

HUMAN RIGHTS IN ACTION

RESEARCH SERIES IN ANTHROPOLOGY,
UNIVERSITY OF HELSINKI

MIIA HALME
HUMAN RIGHTS IN ACTION

ACADEMIC DISSERTATION

TO BE PRESENTED, WITH THE PERMISSION OF
THE FACULTY OF SOCIAL AND CULTURAL ANTHROPOLOGY OF
THE UNIVERSITY OF HELSINKI FOR
PUBLIC EXAMINATION IN THE SMALL HALL OF
THE UNIVERSITY MAIN BUILDING (FABIANINKATU 33, FOURTH FLOOR)
ON 1 MARCH, 2008 AT 10 A.M.

HUMAN RIGHTS IN ACTION

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DISTRIBUTED BY:

Helsinki University Press

P.O. Box 4 (Vuorikatu 3A)

00014 University of Helsinki, Finland

<http://www.yliopistopaino.fi>

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ISSN 1458-3186

ISBN 978-952-10-4481-6 (paperback)

ISBN 978-952-10-4482-3 (PDF)

<http://ethesis.helsinki.fi>

Helsinki University Printing House,

Helsinki 2008

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ACKNOWLEDGEMENTS

Before embarking on academic ventures of my own, I remember reading the acknowledgements of others with puzzlement and awe: who were all those people and why were they listed in these pages; exactly how had they contributed to the present venture? I now know the answers intimately, and feel that no matter how grand the words, they only capture a pale shadow of the debts and gratitude a given venture has generated. This sentiment has never been as intense as today, when I conclude my largest academic venture to date. This project has been challenging for numerous reasons, the main being the nature of its topic: human rights. Even after six years, they remain for me one of the most exciting, compelling and confusing topics a legal anthropologist could select. This sentiment stems primarily from their multiple forms and articulations - they exist simultaneously as empirically observable artifacts in treaties, policy guidelines and institutions, and as immaterial values never fully explained, yet cherished by innumerable people. Any given empirical context likely entails traces of all these elements, leaving a researcher in ongoing confusion over approaches, methodologies and terminology. Just when one thinks one has human rights 'figured out', they emerge in a new incarnation, once more challenging the theoretical constructions arduously laboured on by the researcher.

If a researcher, particularly a beginning doctorate student, is to acquire any success in a venture tackling such a topic, she requires extensive assistance. This is something this study has been fortunate enough to enjoy. This venture owes its existence to the contributions of professor Martti Koskenniemi, who has remained a source of encouragement and inspiration, of challenge and demand, the full extent of which remains impossible to ascertain. I wish to convey my most heartfelt thanks for this continued collaboration. A sincere thanks to professor Jan Klabbers for being, throughout the years, a source of reassurance, a patient listening ear, a provider of endless quotes; in general, for being a person helping to make research better as well as more enjoy-

able. Thanks for believing in me, and for allowing me opportunities to test my wings. Professor Annelise Riles entered my venture in a stage of deep confusion, introducing me to a whole range of exciting scholarship which gave me new direction and pushed me to challenge my intellectual boundaries. Her work continues to function as an inspiration, and I thank her most deeply for involving herself in my project. Professor Jukka Siikala has been a patient and tolerant mentor who has allowed me great intellectual freedom, yet always wanted to ensure that my reading and approaches were ‘anthropological enough’. Both of these elements were vital for this venture, and for them I thank him. The finalized version of this study owes an enormous debt to its preliminary examiners, Professors Sally Engle Merry and Teemu Ruskola; to them I wish to convey my gratitude through all the parts where the manuscript has improved due to their insightful comments. I also am most grateful to Professor Sally Engle Merry for agreeing to act as the opponent for my public examination, knowledge of which has provided a continued source of inspiration to improve the manuscript.

This venture has benefited from three primary intellectual environments. Of these, the most enduring has been the Erik Castrén Institute of International Law and Human Rights, under the auspices of which it has been generated. A warm thanks to my colleagues for endless vigorous debate, a general stimulating intellectual environment and friendship - as well as the numerous quotes they provided me with on the ingenious uses made today of the human rights discourse. A particular debt is owed to Martin Björklund, Jarna Petman, Päivi Leino-Sandberg and Taina Tuori. The second context is the department of Anthropology at the University of Helsinki in which I am defending this thesis, and in which I have had the fortune of receiving the insightful and challenging comments of its researchers upon presenting different versions of this study. A special thanks is due to Marie-Louise Karttunen, Anna Maria Viljanen and Karen Armstrong, who all read parts of the manuscript and offered insights which improved this study significantly. Thanks also to Minna Ruckenstein and Timo Kallinen for helpful discussions and quotes. The third context is the Finnish Centre of Excellence in Global Governance Research, officially launched in 2006, but as an intellectual collaboration commenced already earlier. The Centre has provided an inspirational inter-disciplinary context in which to present and receive feedback on my research; it has likewise become the domain of exciting future ventures, for which I thank in particular Pamela Slotte, Rene Uruena and Reetta Toivanen.

In addition, I wish to forward a warm thanks to the numerous scholars I have had the fortune of encountering during this venture. Here I wish to

highlight discussions and other contributions from Peter Fitzpatrick, Karen Engle, Anthony Carty, William Twining, Frédéric Mégret, Ratna Kapur, Alain Pottage, Amy Levine, Iris Jean-Klein and Susan Marks. Thanks to Eibe Riedel and Michael O’Flaherty for facilitating my visits to the UN human rights framework, and for offering valuable feedback on draft texts. Chapter 2, exploring the position of the human rights phenomenon in Finland, has benefited unmeasurably from the discussions, interviews and comments of Juhani Kortteinen, Martin Scheinin, Tuomas Ojanen, Holger Rotkirch, Klaus Törnudd, Matti Pellonpää and Mikael Hidén; a special thanks to all of them. In my quest to explore the origins of the human rights phenomenon, correspondence with Andrew Johnstone on American internationalism was particularly helpful. I wish to thank Vaula Haavisto for discussion as well as the permission to reproduce two of her graphs in this study; and Anna Rainio, Eero Salmenkivi, Sirpa Leppänen, Marko Ampuja, Johanna Sumiala-Seppänen, Eila Helander, Olli Haatamaa and Ritka Heino for correspondence and sources. Finally, an enormous thanks is owed to the organizers and participants of the empirical context of this study, addressed through the pseudonym of the Scandinavian Network of Human Rights Experts, for allowing me to carry out this unconventional research.

Many thanks to my far too qualified ‘research assistant’ Mary Morgan, as well as the research assistance of the Erik Castrén Institute interns Susan Liu and Merje Jõgi. For taking care of practical matters, many thanks to Åsa Wallendahl, Taru Kuosmanen, Anni Tuomela and Arto Sarla. Thanks to coordinator Sanna Villikka for making life and research generally easier, not the least before this study was submitted for preliminary examination: as I was close to collapsing after an arduous night shift, she and Anja Lindroos volunteered to prepare the required number of copies for the actual submission. This remains a moment warmly cherished. Thanks to Eeva Hagel at the Helsinki University Press for consultation and assistance regarding the printing process. An enormous thanks to Sara Norja for diligent proof-reading and copy-editing, after which I felt at great ease to depart with the manuscript; needless to say, all the remaining errors are my responsibility. A special thanks to Ville Peltokorpi for his excellent work with the layout, accompanied by unflinching patience and pleasant collaboration; I am certainly glad to call this good-looking volume my own!

The merits of this study also owe a debt to predictable and long-term funding, permitting primarily undisturbed focus. Here most important has been the funding provided in 2002-2006 by the Finnish Graduate School in Human Rights Research, funded by the Finnish Ministry of Education and

administered by the Human Rights Institute of the Åbo Akademi. A special thanks to the school's leader Martin Scheinin and its coordinator Maria Sommardahl for their contributions, as well as to all the Research School participants. Possibilities to focus on finalizing this manuscript owe a distinct debt to the funding received from the Law Faculty of the University of Helsinki, as well as its department of Public Law; here special thanks are due to Jukka Kekkonen and Kai Kalima for seeing potential in my inter-disciplinary research as well as for offering possibilities for new kinds of collaboration. In addition, shorter funding periods and travel grants have been received from the Erik Castrén Institute of International Law and Human Rights, the University of Helsinki and the Finnish Centre of Excellence in Global Governance Research. Parts of this study have been presented in numerous international workshops, seminars and conferences.¹ I have also had the good fortune of holding two courses on the basis of this study as well as different visiting lectures. I wish to thank all the participants of these contexts for their keen engagement, which has significantly helped me to define and precise my approaches. Parts of Chapter 1 and 5 have been featured in previously published articles,² and an article will be published on the basis of Chapter 2.

I wish to conclude this acknowledgement by extending a special thanks to the people outside the academia who have tolerated me as well as made life pleasant during this strenuous process. Thanks to my friends for being so great, and for making me convinced that, since they have chosen to befriend me, I must be pretty cool too! Thanks for continued support and encouragement to my sister Essi-Reetta Särkämö and my brother Antti Halme and their families, and my godmother Helinä Soljander. Thanks to my mother Hannele Soljander-Halme for continued interest and appreciation of my work. The fact that I ever picked up doctorate studies owes the most significant debt to my father Lasse Halme, a theologian and a philosopher, who introduced me to the academics already in infancy as he cared for me while finishing his Master's thesis. Later our infinite discussions on the battle of good and evil and the role of religion in human existence fed my intellectual imagination, and traces of our debates are

¹ Here the most important have been papers presented at the Anthropology and Law Workshop at Birkbeck College, London (25-27 April, 2005); the Graduate Student workshop of the Association of Political and Legal Anthropology at the American Anthropological Association's Annual Meeting in Washington D.C. (30.11-4.12.2005); and the session 'Human Rights: Global Legal Pluralism Revisited' of the 'Law and Society in the 21st Century' at Humboldt University, Berlin (25-27.7.2007).

² 'Between Culture and Rights - beyond Relativism?' In *28 Polar : The Political and Legal Anthropology Review* 2, 2005, 307-315; 'Laki ja Ihmisoikeudet: etnografinen lähestymistapa.' In *Oikeus-lehti*, Symposium on Law and Anthropology, 1/2007, 32-43.

still reflected in this venture. While witnessing his path toward a PhD I learned that academic life is not always easy, but that one must never forsake the belief in the value of research.

I dedicate this study to my spouse Sami Tuomisaari and our joint new ‘venture’. During this project Sami has been an unfailing supporter, sometimes literally picking me up from the floor when I have been exhausted by the work. I could not hope for a better partner for the new adventure on which we are to embark, and which will change both of our lives forever.

