each other to spread a global culture of human rights and institutionalize the governance of those rights at both local and global levels. This hope is, of course, precisely what motivates activists to construct transnational networks in the first place, and to risk compromise by interfacing with states.

Conclusion

In this paper I have tried to map out the ways in which human rights movements and state power impact on each other. Social movement activists have been extraordinarily successfully in establishing human rights discourse as a legitimating framework which, in theory, should limit state force and protect the freedoms of the sovereign individual. TSMOs have institutionalized themselves as permanent actors on the global political scene, interfacing with the state system directly via IGOs and treaty-making, and indirectly through a variety of pressure techniques. TSMO theory takes conventional international relations theory a step away from its complete reliance on state-centric categories and describes the formal significance of social movement politics, but it does not provide an effective assessment of the future of human rights politics. The present trend toward the global institutionalization of human rights norms cannot continue unless movements find ways to translate symbolic successes into reliable mechanisms for enforcing their agendas; if and when this occurs it will mark a qualitative shift in development of the state system. The notion of 'global civil society' gives us

some sense of the importance of the shift that has already occurred: global politics is no longer the sole province of states; social movements engage in practices which dispute the hegemony of dominant orders. But the continued role of violence in global politics and, hence, the continued need of many people for the most basic human rights protections, indicates that a 'global civil society' conceptualization does not capture the whole picture. States themselves, especially superpowers, can act transnationally as well as internationally, evading their own formal boundaries to exercise force 'at a distance.' The transnational activities of states can range from providing military aid (either covertly or openly) either to other states or to insurrectionary forces, through various small-scale actions to large and regionally devastating invasions in support of puppet regimes. This transnational use of state power forces us to question the real meaning of sovereignty. Exploring the relationship between the state system and capitalism also destabilizes the rigid state/non-state dichotomy of conventional international relations theory. The collaboration of powerful states with the wants of capitalist investors has contributed to human rights abuse in many instances and helps account for the reluctance of states to make more substantial commitments to rights enforcement.

The 'state system' is not a homogeneous force, however, and global politics is best conceived as a complex network of actors whose patterns of collaboration and conflict do not always match their institutional affiliation. Human rights movements can find allies and foes alike in states, IGOs, news-media, among the various mechanisms of capitalism, and in the broader social movement community itself. In this global arena, movements are approaching a new phase of challenge: the struggle to retain control over their own discourses and prevent them from being co-opted. This 'crisis of co-optation' marks a certain coming-of-age for movements as a political force, and in one respect the notion of civil society is apt; counter-hegemonic politics

... is concentrated, difficult, and requires exceptional qualities of patience and inventiveness. In politics, the siege is a reciprocal one, despite all appearances, and the mere fact that the ruler has to muster all his resources demonstrates how seriously he takes his adversary (Gramsci, 1971: 239).

By bringing to light and demystifying the workings of state power, theorists can support social movement actors in the 'warfare over the facts' and over standards are being conducted in public arenas. In addition, there is another service academics can perform which may be of greater long-term value: a well-developed critical theory of how power is structured in the global arena can provide essential landmarks for social movement actors, as they navigate the narrow border between engagement and collaboration in a world where allies and adversaries often wear the same colours.⁸

Notes

1. To clarify this terminology, it should be noted that SMOs and TSMOs are NGOs, but not vice-versa. Social movement organizations, both national and transnational, are generally one subset of non-governmental organizations.
2. This definition, of course, is broad enough to include intra-elite conflicts, such as 'sustained challenges' between business and government where these occur.
3. A more detailed description of this process would run as follows: The emergence of civil society and the politics of hegemony represents a historical transformation in the nature of power struggles. Prior to this transformation, politics resembles a 'war of maneuver' in which fundamental power structures are directly and openly contested; the opposed forces are competing to occupy strategic positions. Gramsci, writing in the early 1930s, believed that the last historical occurrence of war of maneuver was the October Revolution (Gramsci, 1979: 235); since that time, conflicts that could be called 'wars of maneuver' have exploded around the world, including the Second World war, the decolonization of India and Africa, numerous successful and unsuccessful revolutions in Latin America and Southeast Asia, and many protracted and bitter civil wars (Many of these, not coincidentally, have been the site of intense human rights abuse). When, however, war of maneuver has exhausted itself ('for one reason or another'), then the struggle changes into a kind of political siege warfare: the 'war of position' which is fought through ideological means and in which the dominant power struggles to make its hegemony absolute and permanent (Gramsci, 1971: 238-9). Thus the emergence of civil society means that conflict has entered its culminating stage.

4. The fact that Gramsci was a committed socialist and, between 1924 and his 1928 arrest, was the general secretary of the Communist Party in Italy makes for an interesting aside, one that cannot be fitted into the main thread of my argument but which helps to flesh out the context of contemporary debates around civil society. The political struggle which he envisioned was that between capitalism and the revolutionary potential of the proletariat, the counter-hegemonic struggle he described was that for the world-historic socialist revolution. Yet his theory represents a major break with the orthodox Marxism of his day, which focused on revolution by coup d'etat (to oversimplify the case), or what Laclau and Mouffe have called the 'Jacobin imaginary.'

This conjures up an almost romantic image: the lifetime socialist, jailed by Fascists and speeding towards his premature death, turns away from orthodox revolutionary strategy and ventures into a daring engagement with politics within the capitalist state.

Several important contemporary socialist thinkers seem to have found this image appealing enough to emulate. Although their move is perhaps less daring, 'democratic socialists' like Laclau and Mouffe or 'post-Marxists' like Carl Boggs have used Gramscian thought to make important contributions to social movement theory (contributions unfortunately not explored in this essay). For Laclau and Mouffe, counter-hegemony means not only the rejection of the hegemonic power of the capitalist class, but also the domination of Left politics by orthodox Marxism:

What is now in crisis is a whole conception of socialism which rests upon the ontological centrality of the working class, upon the role of Revolution, with capital 'r', as the founding moment in the transition from one type of society to another, and upon the illusory prospect of a perfectly unitary and homogeneous collective will that will render pointless the moment of politics. The plural and multifarious character of contemporary social struggles has finally dissolved the last foundation for that political imaginary. (Laclau and Mouffe, 1985: 2).

In the preface to *Social Movements and Political Power*, Carl Boggs echoes these sentiments, underscoring the "failure of even a reconstituted Marxism to produce a viable transformative strategy in the West" (Boggs, 1986: x). The failure of democracy within Eastern European Communism, along with the failure of Western working classes to achieve class consciousness, have fueled a renewed enthusiasm for the Gramscian alternative within Marxism, and hence to a 'radical' politics of civil society. This development has allowed for a pluralist 'left' theory in which identities based on class, race, gender, sexuality,

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and so on are all acceptable bases for politics. It remains to be seen whether this new 'counter hegemony' will produce radical transformations, or whether it will dissolve into a market-based consumerist play with signs of selfhood (as some critics suggest). But it is unclear at best whether struggles for basic civil liberties belong to the 'new social movements' described by Laclau and Mouffe or Boggs, so these interesting considerations remain tangential to our main investigation.

5. The significance of Westphalia for Lipshutz's argument will be discussed further below.
6. The link between capitalism and force is not exclusive; i.e. it does not imply that socialist states do not also violate human rights.
7. Sikkink does not use the term SMOs and does not often refer to 'social movements,' but discusses issue-oriented NGOs, a category which is equivalent to the SMO terminology of Smith et. al.
8. The author would like to thank Melanie White for invaluable assistance in the development of this article.

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