In Helsinki, 24 January 2008

Miia Halme

CHAPTER ONE

INTRODUCTION

'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'

Article 1,
Universal Declaration of Human Rights, 1948

'Human Rights are sought for a chimpanzee in Austria'

HS 3.4.2007

In February 2006 two members of the Finnish Parliament submitted a proposal for a constitutional amendment to separate the Lutheran church from the Finnish state. To an outsider the very proposal may seem surprising: is it indeed true that a technologically advanced and prosperous Northern state is not thoroughly secularized but instead continues to hold formal allegiance to some sacred domain? How is this compatible for example with the recent demands that Turkey, a Muslim state, become secularized upon gaining membership in the EU? That the current circumstance is indeed true - the same applies also to Norway, Iceland and Denmark, in which the Lutheran church enjoys the status of state church - and further not a source of special notice was reflected in the forceful opposition and virtually no support the proposal received as it was discussed in the Finnish Parliament; although one parliamentarian brought up the example of Turkey, she simultaneously declared she did not support the proposal at hand. The primary focus of the subsequent discussion became values. Participating parliamentarians - primarily members of the Christian and agrarian parties representing the higher

age segments - emphasized how Christian values are historically linked to the state of Finland and continue to provide its ideological foundation. These views were historically accurate: prior to the nation's independence in 1917, only Christians could ascertain civil rights in the autonomous Grand Duchy of Finland, and only after the law on religious freedom of 1923 were Finns permitted to leave the state church. The strong link between the Lutheran church and the Finnish population has further been reflected in traditionally high allegiance to it: although slowly declining, until the turn of the new millennium more than 85% of Finns belonged to it. In 2003 a radical shift ensued: as the new legislation on religious freedom facilitated leaving the church - before, a personal visit to the parish was required, now a letter or even an e-mail sufficed - separation numbers exploded. Whereas in 2001 and 2002 separation numbers were around 15 000, by 2006 the figure had jumped to a new record of 35 000, with few signs of slowing down. Of those resigning, the vast majority are under 40, a fact that increases the number of children who will be born without ever belonging to the church. If this development continues, some estimates calculate church members to become a minority in the Finnish population by 2015, a scenario challenging the very status of the state church.

In many ways the recent wave of separations is no surprise - it is, of course, well-known that most Finns hardly ever actually attend the church they almost mechanically belong to. Consequently, instead of a radical break in beliefs or values, recent developments signal a longer decline or alteration of religious sentiment. Here Finland is by no means alone, as the same development can be perceived applicable more generally to the entire modern era characterized by the values of individualism, equality, tolerance, rationality, liberalism and secularization. That these values are increasingly embraced by the Finnish population was reflected in the Presidential elections of 2000 won by Tarja Halonen, an urban single mother living in a common-law marriage - not a member of the Lutheran church but a member of a well-known organization for sexual minorities - over Esko Aho, head of a nuclear family belonging to the church.¹ Against this background the paramount feature of

¹ The election was very tight, showing clear division between urban and rural areas, the first supporting Halonen, the latter Aho. In 2006 Halonen was selected for another term, this time after a tight competition with Sauli Niinistö, an enormously popular right-wing male candidate. Reflecting further ideological change was the fact that whereas the question of church membership and issues of religion were a key theme of the 2000 campaign - particularly the fact that Halonen was not a member of the church was highlighted - the issue was not emphasized in the 2006 election.

the above Parliament discussion becomes the fact that it embodied one of few public exchanges today where the common values of the Finnish society were articulated as being those of Christianity. Particularly recent initiatives to renew school curricula demonstrate how, despite continued formal links between the Lutheran Church and the state, in public policy-making the values of Christianity have lost the status of universality. Instead they have been assigned the position of a particular ideology, as reflecting the conceptions of one religion: conceptions competing on an equal footing with the values of all other ideologies. That is, all ideologies except one: human rights as articulated by the Universal Declaration of Human Rights.² Virtually all initiatives to renew school curricula in the new millennium emphasize human rights as the foundational values of education in Finnish schools. Whereas it has become established that it is today both unacceptable and unlawful to require non-church members to participate in the teaching of religious ideology in Finnish schools, there are no instances where such limitations are mentioned regarding the teaching of human rights - the initiatives entail no mention of criteria or instances that might make it acceptable for a student *not* to attend human rights education. Human rights have become the new common values into which policy makers want to socialize the next generation of Finns.

HUMAN RIGHTS AS NEW UNIVERSAL VALUES

This is a study of human rights in action, of the structures and patterns of flow accompanying the abstract human rights discourse founded on the ideology of emancipation and equality of all people. The empirical target of this study is formed by the educational activities of the Scandinavian Network of Human Rights Experts, SCANET, and its wider context provided for by the favourable ideological and societal position of the human rights discourse in the contemporary Finnish society. This position is connected to ongoing societal change where Christian values as articulated by the Lutheran church are increasingly denoted the position of a particular ideology and trumped by the secular, universal values articulated by the human rights discourse. This value shift applies particularly to young urban adults, the group commonly viewed to lead the opinion of the general population, who, in a recent study by the Lutheran church - in addition to leading the statistics on leaving the church - consistently highlighted human rights as their core values. Even more

² From hereon 'the Universal Declaration'.

importantly, in the reasons they give for abandoning the church, they repeatedly emphasize human rights violations occurring within the church, particularly the ongoing tension over gender equality among church employees as well as the status of same-sex relationships (Mikkola, Niemelä & Petterson 2007). Value change is likewise characteristic of the Finnish media, with the country's largest and hugely influential newspaper Helsingin Sanomat openly advocating for the separation of church and state as well as approaching issues of religion critically in its articles (Rahkonen 2007, 37).

By contrast, human rights are talked of favourably by politicians, interest groups from sexual minorities to the disabled, journalists, columnists, chefs and osteopaths; numerous examples later in this study demonstrate this to apply also to Helsingin Sanomat. Human rights are advocated for by interest groups on a weekly basis around the University of Helsinki, whereas advocates of religious coalitions are marked by their absence. When a human rights NGO was refused presence in the University main building, it was the source for an article at the university paper (Yliopistolainen 2004). Allegiance to human rights has in Finland come to represent the shift from ideological homogeneity to pluralism and openness; of the emancipation of the individual inquisitive mind from religious and ideological authority. Instead of being a radical break, this ideological shift can be construed to reflect a more general development of the post-World War II era, which has seen human rights to form the favoured discourse of international law, politics and transnational activism. Originating from the natural rights theories of such 17th and 18th century figures as John Locke, Jean-Jacques Rousseau and Immanuel Kant, human rights have become 'glorified *esperanto*' (Klabbers 2004); 'values for a godless age' (Klug 2000).

The link of secularization and the increasing importance of the human rights ideology reflects the observations of Paul Johnson, who notes how '[a]mong the advanced races, the decline and ultimately the collapse of the religious impulse would leave a huge vacuum. The history of modern times is in great part the history of how that vacuum had been filled... In place of religious belief, there would be secular ideology' (Johnson 1992, 48). E.H.Carr observed the same phenomenon already before World War II, noting how '[a]n ethical standard was required which would be independent of any external authority, ecclesiastical or civil; and the solution was found in the doctrine of a secular 'law of nature', whose ultimate source was the individual human reason' (Carr 2001[1939], 25). Particularly after the end of the Cold War this vacuum has increasingly been filled by the human rights discourse and its underlying ideology, and the discourse appears to have replaced

nationalism as the ideology governing the creation of ‘imagined communities’, as has been famously phrased by Benedict Anderson (Anderson 2003). Like nationalism, the human rights ideology creates a paradox of objective modernity to the eyes of a historian and a sense of subjective antiquity to many human rights supporters (Anderson 2003, 5). Also like nationalism, the human rights ideology is strongly characterized by the notion of an imagined community formed around deep, horizontal comradeship, paired with the realization that it is impossible to personally know each of the persons belonging to the community (Anderson 2003, 6-7).

However, differing from nationalism, the human rights ideology does not envision itself as finite; whereas Anderson notes how no nation imagines itself coterminous with mankind, this very notion - the community of *everyone* (Universal Declaration 1948) - is the constitutive element of the human rights ideology. Greg Urban has emphasized the role of discourses in the process of creating communities and spreading ideologies. In his discussion of the American Declaration of Independence, Urban notes how its discourse is ‘designed to be persuasive, to have an effect’ (Urban 2001, 104). Jacques Derrida has noted how regarding Declarations ‘[t]he signature invents the signer’, giving rise to the community in whose name ‘the people, the “good” people (a decisive detail because it guarantees the value of the intention and the signature) have signed the document’ (Derrida 2002, 49). Urban weighs this account to be incomplete, as ‘[w]hat is crucially missing from the performativity account is an understanding of cultural motion, of the circulation of discourse that is necessary for a significant number of individuals to come to articulate their membership in a group, of a “we”’ (Urban 2001, 95).

These findings apply to the community that has emerged around the Universal Declaration over the past six decades. On the one hand, its foundations were laid in 1948 when the ‘good people’ representing ‘all the peoples of the world’ adopted the Universal Declaration at the United Nations General Assembly. On the other, the emergence of an empirically observable ‘human rights community’ was preceded by decades of circulation of the human rights discourse. This study construes that, in this circulation, the decisive performative account has been education. The importance of education was highlighted already by the Preamble of the Universal Declaration, which states that:

‘Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration

constantly in mind, shall strive by *teaching and education* to promote respect for these rights and freedoms' (Universal Declaration 1948; italics added).

The importance of education was repeated in the 1993 UN World Conference of Human Rights (Vienna Declaration 1993) as well as the UN Decade of Human Rights Education from 1995 to 2004 (High Commissioner 2004a). In 1998 Mary Robinson, former UN High Commissioner for Human Rights, highlighted education as the highest priority of the human rights phenomenon; she believed it to hold a fundamental role in empowering individuals to defend their rights and those of others. The emphasis placed on education in the human rights phenomenon can be associated to the ideas of the Enlightenment assigning intellectuals a pivotal role in the spread of progressive ideas (Gramsci 1989, 5-43), and it likewise has resonance with the 'civilizing mission' of international law (Koskeniemi 2001). Yet the rhetoric of education entails a decisive, in the human rights field often overlooked, separation of individuals into those holding competence over the knowledge to be distributed, and those for the benefit of whom knowledge needs to be disseminated; the separation of people into 'experts' and 'laymen' (Hannerz 1992). This separation entails an intrinsic hierarchy between the different groups, thus forming a challenge for the egalitarian ethos of the human rights discourse; although 'all human beings are born free and equal in dignity and rights' and are 'endowed with reason and conscience', only some individuals hold the competence and possibilities to act as educators on the exact content of rights enjoyed by all people.

Education is undoubtedly one of the most potent ways of inducing societal change, and consequently what is taught, how, and by whom are all issues generating ongoing controversy in many parts of the world. Minority groups strive to have education organized in their native languages, and religious groups aspire to offer teaching that concurs with their religious doctrine. In the US education was a central tool in the assimilationist policies directed at Native Americans, and today an intense controversy plagues many Southern US states on whether schools should teach the Darwinian theory of Evolution, or the Biblical story of Creationism. In Finland education has a distinct tradition due to its link to the spread of the Lutheran faith in the 17th century, when the ability to read - and hopefully understand - the Bible was construed as pivotal for achieving contact with God. This rendered the ability to read a prerequisite for getting a marriage permit from the church, a compelling factor as civil marriages were not recognized in Finland, and consequently, although the law on mandatory education was only passed in 1921, some form of education was practically compulsory centuries earlier.

As until the early 20th century there were few public schools, particularly in the remote rural areas where large portions of Finns lived, an important legacy emerged of Lutheran ministers acting as educators. This legacy has left a remarkable impact on the Finnish public consciousness, as is reflected in literature, for example. Most Finns are still taught at schools how in *Seitsemän veljestä* - the novel 'Seven Brothers' written by Aleksis Kivi, which appeared in the late 19th century and is still one of the most famous Finnish novels - the thick-headed brothers struggle in their reading sessions led by the stern hand of the Lutheran minister. This educational legacy entails two pivotal elements for this study. First, as Lutheran ministers were traditionally among the most influential people in the Finnish society, this also assigned educators a high status. Since then the status of school teachers has declined remarkably, reflected for example in low wages. School teachers are not counted among the most influential or revered members of the Finnish society either, a similar status decline that has largely impacted Lutheran ministers. Yet the high status of educators continues to find resonance within the Finnish population, reflected in the expression *kansankynttilä*, literally meaning a candle for the common people, still sometimes utilized to describe teachers. The second decisive element relates to the conception of learning internalized by the common Finns through education by ministers: it consisted primarily of adopting the knowledge disseminated by the authority without public reflection or dissent; passages from the Seven Brothers illustrate in a tangible manner how peasants were not to negotiate with the authority of the minister.

HUMAN RIGHTS EXPERTS AS EDUCATORS

In this study the individuals acting as educators are human rights experts. Although their actions are explored in an explicit educational context, their educational role is understood to occupy a more general role in the contemporary human rights phenomenon. For this study the 'human rights phenomenon' (Mazover 2004; Cali & Meckled-Garcia, 2006) is understood to consist of three elements: discourse, community and artifacts.³ All of these elements have faced expansion, and, whereas this study makes no claims for exhaustive treatment of factors behind this process, it is useful to touch upon the matter briefly; the issue will be elaborated in subsequent chapters. The human rights discourse as articulated by the Universal Declaration can be placed at the centre of expansion: it is highly persuasive, pulling newly independent peoples

³ Other scholars talk of the 'human rights movement' (Steiner & Alston 2000; Simpson 2001; Sellars 2002; Mutua 2002; Merry 2005; Mahoney 2007).

at the end of World War II - people who were excluded from the diplomatic discourses of the League of Nations (Wallin 2005) - into its incipient community. The human rights discourse offered previously oppressed peoples the possibility to claim rights and freedoms through a language that '*can't be reduced* to a mere "value judgment"', consequently trumping ordinary claims such as preferences (Kennedy 1997, 305). Six decades after the adoption of the Universal Declaration, a community of endless NGOs, experts, policy makers, volunteers, educators, politicians and ordinary citizens has emerged around the human rights discourse (Keck & Sikkink 1998). This development has been aided by education, through which diverse people around the world have come aware of the discourse, as well as the possibilities they hold for articulating their differing claims through it. Accompanying this process - at times preceding it, at times following it - is the proliferation of human rights instruments as well as other human rights artifacts (Jean-Klein & Riles 2005). Artifacts consist of empirically and ontologically objectively existing entities relating to human rights, including, among others, human rights policies, institutions, journals and educational programs.

Combined, these developments have induced dramatic and substantive expansion of the human rights discourse. Instead of focussing on distinct claims, the discourse has a generality that allows all kinds of claims to be made through it. Few people today would claim human rights to be entities adjudicating solely the relationships of sovereign states and their subjects which could be argued to have formed their initial juridical significance. Instead, human rights have become free-floating signifiers (Mehlman 1973; Laclau 1996): concepts the exact content of which is left to each individual speaker to define and which can be further utilized to argue, for example, for the improved treatment of chimpanzees. This expansion poses a serious threat to the discourse's potency to act as trumps, as it threatens to become all-inclusive and therefore synonymous with everything and nothing. The human rights phenomenon entails an important structural authority position to prevent this scenario from realizing, namely the systemic agency of human rights experts. Marshall Sahlins elaborates this concept in relation to historical events, characterizing it as an institutional or structural form of empowerment through which authority is conveyed to particular persons of authority by the structural relays of the larger organization of society (Sahlins 2004, 155-156). In the human rights phenomenon this systemic agency is held primarily by human rights experts who educate the wider society on what human rights are; what remains within, what falls outside the discourse. In this position human rights experts communicate with the wider society, act-

ing as intermediaries who translate the human rights discourse to meet local concerns (Merry 2006a). This capacity is exemplified by the Finnish context, where human rights experts are consulted by legislators and policy makers, and relied on by different interest groups; in the issues of the allegiance of the state and church, both proponents and opponents of the debate cite predominant human rights experts to add potency to their claims. Simultaneously, as will be explored later, their capacity is more engaged as they also extend the discourse through their *creative space*.

The systemic agency of human rights experts has given rise, to utilize the concept Jean Lave and Etienne Wenger use to describe learning processes, to a 'community of practice' with which they refer to a 'set of relations among persons, activity, and world over time and in relation with other tangential and overlapping communities of practice' (Lave & Wenger 1991, 98). In this community human rights experts are *full members*. Today this community is both significantly large in size as well as diverse in the practices and motivations of its members. Yet in Finland the community enjoys a monolithically favourable societal position: human rights experts are in the media described as 'always being on the side of the weak ones', and they are greeted by acquaintances as 'doing something good'. In terms of their systemic agency, constitutive for this community of practice is its access to the 'thousands of articles, referees, supporters and granting bodies'. This allows the conceptions of its members of the limits of the human rights discourse to trump those of the "average man who happens to hit the truth", naively postulated by Galileo', as has been discussed by Bruno Latour in regards to the facts of natural sciences (Latour 1987, 44). In terms of influence, what emerges as decisive is the community's association to institutions enjoying a recognized and esteemed position in the human rights phenomenon, such as different UN bodies.

This study explores a formal context in which human rights experts act as educators, a function which, as was mentioned, entails an internal tension. Although education is a paramount performative account for the spread of the human rights discourse, it likewise forms a potential contrast to the ideal of emancipation of the individual inquisitive mind from external authority. This gives rise to the question: what kind of *teaching curricula*, formal and explicit curricula for intended learning (Lave & Wenger 1991, 40-41), do human rights experts offer? How do these curricula correspond to the *learning curricula* of such contexts, referring to learning that occurs through general participation in the educational activity, instead of through formal teaching (Lave & Wenger 1991, 40-41)? What kind of conceptions

of learning, knowledge and expertise do such contexts create; what kind of patterns of flow emerge from them (Hannerz 1992)? In this study these questions will be addressed, to continue with the terms of Lave and Wenger, from the perspective of a *legitimate peripheral participant* - a student and a newcomer into the community of practice of human rights experts. This study analyses whether the status of a peripheral participant is *dynamic*, allowing for gradual evolution into full membership in the community of practice of human rights experts, or one characterized by '*unrelatedness* or *irrelevance* to ongoing activity' (Lave & Wenger 1991, 37; italics in original). These questions are assessed in particular to search for answers on how such educational contexts become compatible with the ideals of individualism, equality, tolerance, rationality, and secularization.

EDUCATION IN SCANET

The educational context in which these questions are examined is discussed through the pseudonym of the Scandinavian Network of Human Rights Experts, SCANET. Scholars have differing approaches for the use of pseudonyms: while for example Annelise Riles utilizes them in her analysis of Fijian NGO workers without supplementary explanation (Riles 2001a), Sally Engle Merry discusses the CEDAW committee with its real name (Merry 2006a). Nancy Scheper-Hughes adopts a more stern approach to what she labels as the 'cute and conventional use of pseudonyms', meditating in retrospect on her decision to utilize a pseudonym for the Northern Irish village and her unsuccessful efforts to conceal informant identities by scrambling distinctive features with each other. She contemplates this 'time-honored practice' to 'fool few and protect none - save, perhaps the anthropologist', continuing: 'I fear that the practice makes rogues of us all - too free with our pens, with the government of our tongues, and with our loose translations and interpretations of village life.' (Scheper-Hughes 2002, 12). Such concerns should not be dismissed lightly. For this venture the use of pseudonyms has not stemmed primarily from desires to conceal SCANET participant identities - many discussed elements of human rights expert capacities, such as newspaper interviews, are public, and thus in such instances there is no reason to protect anonymity. Rather it aims to gain greater distance and upgrade the analytical level by treating SCANET above all as a characteristic example of artifacts and communities of the human rights phenomenon.

SCANET, formed in 2002, is a loose coalition of scholars and practitioners for whom legal education turned out to be characteristic. Its members represent the Scandinavian and Nordic region, meaning Sweden, Norway, Denmark, Finland and Iceland, and in terms of its organizing rationale SCANET can be thought as characteristic of the kind of artifacts that have emerged within the human rights phenomenon in recent years. SCANET members include some of the most influential human rights experts in the Nordic region, who act as professors and senior scholars in universities as well as leaders and researchers in Scandinavian and Nordic human rights institutes. In addition they act as consultants for their respective governments in policy-making and legislation as well as for numerous interest groups; many hold different UN expert positions such as treaty body membership. In Finland, due to the recent emphasis on human rights education, they are increasingly relied on as educators and providers of educational material for elementary and higher education, a development increasing their societal influence. SCANET operates through various forms such as upkeeping an e-mail list distributing information of developments and activities in the human rights phenomenon as well as distributing research and travel grants. However, the most important feature of its operations is the organizing of educational activities - courses of some days to a week, organized in changing localities - intended to help students in their ongoing PhD research. These activities are participated in by both permanent SCANET experts as well as visiting experts from well-known universities primarily in Europe and North America. Students of these activities are PhD candidates and in some instances post-doctorate researchers who have some connection to the participating universities and human rights institutes.

FINDING THE FIELD

My ethnography has an unusual background as I, a young Finnish urban adult fascinated by human rights, originally enrolled in SCANET as a student. Such a background is clearly a charged one - for one thing, it will most likely be read by those it has been written about (Brettel 1993) - and consequently it feels appropriate to explain its origins. When starting my doctorate research, my initial plan was not to treat SCANET as a field site, but rather my orientation was more 'student-like': I looked forward to it as a context in which to carry out my research, engage in discussions and learn more of human rights. Further, my research proposal indicated plans to do fieldwork in a US-based human rights NGO, a plan that stayed in my mind for a considerable period.

This desire was inspired by my experiences as an NGO intern in Hyderabad, India, the rapidly growing capital of the province of Andhra Pradesh with 4-7 million inhabitants, in the fall of 2000. At the time I was close to finishing my Master's degree in anthropology and had already commenced studies in international law, which had given me some, although limited background in human rights. This background was complemented by a keen interest in human rights issues and a plan originating from my youth to one day pursue a career in some capacity in relation to human rights. I embarked on the internship with a desire to both learn more and to 'do good'. The NGO worked at the grassroots level with various development projects in the slums: it ran schools, offered vocational training to women, supervised two shelters for street children, and rehabilitated disabled children; combined, these produced impressive results with meagre resources. One of my tasks was to find funding from Northern NGOs, a task I attempted with no success whatsoever. Despite my poor results, this experience ended up - in addition to problematizing my approach to universal human rights claims - awaking the desire to contrast and complement it by working on the other end of the field of human rights NGOs by moving from the recipient side to that of donors. Such a plan also appeared anthropologically exciting, as little fieldwork had been done in similar settings at the time.

This research plan was, however, altered already during my first visit to a SCANET activity in early 2002 where I presented my research proposal. The proposal was encompassed in the desire to find fresh approaches to a discussion that appeared stale and predictable - namely the 'universalism-relativism' debate, a debate elaborated briefly - and in this aim, it utilized an approach of abstraction and logic: it demonstrated, through various examples not directly related to human rights, how phenomena are never simply good or 'white', but instead in reality always acquire 'shades of grey' (Levi 1986). This analysis was expanded with a discussion on how this 'grey area' tinted all action, transforming their outcomes from unambiguous benefits into ambiguous consequences - a consequence that also applied to human rights action. I elaborated this conclusion with excerpts both from my anthropological background and the consequences this had on the way I viewed the work of the Indian NGO. One example became the role of religion. Although the organization was not supposed to be religiously aligned, most of its employees were Christian, prayers were held at the beginning of each working day, words of prayer hung on office walls and when I arrived at the organization, I was given specific parts of the Bible as my personal guidance verses by the organization's minister. Religion became an important factor in the organi-

zation's operations due to the reason that most of the target groups for its programs were Muslim, as were most slum dwellers in Hyderabad. Slum programs aimed to get more girls to attend school and encouraged women to participate in the workforce, both changes that removed them from the immediate family context into the wider scope of the society. In the course of their work Christian employees often expressed disapproval toward the lifestyle of Islamic slum dwellers, which was strongly affected by religion. Consequently this induced a situation where Christian NGO workers expressed disapproval toward Islamic ways of life and encouraged changes that had cultural consequences.

For me this problematized the consequences of these programs, making it difficult to accept them with no reservations. An even more extreme case was created by an incident where a social worker, working on the notion of the 'best interest of the child', considered it necessary and justified to remove a child from his parents and place him in a home for street children where he would get an education as '*all the parents wanted him to do was to go out on the street and beg*'. This instance made it graspable how abstract and seemingly unambiguous categories became complex when applied to reality, an outcome that had serious ramifications also on such abstract entities as human rights norms. In my research plan I proceeded to search for truly 'white' actions with no ambiguous consequences, being able to come up with only one: teaching parents to *boil the water* their children drink. This simple remedy could account for enormous benefits, and I could not see it to hold any costs that would change it from white to grey. However, as soon as the enthusiasm of this discovery veined, I began to see its absurdity: there I was, a foreign 'expert' with years of academic education, thousands of kilometers away from home, and the best I could come up with was to guide parents to bring water to 100C! To make matters worse, I realized I was unable to do even that as I shared no common language with the slum dwellers; few of them spoke English, and I had no competence in the most common local languages of Hindi, Telugu or Urdu. Even if I had known their language, I was in great doubt of my ability to convey the message in a form that would truly convince its recipient. After all, what did I, a foreigner from another world, know of their life? Would the message not be more efficient coming from a local volunteer?

FROM IRRITATION TO INTEREST

When I presented my research proposal in SCANET, it was assigned a radically different ontological quality: instead of empirical data without other

intrinsic attributes, it was considered controversial - instead of facts or description (Latour 2005, 146), it was perceived as *arguments*. As will be discussed later, this finding was to become an important anthropological insight into the nature of human rights knowledge, but at the moment it remained merely perplexing. In the following period my participation in SCANET activities was marked by intense irritation and even antagonism. I was deeply frustrated with knowledge I considered, in light of my earlier anthropological training as well as my experiences in India, as insufficient and flawed by its ontological assumptions; as divorced from the complexities of empirical reality. I made these sentiments evident through frequent comments demonstrating the inadequacy of empirical foundations behind the theory on which human rights rested by introducing additional and alternative data. My consistent argument became that the epistemological assumptions of 'the other', primarily non-Europeans and indigenous peoples as well as in some instances minorities, were as misguided as the assumptions made of 'us', the representatives of the liberal north. In this moment the primary motivation for my PhD was invested in the desire to 'translate' existing anthropological data for human rights actors. I was engaged in efforts to make my research 'relevant' (Jean-Klein & Riles 2005). I later discovered I had not been alone in these attempts, as a great range of anthropologists shared similar efforts: to provide special knowledge to complement the human rights actors' outdated notions of 'cultural issues', and in light of updated understandings in the discipline, to act as 'epistemological technicians' who would provide a 'principled and theoretically informed empirical approach' to human rights (Cowan, Dembour & Wilson 2001; Jean-Klein & Riles 2005, 181).

A further twist in these efforts is created by the fact that many anthropologists in the field encounter human rights activists, bureaucrats, victims and perpetrators 'actually anticipating the anthropologist's descriptive, analytical, and critical practices' (Jean-Klein & Riles 2005, 184), sometimes inviting scholars in to 'study' them (Jean-Klein 2002). Although my suggestion of treating SCANET as a field site was favourably received, it would be overstated to view it as a context where the anthropologist was invited in. Rather, as will be described later, I discovered that anthropology as a discipline was treated with considerable reservation, the primary reason being its dubious connection to 'relativism'. Consequently my attempts to act as an epistemological educator were unsuccessful, as SCANET provided an environment where the anthropologist was welcomed, above all, as a student. As my association with SCANET continued I found my orientation changing. Instead of wishing to persuade, I was aiming to understand - I was becom-

ing anthropologically interested in views that had earlier provoked irritation. This altered orientation also changed the manner in which I viewed the way human rights were introduced in SCANET activities. Instead of wishing to prove its foundations erroneous, I wished to comprehend the logic behind it. Repeated questions in my mind became: what is the nature of the knowledge distributed in SCANET activities? Who produces it, and what are the mechanisms through which the necessary cultural acceleration is created for its dispersal (Urban 2001)? With these questions arrived the most significant insight of the current venture: instead of taking these questions to a novel, superficially conjured field site, the most organic site for their examination became the context that had given rise to them in the first place - SCANET.

FIELDWORK IN SCANET

Thus I began to study SCANET - to utilize again the concept of Jean Lave and Etienne Wenger - from the perspective of a *legitimate peripheral participant* (Lave & Wenger 1991), a student. SCANET membership was a pleasant experience. Its activities were organized in attractive venues ranging from charming university towns to mountainous resorts, and by the standards of the Nordic academia, they were well funded. All participants, including students, enjoyed accommodated travel expenses and private hotel lodging in three or four star hotels: all meals were included, with numerous dinners organized in trendy restaurants. The general atmosphere in SCANET activities was lively and convivial, leading to new collegial relations, collaborative patterns and even friendships. The activities were marked by enthusiasm and diligence by SCANET experts, many of whom invested significant personal time and energy extending into the weekends that went far beyond the mere call of duty with little or no financial compensation. All events were diligently organized both before, during and after activities; this applied to practical matters as well as recreational programs including boat rides, mountain hikes and steam saunas. In formal SCANET activities great dedication was invested to ensure extensive participation of experts from different areas of human rights research, including both 'mainstream' as well as 'critical' scholars. For this study decisive of SCANET become the central ontological assumptions of many permanent experts about human rights: they are 'human rights believers' to whom human rights form absolute facts which receive their most authoritative articulations in UN human rights instruments. They view the autonomous liberal individual embedded at the core of the human rights discourse to be a universal phenomenon, and contemplate that even if societies

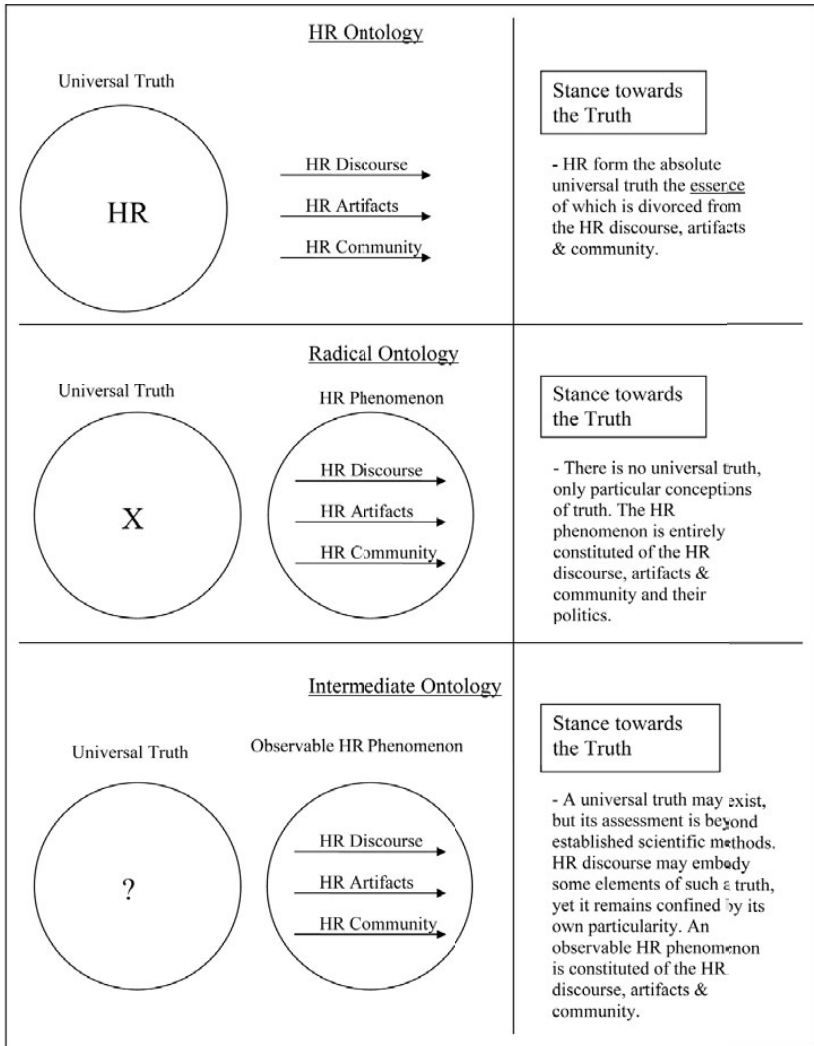
exist today that do not take the autonomous individual as their primary organizing principle, improvement of the human condition requires such communities to change. In addition to being necessary, SCANET experts construe such change as possible. Prominent SCANET experts believe in tolerance and equality, and view traditional customs to induce severe adverse consequences to the well-being of mankind. They also construe hierarchical societies to benefit dominant individuals at the expense of less powerful members. SCANET experts believe that great atrocities have in history been committed in the name of religions, particularly religious fundamentalism which insists that its religious ideology represents *the truth*. SCANET experts advocate for religious freedom where all individuals may choose their religious beliefs for themselves, allowing different religions and conceptions of truth to coexist peacefully. Simultaneously they are responsive to suggestions, forwarded for example by Boaventura de Sousa Santos, that human rights mark ‘the return [...] of the religious’ (Sousa Santos 1997, 2); as was phrased by a prominent SCANET expert: ‘*I have no problem to accept that human rights form a secular religion*’.

These conceptions differ from those guiding this study, which can be summarized as follows: the conception of the autonomous individual is, instead of as a universal phenomenon, treated as a distinct formulation stemming from a particular cultural heritage (Dumont 1986). Global societal change starting with this conception of the individual as well as that of absolute equality of all individuals is both difficult to realize, as well as suspect in nature, as it establishes a hierarchy between different modes of societal organization in favour of liberal individualism. Whether this would lead to the kind of improvement of the human condition as envisioned by SCANET experts is questioned; certainly it would result in the kind of global homogenization anthropology has customarily argued against. In this study religions and customs are not perceived as decisive causes of human suffering. Instead humans are construed as capable of finding fulfilment and contentment in circumstances that may be impossible for outsiders to comprehend. Great atrocities have undeniably been committed in the name of religions, but this outcome is not construed to vanish with retort to the human rights discourse. Numerous instances have already emerged that can in the future be interpreted as atrocities committed in the name of human rights. The human rights phenomenon also poses a danger of creating yet another ‘dictatorship of the virtuous’ which have, in the words of Henry Kissinger, in the past led to ‘inquisitions and even witch-hunts’ (Kissinger 2001). In the human rights phenomenon this condition applies particularly to the continually increasing

societal influence of human rights experts, individuals regarded as ‘globally virtuous’, as has been phrased by David Kennedy (Kennedy 2004). Although this development is not feared to result in inquisitions, it is construed, through conceptions of *noblesse oblige*, *the civilizing mission* and *colonial duty*, to reproduce global relationships of dependency and victimization which are seen as responsible for much human suffering both today and in the past.

The most important difference in the ontological assumptions between this study and those of its informants relates to the conception of *truth*: for SCANET experts human rights create *the truth* which is universal and absolute, whereas for this study the human rights discourse is regarded as *one* articulation of a possible universal truth about the human condition, with no efforts made to explore what this universal truth could consist of. This difference is illuminated by Graph 1. In these differences this study resonates with the approach of Faye Ginsburg among Pro-Life activists in an American community: being ‘Pro Choice’ and a self-confessed feminist, to Ginsburg the ideologies of the women she studied were ‘against their own interests’ (Ginsburg 1998, 166); thus her project was primarily about studying a group whose views she did not share. Simultaneously this study holds a more intimate relation to its informants, reflecting Annelise Riles’s description of her fieldwork of NAIL-types, a term she utilizes to describe scholars following the school of international legal theory termed ‘New Approaches to International Law’ (Riles 2006a). Yet, as Riles describes, ‘NAIL-types’ are characteristically uncomfortable with the label, as ‘[a]nother feature of these sceptical lawyers’ subjectivity is a [...] carefully performed self-conscious marginality at arm’s length distance from every given political position and associated group, including even NAIL itself’ (Riles 2006a, 55). This condition was intensified by the ‘celebration’ of NAIL being over the moment it was officially launched (Skouteris 1997; Riles 2006a, 55).

These findings notwithstanding, the term is utilized both in Riles’s ethnography as well as later in this study to refer to individuals assessed to represent this group. Riles describes her fieldwork among NAIL scholars as attempting to ‘circle back, to engage my intellectual and ethical origins from the point of view of problems that now begin for me elsewhere’. She describes how the ‘ethnographic subject in this condition becomes something far more intimate than an analog [...] of ourselves - it is a version of ourselves, a version, to make matters even more complicated, that we may have thought we had left behind’ (Riles 2006a). This characterization also applies to the present study but with a differing temporality: instead of examining an earlier version of myself, in SCANET experts I was examining a version



Graph 1: Human Rights Ontology

of what *I might have become*. With this I make reference to the keen interest in questions of ontology and universal human nature which motivated my undergraduate studies of anthropology. Paired up with an intense desire to do something good in the world, this combination could well have manifested itself in attempts to become a human rights expert. Instead, my anthropologi-

cal training and my experiences in India altered my ontological assumptions about a universal truth, leading me on a different path characterized primarily by an analytical interest in the human rights phenomenon. Yet the activist is not totally absent and also the present venture upholds echoes of activist desires to 'do good' as is elaborated in its Conclusion.

HUMAN RIGHTS AND ANTHROPOLOGY AS CULTURAL CRITIQUE

One decisive reflection of a shift in my path was collaboration with NAIL scholars which commenced already prior to my association with SCANET. Although the ontologies of prominent NAIL scholars are not identical with this study either, as is illustrated by Graph 1, the sophistication with which they analyse international law, discussed also by Annelise Riles (Riles 2006a), became an important source of inspiration as well as theoretical articulation for hypotheses I was attempting to depict through empirical data. NAIL scholarship provided insight on how to approach the concept of rights ethnographically: instead of as entities defined by their universal essence, to treat them as open-ended, indeterminate legal fictions that are transformed into material facts through the social processes in which they are defined and applied. As this process is always political in nature, the human rights phenomenon is transformed into a part of the political struggles it attempts to redress (Koskenniemi 1989; Kennedy 1997; 2002; Tushnet 1984; Boyle 1985; Onuf 1985; Alston 1988).⁴ NAIL scholars have demonstrated how the universal liberal project of human rights law is transformed into a medium for reproducing colonial discourses, cultural essentialism, and victim rhetoric (Anghie 2005; Kapur 2005; Mutua 2002). They have criticized how protection of human rights problematizes international interventions and peace-keeping missions, overshadowing other mandates such as community-building (Klabbers 2003), as well as demonstrated how such concepts as 'universalism' end up as vehicles forwarding particular interests (Leino-Sandberg 2005).

An approach focusing on the social processes accompanying the making of rights claims resonates with the approach of science studies investigating, instead of the outcomes of scientific processes, the processes through which scientific

⁴ These insights are founded on an extensive tradition of critique commenced by the famous statement of Bentham from his inquiry of the Declaration of Rights during the French Revolution (Waldron 1987, 46-76); another renown account is that of Karl Marx in the 'Jewish question' (Waldron 1987, 137-150).

facts are discovered (Latour 2005, 88-93).⁵ Such an approach also concurs with Mark Goodale's suggestion that novel anthropological engagement with the human rights phenomenon could stem, not from focus on the 'correctness' or truthfulness of universalistic human rights claims, but from the examination of the 'how' of human rights practices (Goodale 2006b). Such ethnographies are continually increasing, but continually form a minority in the anthropological scholarship on human rights. Although the relationship of human rights and anthropology has been recounted by numerous scholars, it is useful to overview its long and conflictual past, going back to the famous or infamous 1947 statement by the American Anthropological Association on the problems associated with the planned Universal Declaration (AAA, 1947; Steward 1948; Washburn 1987; Toivanen 2006; Goodale 2006a). This 'engagement' by the (primarily American) anthropological community was followed by decades of 'disengagement' with human rights issues which began to translate into 'reengagement' only during the 1990s (Goodale 2006a). In this development the pieces by Terence Turner (1993; 1997; Nagengast & Turner 1997) and Ellen Messer (1993; 1998) are commonly viewed as seminal, as well as the edited work by Richard Wilson from 1997 (Wilson 1997). In the new millennium these have been followed for example by the volumes edited by Jane Cowan, Marie-Bénédicte Dembour and Richard Wilson (2001); Bartholomew Dean and Jerome Levi (2003); Charles Zerner (2003), and Mark Goodale and Sally Engle Merry (2007). Since the 1990s human rights have become a focal topic of anthropological research with continually proliferating contributions; the changed attitude of the discipline was in 2001 characterized by the NAIL scholar Karen Engle as a transformation from 'scepticism to embrace' (Engle 2001).⁶

The most enduring problematic between human rights and anthropology has been the 'universalism-relativism' debate (Renteln 1990) - a debate

⁵ Latour emphasizes how the false conception that the attempt of science studies is to 'relativize' scientific discoveries has led to enormous misunderstandings. He stresses that the goal of science studies has never been to present all truths as equally valid - an approach that Marianne Valverde has described as rendering it as more conservative than the Foucaultian post-modernism, in which the term 'science' can be utilized in the plural form to emphasize the particularity of Western science (Latour 2005, 88-98; Valverde 2003, 5-9). Simultaneously some scholars have demonstrated how some scientific facts have been artificially constructed, 'made up' instead of being scientifically 'discovered' (Geison 1995).

⁶ As an example, see the changed attitude of the American Anthropological Association. In 1995 the Association founded a Human Rights Committee aiming to 'stimulate informed involvement in the human rights among professional anthropologists through publications, panels and network building', as well as to 'gather information on selected, anthropologically relevant, cases of human rights abuse and to propose action in the name of the AAA.' In 1999 the Association also issued a new statement on Human Rights (AAA 1999).

which many human rights scholars construe to signify that anthropologists are ‘against’ human rights, and which consequently has effectively marginalised anthropological insights in the field. Perhaps as a reaction to this outcome, in their new ‘embrace’ of human rights many anthropologists have abandoned relativist caution, and in their efforts to defend the preservation of ‘their’ native peoples began utilizing the human rights discourse as if entailing a predefined and essential significance: an approach that can be described as ‘rights to culture’ (Samson 2001; Fried 2003; McIntosh 2003). This approach has also been criticized due to the manner it essentializes culture and renders it as ‘discrete, clearly bounded and internally homogenous, with relatively fixed meanings and values’ (Cohen, Dembour & Wilson 2001, 3; Sieder & Witchell 2001; Dean & Levi 2003; Hylland Eriksen 2001). Another approach focussing on the relationship of rights and culture, less prevalent in anthropological scholarship but common in ‘mainstream’ writings on human rights, is one that treats culture as a domain depriving individuals of their rights. Also this approach is seen as problematic due to the manner in which it politicises the notion of tradition (Stephen 2003) as well as ignores the presence of other influential factors such as poverty (Montgomery 2001).

To continue with the rhetoric of rights and culture - even though for example Jane Cowan construes scholarship to be past it (Cowan 2006) - the third prospective approach, reflecting the orientation of this study as well as that called for by Mark Goodale, focusses on the manner in which human rights practices and the expert communities of transnational activism create ‘cultures’ of their own through their knowledge practices, ontologies and membership criteria. This approach has become the source of exciting scholarship, including the works by Michael Herzfeld (1992); Yves Dezalay and Bryant Garth (1996); Kim Fortun (2001); Annelise Riles (2001, 2006), AnnJannette Rosga (2005); Peter Redfield (2005); Sally Engle Merry (2006a); as well as Aihwa Ong and Stephen Collier (2005). Yet by vast majority anthropologists continue to explore human rights practices in ‘local’ contexts in isolated and far-removed locations, leading Richard Wilson to wish that more anthropologists would venture out ‘into the sites of production of international human rights laws and norms’ and examine the knowledge practices of such contexts (2007, 366).

This study addresses Wilson’s wish by focusing on a site where human rights knowledge is both produced as well as disseminated by influential Northern human rights experts to a future generation of prospective experts. In addition to anthropological scholarship on human rights, this study hopes

to contribute to the ethnographic and sociological study of law (Merry 1990; Greenhouse, Yngvesson & Engel 1994; Sarat & Felstiner 1995; Valverde 2003; Murphy 2004); particularly to the emerging tradition of Finnish empirical socio-legal analysis, so far construed to be lacking in the country (Haavisto 2002, Ervasti 2007). In addition, it hopes to contribute to numerous ongoing debates outside anthropology. The first of these relates to scholarship on human rights education, which has so far been accompanied by little empiria on how the hopes of emancipation through human rights education are realized (Andreopoulos & Claude 1997). This study wishes to continue earlier collaboration with NAIL scholars particularly by complementing their theoretical constructions and analysis of legal documents with empirical data on human rights in action. Finally, this study wishes to contribute to the vast body of human rights scholarship. Faye Ginsburg mentions how determining the success of her ethnography on the Pro-Life advocates was the need to find approaches and methods that allowed her to remain unbiased and to represent the integrity of both positions of the abortion debate as, she states, '[i]t is not my place or task in this book to take a partisan position' (Ginsburg 1998, xxxv).⁷

Such an approach can be held to resonate with the 'traditional' understanding of anthropology as offering unbiased description of different contexts without active engagement with the issues analysed: an approach that has also been construed as difficult if not impossible to realize. Even more importantly, such an approach does not emerge as entirely desirable if anthropology is to function as a cultural critique, as has been famously phrased by Marcus and Fischer (1999). In addition to empirical description, such analysis needs to highlight elements it wishes to place under critique. Whereas this study has likewise sought to provide transparent and systematic description of discussed issues, it aims for a more engaged position: to demonstrate through ethnographic data how human rights in action end up forming contradictions to the human rights discourse in the abstract, and through that to offer an implicit critique to notions insisting on treating the two levels - abstraction and action - as separate from each other.

An attempt to contribute to such diverse debates as well as to offer cultural critique invests specific requirements on ethnographic description as it has to become accessible to highly differing audiences. Accessibility is construed to form a paramount challenge for the numerous recently emerged,

⁷ Incidentally she ended up so successful that her anthropological audience construed her to have forsaken her own political beliefs and 'gone native'. It was even suggested that her data - transcripts of life story interviews - simply were not true. Ginsburg calls this 'the case of mistaken identity' (Ginsburg 1993).

greatly sophisticated ethnographies, many of which remain open only to a narrow community of highly specialized anthropologists. Thomas Hylland Eriksen has characterized the failure to communicate with outside domains to contribute to the intellectual exclusion of anthropologists, hijacking them from a potential 'pivotal societal role as political analysts' (Hylland Eriksen 2001, 145). In order to avoid this outcome, he advocates that more anthropologists 'translate' their data to forms that render it intelligible to audiences outside anthropology (Hylland Eriksen 2007, 90). These concerns have been taken seriously by the present study, and they are reflected in its ethnography, primarily in its presentational mode which includes numerous graphs and tables, which, combined, yield a relatively formalistic description of SCANET activities. Particularly the introduction of quantified data requires elaboration, as such a presentational mode, although no stranger to ethnographic description, fails to enjoy the favour of current scholarship. For the present venture quantified data has been utilized for two primary reasons. In the primary phases of this venture, statistics helped for me to gain the required analytic distance between myself and my informants who, although distinguished by their ontological assumptions, by objective external standards bore close similarity to myself.

The inclusion of all the tables in the finalized version of this study is due to a another reason, namely the high knowledge status assigned to quantified data by the numerous groups with which this study wishes to correspond. When in the preparatory stages of this study different readers outside anthropology read parts of this text, practically all made some comment on the tables - many complimenting their inclusion, some noting how they wished to see more of them. Iris Jean-Klein and Annelise Riles have reminded that, in collaboration with other disciplines and wider audiences, anthropologists should not surrender their own ground for other disciplines and interest groups who are often more powerful (Jean-Klein & Riles 2005, 189-190). Mindful of this caution, for this study the use of quantified data is not a constitutive, but rather a complementary element of ethnography; as a bow toward the high status that such a presentational mode enjoys in the discussions to which this study wishes to contribute, yet an ancillary feature for the more significant elements of analysis occupying other, non-quantified presentational modes.

FINDING APPROACHES

This study has two levels: a general level exploring the human rights phenomenon, with particular focus invested in the Finnish context, and a specific level focussing on SCANET educational activities. The purpose of the general level is to sketch the context which has given rise to an artifact such as SCANET. Simultaneously it outlines the temporality with which the human rights phenomenon has expanded, its mechanisms of expansion as well as its ideological position in the current Finnish society. The study of SCANET educational activities is likewise divided into two parts: to data acquired through participant observation conducted in six educational activities ranging between three and seven days, carried out between early 2002 and summer 2005, and analysis of documents distributed by SCANET. In terms of fieldwork such a project induces numerous noteworthy elements. First, due to the periodic nature of SCANET activities, it was marked by short and intense periods, followed by lengthy gaps during which the only continued sign of SCANET's existence was the occasional e-mail sent by the SCANET coordinator. This condition posed challenges for comprehensive ethnographic description, yet it also entailed possibilities: by analysing field-data in between events, combined with ongoing reading slowly clarifying preliminary hypotheses, these repeated instances of 'going into' and 'coming back' from the field allowed more concrete focus to be invested in later activities on issues identified as relevant for the present study. Second, SCANET activity venues changed, introducing the possibility to consider fieldwork either as *deterritorialized*, as has been done by Sally Engle Merry in her study on how women's human rights are adopted and articulated in different global localities (Merry 2006a), or as *multi-sited*, as has been described by George Marcus (Marcus 1995).

Although both formulations provide insight particularly on the nature of sociality characteristic of the community of practice of human rights experts, they also misdirect attention. Like much human rights work today, SCANET activities do occur in differing geographic locations, yet activity locations remain concrete territories. Thus to emphasize their deterritorial nature serves to strengthen the gap often construed to exist between such 'global' phenomena as that of human rights and different 'local' phenomena. Instead of adopting terminology contributing to the notion of qualitative differences between these different phenomena, this study prefers approaches emphasizing continuity in ideologies as well as knowledge practices between activities occurring in different localities over dispersed

periods of time. Even as localities change, the overarching notions - the ideological position of the human rights phenomenon, its ontological assumptions, conceptions of knowledge, learning and experts as well as the manner these are embodied in SCANET patterns of flow - remain unchanged, thus conjoining to form one large entity.

For this research continuity was embodied particularly by the analysis carried out in between SCANET activities: exploration of expert background papers, student papers, statements of purpose by SCANET and its funder, as well as membership profiles. This analysis was complemented by the analysis of abundant human rights documents both from the UN and Finnish policy makers among others, as well as continued reading of both 'mainstream' as well as 'critical' human rights scholarship. Participant observation in SCANET activities was complemented with participation in different human rights seminars and hearings particularly at the Finnish Foreign Ministry; this study also included two visits to the UN treaty body proceedings. Particularly data on the relationships between NAIL and human rights scholars has been provided for by my research environment at the University of Helsinki, which can be characterized to adhere to the NAIL approach of international law. In addition, I queried into the ideological position of the human rights phenomenon in the contemporary world, particularly in Finland, by recording, especially over the period between 2004 to 2006, instances where human rights were talked of in Finnish newspapers, in Helsingin Sanomat and other daily newspapers as well as women's magazines, TV programs and interviews. I also explored online English-language chatrooms. I analysed how the human rights discourse was utilized; how it was circulated, by whom, in what kind of quantities. Inclusion of material from the media was relevant to gain full appreciation for a phenomenon such as human rights strongly connected to the 'media-saturation' of the current era, as has been characterized by Sherry Ortner (Ortner 1998).

To expand my understanding of the role of the human rights discourse in the Finnish political discourse, I examined how the human rights discourse was utilized in the speeches of Finland's Foreign Minister between the years 1999 and 2006. To gain understanding of the process through which an issue becomes translated into a human rights issue I explored the rhetoric strategies utilized in relation to the issue of sexual minorities. In an attempt to understand the early phases of the human rights phenomenon, I invested significant attention in investigating the drafting of the Universal Declaration as well as the reform initiatives and the American civil liberties movement between 1900 and 1945. In order to appreciate temporality, I inspected the found-

ing years of human rights NGOs, institutes, journals, as well as investigated the emergence of principal human rights instruments. To gain context for Finland's role in the global human rights phenomenon, as well as the role of the human rights discourse in Finland, I overviewed historical events as well as political developments of past decades. Such diverse research could be accused of lacking focus, of attempting to address too many issues without allowing them sufficient depth. Aware of this danger, this study makes no claims for exhaustive treatment of discussed issues, attempting instead to highlight general patterns. Simultaneously, such a broad approach has been vital for an adequate understanding of the analysis conducted of SCANET activities: as the human rights phenomenon is multifaceted and complex, to address any specific area in it requires broad awareness of the abundant elements related to it.

DIVISION OF CHAPTERS

The subsequent study is divided into five chapters. Chapter 2 examines how the human rights phenomenon has expanded in the Finnish society through the concepts of *centre* and *periphery* (Wallerstein 2000; Hannerz 1992). It explores how, through the political turmoil of the past decades, the human rights discourse has acquired a central position, reflecting Finland's more general position in international politics and collaboration. After that, the chapter addresses the continual expansion of the human rights discourse, concluding by observing processes utilized in expansion in the case of 'LGBT- rights'. Chapter 3 introduces SCANET, the Scandinavian Network of Human Rights Experts. The chapter discusses the rise of the community of practice (Lave & Wenger 1991) of human rights experts through the transformation of the concept of human rights into 'free-floating' signifiers (Mehlman 1973; Laclau 1996). It investigates how this development has given rise to the experts' influential systemic agency (Sahlins 1996), as well as assigned the community of practice a favourable societal position in contemporary Finland. Through exploration of SCANET membership criteria, the chapter proceeds to offer a profile of expertise, as well as explores the temporality accompanying the community's emergence. The chapter concludes by investigating central elements of SCANET as embodying elements characteristic of the global elite of transnational activist networks. Chapter 4 moves discussion to SCANET educational activities, placing them in context with the recent proliferation of human rights educational programs as well as the UN Decade

of Human Rights Education of 1995-2004. In this chapter primary become patterns of flow instituted by SCANET activities as well as the conceptions of knowledge, learning and expertise they embody. This inquiry departs from the notion of human rights education as emancipatory, observing how this ideal is reflected in SCANET activities. Simultaneously the chapter explores whether a formal educational context such as SCANET offers a successful medium for reproducing the community of practice of human rights experts by investigating central expert knowledge practices through the analysis of the proceedings accompanying the submission of China's first state report to the Committee on Economic, Social and Cultural Rights.

Chapter 5 moves focus to the complex relationship of human rights and law through the controversial project of legalization. It also explores the 'passionate engagement' and controversy over expertise this project awakens between SCANET and NAIL scholars. This investigation is complemented by observing how the relationship of human rights and law is embodied in SCANET activities. The chapter concludes by focussing on the *creative space* of human rights experts, referring to a domain emerging in instances in which, instead of being portrayed as 'ready', human rights knowledge is construed by SCANET experts as incomplete and in need of being 'opened up'. This inquiry explores what sources of knowledge are relied on in such instances, as well as what kind of consequences these sources induce; here the primary finding becomes the decisive role held by the personas of human rights experts. Chapter 6 completes the analysis by exploring how the personas of SCANET experts reflect global and local structures of inequality and oppression by investigating the experts' geographic origin and gender, an analysis contrasted with the profile of SCANET students. This inquiry brings focus back to the analysis of Chapter 4 on the empowering qualities of human rights education. It asks whether human rights in action provide a radical break from patterns observed in other parts of the society, or whether similarities can be identified with them, contrary to the ideals of the abstract discourse.

CHAPTER TWO

EMERGENCE OF THE HUMAN RIGHTS PHENOMENON IN FINLAND

'Gone With the Wind

...I sail because I love sailing, not because I love the sea. This is because it is possible to love the sea also from dry land. Actually those staying ashore treat the ocean better than those sailing in the waters, as they pollute it less. When I discovered how common it is among boaters to empty their septic tanks into the ocean, I got furious ... Nowadays it is more common to wonder why a small boat cannot empty its waste into the ocean, as many cargo and passenger ships do so too. Good question, but one has to start from somewhere. And this is not a question of rights, but of obligations. It is not a human right to pollute the ocean.'

Bettina Sångbom, *McNaiset* 6.7.2006, 77;
original in Finnish, translation by author

The above excerpt originates from the monthly column of a celebrated journalist in one of Finland's foremost women's magazines. The passage is noteworthy due to the ingenious use it makes of the human rights discourse as something suitable to arbitrate whether or not boaters are allowed to dirty the already damaged coastal waterways. However, even more important is the fact that the discourse is used in the first place. This illustrates the societal and ideological position that the human rights discourse occupies in the Finnish context today: it has become a popularised discourse that is utilized by a wide spectrum of actors to address all kinds of everyday matters. This chapter explores the emergence of the human rights phenomenon in Finland by tracing it through the decades since the adoption of the Universal Declaration. By connecting this examination to post-World War II era political developments,

this chapter observes how the human rights discourse has moved from the *periphery* of the Finnish society to its *centre*. Simultaneously this development has transformed Finland from a peripheral into a central actor in the global human rights phenomenon.⁸

The concepts *centre* and *periphery* are familiar from the world-systems analysis of Emmanuel Wallerstein, who has utilized them to describe structural positions in a world economy (Wallerstein 2000, 86). Ulf Hannerz has expanded these concepts to include the flow of meanings (Hannerz 1992). This is also the sense in which these terms are utilized in the present study. The *centre* of the global human rights phenomenon can be approached through Sally Engle Merry's discussion on transnational consensus building producing the regime of human rights law. She characterizes this process as occurring in a transnational social space where actors from all parts of the world come together (Merry 2006a, 37). She discusses how this space has its own norms, values and cultural practices; how it is an English-speaking, largely secular, universalistic, law-governed culture which is organized around the formal equality of nations as well as their economic and political inequality (Merry 2006a, 37). In this study *periphery* refers to the opposite of *centre*: non-English speaking, religion-oriented, local cultures characterized by traditional customs and social structures.

These are elements that can be assessed as characterizing also Finland, particularly in the first decades of the post-World War II era. Following Merry's discussion as well as Hannerz's analysis on the flow of meaning, the *centre* of the human rights phenomenon is construed as being 'de-territorialized' (Merry 2006a). Consequently, in addition to emerging in such concrete locations as UN offices in Geneva and New York, *centres* may emerge in any given location that becomes the site of transnational human rights activity. The overarching observation of this chapter becomes the enormous expansion of the human rights phenomenon since the adoption of the Universal Declaration. One commentator calls this development 'the Rise and Rise of Human Rights' (Sellars 2002) while another has phrased us as living in 'The Age of Rights' (Henkin 1990). This chapter sets out to investigate how 'the age of rights' is reflected in the Finnish context.

⁸ Scholars and participants of the civil society concur that existing textual sources do not offer a comprehensive account of the discussed events. Thus this section also relies on interviews, correspondence and discussion with Juhani Kortteinen, Martin Scheinin, Tuomas Ojanen, Klaus Törnudd, Mikael Hidén, Matti Pellonpää and Holger Rotkirch. As this chapter is introductory in nature, it has not been possible to offer all addressed issues detailed empirical analysis. Instead it is hoped that such research will appear in the future. For an introduction into the historical origins of human rights in Finland, see Törnudd 1986, 13-18.

THE DISCOURSE AND THE DAWNING HUMAN RIGHTS PHENOMENON

For the purposes of this analysis the human rights phenomenon is construed as being formed of three parts: the human rights discourse, the community and artifacts (Graph 2).



Graph 2: *Human Rights Phenomenon*

The starting point of the contemporary human rights phenomenon is further set at the adoption of the UN Charter of 1945 entailing a reference to human rights, and consequently the adoption of the Universal Declaration of Human Rights in 1948.⁹ The human rights discourse is construed as stemming from the Age of Enlightenment and the natural rights theory articulated by such 17th and 18th century figures as John Locke and Immanuel Kant.¹⁰ The natural rights theory is further viewed as having transformed into a distinct and societally prestigious discourse primarily in the late 19th and early 20th century. This development is approached as having given rise to a budding sense of a human rights community, many members of whom advocated in the 1940s for the adoption of the Universal Declaration, the most important human rights artifact to date. Scholars differ greatly in their treatment of events leading up to the adoption of the Universal Declaration. Most common narratives emphasize the revulsion

⁹ For an introduction into to the human rights phenomenon, see among others MacFarlane 1985; Helminen & Lång 1987; Steiner & Alston 2000; Ignatieff 2001; Freeman 2002; Nowak 2003; Donnelly 2003; Marks & Clapham 2005; Mahoney 2007. For the historical background of the human rights phenomenon, see Donnelly 1985; Galtung 1994; Lauren 1998. For an introduction outlining the human rights regime in the late 1990s, see Hanski & Suksi 1997; Arat 2006; Isa & Feyter 2006.

¹⁰ See for example Locke 2007[1689] and Kant 1991[1784]. For an introduction to natural rights theories, see Tuck 1979.

provoked by the Holocaust (Powers 2003, Freeman 2002, Glendon 2003), and identify the emergence of the human rights discourse with the founding conference of the United Nations in San Francisco in the spring of 1945 (Alfredsson & Eide 1999; Morsink 1999; Glendon 2003; Waltz 2001). Such narratives are often associated with an emphasis on key individuals such as Eleanor Roosevelt, René Cassin or John Humphrey (Glendon 2001; Lauren 1998; Korey 1998).

These narratives are also viewed as problematic. Mark Mazover notes how research has demonstrated that Nazi atrocities were far less central to perceptions of the war in 1945 than they are today (Mazover 2004, 381).¹¹ Scholars have emphasized how the ‘visionary individual’ narrative overlooks state power and ignores the efforts of other individuals propagating the cause earlier, such as the émigré Russian lawyer Andre Mandelstam (Mazover 2004, 381; Burges 1992), or H.G. Wells (Wells 1940; Lauren 1998, 151-152; Mazover 2004, 385; Burges 1992, 464-468). The impact of Hersch Lauterpacht’s book ‘An International Bill of the Rights of Man’ is also often emphasized (Lauterpacht 1945; Mazover 2004, 385). In addition to specific visionary individuals, many scholars highlight the impact of numerous coalitions that emerged around the human rights discourse at the turn of the 20th century in Europe in particular, among them the famous Ligue française pour la défense des droits de l’homme et du citoyen (Simpson 2001; Petman 2006; L’Institut de Droit International 1929; Wiseberg & Scoble 1977, 292-3; Rinoceros 2006).¹² Criticism has likewise been aimed at the general tone of narratives outlining the origins of the human rights phenomenon, relating to the way they isolate political and legislative developments from their wider context. Consequently, reflecting the general spirit of forward-looking progressiveness of much human rights scholarship, for example the emergence of specific artifacts is approached rather with reference to developments *following* their adoption instead of detailed analysis of the historical context and other developments that contributed to the documents’ development *at the time* of their emergence (Mazover 2004, 397). This approach gives rise to

¹¹ Mark Mazover’s discussion provides one reflection of a significant discussion among historians of the interpretation of historic events; see Skinner 2002; Kosellek 2002; Palonen 2006 as well as Tuori 2006.

¹² The Ligue was founded in France in 1898 (Ligue de droits de l’homme et du citoyen, 2006) and prior to World War I enjoyed a huge membership, between 200 000 and 300 000 people. It promoted the founding of similar organizations elsewhere in Europe (although not in the UK) and the French colonial possessions. National Ligues were founded in Belgium and Greece the same year, and in Germany and Austria some decades later (Wiseberg and Scoble 1977, 292-3). In 1922, the International Federation of Human Rights Leagues was founded (Rinoceros 2006).

the impression that the human rights phenomenon progresses with an almost natural-law like momentum to its logical end point.

Aware of these criticisms, this section outlines developments that are for the purposes of this study understood as decisive. Yet due to limitations of space, its tone remains introductory. Overall, this analysis assigns greater weight to American influences in the drafting efforts for the Universal Declaration than is commonly done (see for example Petman 2006).¹³ This finding stems from two primary conclusions. First, due to the devastated conditions of Europe, as the continent had barely begun to recover from the war, no sources suggest that - despite the adoption of the European Convention on Human Rights in 1950 - surplus efforts were available in 1945 for such systematically orchestrated lobbying efforts that could have yielded sufficient momentum to secure the inclusion of references to human rights in the UN Charter or the establishment of the drafting committee for the Universal Declaration.¹⁴ Second, virtually all examined sources discussing both the lobbying efforts surrounding the inclusion of human rights references in the UN Charter and the drafting efforts for the Universal Declaration end up highlighting the importance of US impact. US influence is reflected in the documents commonly assigned the status as the most significant predecessors for the Universal Declaration; this matter will be elaborated in Chapter 3. American NGOs held a decisive role in efforts to gain recognition for human rights in the UN Charter, and individuals either born or educated in the US and North America were in key positions in the drafting process.¹⁵ Simultaneously no accounts suggest that European impacts held an equally significant and consistent role over any of these elements.

¹³ In the course of this research venture I spent nearly a year and a half exploring the origins of the Universal Declaration, the inter-war period and in particular the origins of the American civil liberties movement. The results of this research will be more fully reflected in a planned article.

¹⁴ This is reflected for example in the *Ligue française*: it was effectively destroyed during World War II as its members were dispersed, with many emigrating to the US. There the *Ligue* was reorganized and renamed the International League for the Rights of Man. Korey recognizes the League as one of the only NGOs focussing on human rights during the drafting of the Declaration. It included as members Eleanor Roosevelt and Charles Malik, future chair of the Drafting Committee (Wiseberg & Scoble 1977, 292-293; Korey 1998, 99-100; Cottrell 2000, 169; Walker 1999, 67, 392). For an account on the emigration of European intellectuals during World War II, see Krohn 1993.

¹⁵ Annelise Riles discusses how this is still characteristic due to 'the leadership of U.S. trained lawyers (of various nationalities) in the building of key institutions of the postwar international legal regime' (Riles 2006a, 59).

To gain further appreciation and context for the impact of American NGOs, it is useful to remember that many of the prestigious internationalist groups involved in the lobbying efforts behind the Universal Declaration exerted significant influence in the White House during the Roosevelt administration. These internationalist groups, still recalling the disappointment over US refusal to join the League of Nations, viewed strong US involvement in the new world organization as their key goal (Johnstone 2006, 133-164; Josephson, 1975; Cooper 2001; Eichelberger 1977; Korey 1998, 29-50; Simpson 2001, 190-202). Many of them viewed reference to human rights as the paramount element of the UN charter, and accounts of both contemporary and later scholars suggest that the US delegation only came to view their inclusion favourably after the lobbying of powerful American interest groups. With the Soviet Union and Great Britain opposing such inclusion, strong support by the US delegate became pivotal for the success of the evolving UN human rights regime.¹⁶ Instead of operating in a vacuum, these internationalist groups reflected a moment when in the US, following decades of activism, the civil liberties movement had arisen throughout the country including the US Supreme Court, and it celebrated the American Bill of Rights as the defining safeguard of individual liberties (Walker 1999; Cottrell 2000; Murphy 1979; US Supreme Court 2005).¹⁷ This movement also had international adherents, who in their turn contributed to efforts to draft the 'International Bill of Rights', as the Universal Declaration was called for example by Eleanor Roosevelt (Roosevelt 1992, 314).¹⁸

¹⁶ Korey states: 'What is especially striking, and generally not known, is that the historic breakthrough never would have taken place without the commitment, determination and pressure of a group of American nongovernmental organizations'. The drafting efforts featured 42 US-based interest groups which participated in the negotiations in a consultative status (Korey 1998, 29; 35-39). No other country enjoyed similar representation. A key moment in their input was May 2 1945, which marked the deadline of amendments to the Dumbarton Oaks proposals, then entailing no reference to human rights. Interest groups sprung into action, persuading the US delegation to back up the matter, and leading to inclusion of human rights in the UN Charter (Proskauer 1950, 219-227; Eichelberger 1977, 268-272; Commission to Study the Organization of Peace, 1945; Glendon 2001, 17. For a more cautionary version of this origin, see Simpson 2001, 243-244; 251-253).

¹⁷ Central here was the 1925 Scopes 'Monkey' trial over the teaching of the Darwinian theory of evolution versus the Biblical story of creationism (Scopes Trial 1925; Larson 1997, 35; Marsden 2006); a controversy that is still alive. The American civil liberties movement has a link to the drafting of the Universal Declaration through the persona of Roger Baldwin, the internationally minded long-term chairman of the American Civil Liberties Union, who is stated to have single-handedly reorganized the International League for the Rights of Man (Wiseberg & Scoble 1977, 292-293; Korey 1998, 99-100; Cottrell 2000, 169; Walker 1999, 67, 392).

¹⁸ Mary Ann Glendon mentions how as drafting progressed, the drafting committee slowly came

THE FIRST DECADES OF THE HUMAN RIGHTS PHENOMENON

After the Universal Declaration was adopted in 1948, scholarship commonly portrays the subsequent developments as marking a smooth and unchallenged triumph for the human rights phenomenon. Closer examination, however, suggests a more complex reality with the first decades after the adoption being overshadowed by the Cold War and marked by uncertainty and slowness. The 1950s and the early 1960s were particularly challenging: efforts to draft the Covenants on Civil and Political Rights as well as Economic, Social and Cultural Rights faced continual difficulties, and UN offices, including the Human Rights Commission, faced charges of increasing ‘politicization’ leading to inefficiency and coalition building. (Franck 1985, 94-116; Glendon 2001, 208; Evans 1996, 86). As a consequence of these charges, numerous powerful American NGOs turned their attention away from UN bodies and began exerting impact on the American and other governments instead (Korey 1998, 139). This intensified American unilateralism as the country, after resorting back to its earlier policy of isolationism, started increasingly to remain outside the UN framework. This undermined hopes for the new era of multilateral collaboration that had accompanied the founding of the organization.

Scholars have assessed that the UN human rights framework was undermined by the adoption of the European Convention on Human Rights in 1950 as well as the founding of the European Court of Human Rights providing a supranational forum for individual petitions, something that in the UN context was much weaker (Glendon 2001, 217). This intensified European collaboration - an outcome to which disappointment over the prolonged treaty negotiations at the UN certainly contributed - and some commentators have assessed this to have rendered the future of the UN’s human rights regime uncertain. (Simpson 2001, 511-542; Glendon 2001, 200-202). Combined, these circumstances led to a situation where for much of the period between 1945 and the early 1970s human rights remained ‘a “minority” interest’ (Evans 1996, 148) in the UN. Dag Hammarskjöld, for example, is stated to have given them low priority when he became the organization’s Secretary-General in 1953 (Glendon 2001, 208). Global public attention was occupied by security concerns, the Warsaw Pact and its tanks, the energy crisis and nuclear disarmament, and the human rights phenomenon remained at the margins of international collaboration (Evans 1996, 148; Franck 1985, 76-93).

to use the term *declaration* more often than *bill* (Glendon 2001, 66).

In the mid-1960s and 1970s the scales began to tip as the ‘painfully slow’ drafting efforts for the two Covenants started to bear fruit (Glendon 2001, 206). In 1966 the Covenants for Civil and Political Rights as well as Economic, Social and Cultural Rights were finally signed. It took yet another decade for the Covenants to enter into force, but in 1976 the ‘International Bill of Rights’ was finally completed (ICCPR, CESCR, 1976; High Commissioner for Human Rights 2006; Evans 1996, 91-95; Sellars 2002, 75-81; Craven 1995; Henkin, 1981). In terms of ratification signalling adherence of diverse states to the new regulatory human rights framework, the 1970s became decisive: whereas for example the Covenant on Economic, Social and Cultural Rights was during the 1960s ratified by only 6 states, by the end of the 1970s the number had grown to 61 (High Commissioner, 2004; Table 1).¹⁹ After this start, other documents soon followed: the Convention on the Elimination of All Forms of Racial Discrimination (CERD) entered into force already in 1969; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1987; and the Convention on the Rights of the Child (CRC) in 1990. As is illustrated by Table 1, after the 1970s treaty ratification received its second peak during the 1990s, a matter elaborated later.²⁰

FROM ‘FINLANDIZATION’ TO ‘EU MODEL PUPIL’

The relationship of Finland and the human rights phenomenon in the past decades remains a source of intense debate. This section attempts to introduce the different viewpoints of this discussion while simultaneously outlining how these developments are understood for the purposes of this study on the basis of inquiry, focussing, in addition to legislative developments and policy making, on the sentiments of the civil society. In this study, Finland’s attitude toward the human rights phenomenon until the late 1980s is seen as

¹⁹ In the 1960s the Covenant was ratified by Cyprus, Tunisia, Syria, Colombia, Equador and Costa Rica. Slow momentum can in part be ascribed to the necessity of bringing domestic legislation into conformity with the provisions of the Treaty before ratifying it.

²⁰ Table 1 includes the treaties that are enlisted in the website of the UN Office of the High Commissioner for Human Rights as the ‘Principal Human Rights Treaties’ - a formulation utilized later in this chapter to refer to these same documents. The years of Table 1 refer to entrance into force and the table excludes optional protocols. The list includes additionally the Convention on the Rights of Migrant Workers (CMW) ratified in 2003.

Table 1: *UN Human Rights Instruments*

Decade	Covenants	CESCR rat	Total CESCR rat
1940	UDHR 1948		
1950	(ECHR 1950)		
1960	ICCPR 1966		
	CESCR 1976		
	CERD 1969	6	6
1970	(ACHR 1978)	55	61
1980	CEDAW 1981		
	CAT 1987	30	91
1990	CRC 1990		
	(CairoDHR) 1990(NA)	50	141
2000	CMW 2003	10	151

being influenced particularly by its former official external affairs' policy of *neutrality* as well as its relationship with the Soviet Union. Both of these factors are further seen as having contributed to a situation where the relationship of Finland and the international human rights phenomenon was marked by certain internal and external distance. To elaborate this understanding, it is useful to take a brief glance into the recent historical developments of Finland.²¹ The geographic area that today forms the state of Finland was ceded to Russia in 1809 as the consequence of the war of 1808-1809, after having been a part of Sweden for seven centuries. During the Russian rule Finland held the status of an autonomous Grand Duchy.

At the turn of the 20th century a nationalistic sentiment emerged among the Finnish population, leading to the desire for independence, in part as a response to the harshening policies implemented by Russia, entailing assimilatory characteristics. The nationalistic sentiment was followed by political initiatives, and in 1917 Finland declared her independence. During the same year a civil war broke out in Finland between the 'Whites' and the 'Reds', the latter group supporting the establishment of a communist regime in Finland and gaining military support from Russia. The war left deep ideological tensions in the otherwise unified population. It likewise disturbed the relationship between Finland and Russia, as the involvement of Russian military forces in the civil war had been so extensive that a peace settlement was adopted between the two countries in 1920. For the next two decades, despite underlying tensions, peace prevailed over Finland.

²¹ This section attempts to provide a wider historical context for the discussed developments by highlighting key elements of Finnish history that form common knowledge for most Finns. Consequently it makes no claims for providing an exhaustive account of the discussed developments. For introduction into Finnish history, see for example Klinge 1987.

However, this changed at the dawn of World War II when the Soviet Union attacked Finland. This led first to the Winter War of 1939-1940, and then the Continuation War of 1941-1945.²²

Although Finland lost some of its territory, it maintained its independence, rendering it as a part of the small group of countries to border the Soviet Union but to remain outside the socialist regime in the post-World War II era. As was mentioned, Finland's official post-war foreign policy was governed by the principle of *neutrality*, the main intention of which was to remain outside the bi-polar conflicts of the Cold War. However, it has since become rather uniformly agreed upon that during the following decades the Soviet Union exerted a certain influence on both Finland's external affairs as well as its domestic climate. In external affairs the most concrete embodiment of this was the Agreement of Friendship, Cooperation, and Mutual Assistance concluded in 1948.²³ The era is characterized, particularly by some international commentators but also increasingly by Finnish scholars, by reservation toward Western influences in politics and public debates as well as by lack of criticism of the Soviet Union in the Finnish media; the era is talked of as *Finlandization* (Vihavainen, 1991; Luoto 1997).²⁴ Yet the extent of Soviet influence continues to generate vivid discussion: whereas some commentators consider the claims of Soviet influence to be exaggerated, others construe that its full impact has yet to be established. The debate is marked both by intense emotion as well as high interest. For instance, in November 2007, the publication of a new book by Alpo Rusi - a former ambassador who had previously been accused of being a DDR spy, leading to tremendous media interest - was highly featured in all major Finnish newspapers as well as in principal news broadcasts; it was likewise accompanied by vivid debate. The book claimed that in the past, many central politicians in power today con-

²² To avoid occupation, Finland allied itself with Germany, a matter that still causes discomfort for the Finnish population (Polvinen 1986). In standard school books, for example, the matter is devoted only fleeting and ambiguous attention. The wars created a great uniformity among the Finnish population as practically all families had members who participated in them.

²³ In the agreement Finland agreed to defend its territory against military invasion, if required, with Soviet Union assistance, and not to allow its area to be utilized in military action against the Soviet Union (Rasila et al 1980; Blomstedt et al 1988; Saraviita 1989; Joutsamo 1990). The nature and impact of the Agreement continue to generate discussion, as the Soviet Union and Finland held occasionally greatly differing interpretations of the topic.

²⁴ Finland, however, did participate in the collaboration between the Nordic countries - formed by Finland, Sweden, Norway, Denmark and Iceland - joining the Nordic Council in 1956; see Nordic Council 2007. Finland participated in the OECD as well as EFTA from the 1960s onwards, and became a full member in EFTA in 1986.

tinually provided the Soviet Union with information about Finland's internal affairs (Rusi 2007; MTV3 Netti, 2007).

This ongoing debate also impacts the manner in which Finland's participation in international collaboration is viewed. Whereas some commentators emphasize continuity in Finnish policy, others locate a decisive qualitative alteration in the late 1980s; this is the view followed in this study. Accounts emphasizing change construe Soviet influence as remaining predominant in Finnish foreign policy until the end of the 1980s, when the European political turmoil - led by the collapse of the Berlin Wall in 1989 and the crumbling of the socialist regime - induced rapid and profound changes. Many commentators construe these developments as marking a shift in Finland's foreign policy toward stronger political association with Western Europe, of which one reflection was membership in the Council of Europe. Whereas Finland had previously remained outside of the Council because of 'reasons of (Eastern) foreign politics' (Luoto 1997, 63; translation by author), in 1989 Finland joined it as the last Western democracy to do so - only months before the first former socialist state, Hungary. 1991 saw the end of the Agreement of Friendship, Cooperation, and Mutual Assistance with the Soviet Union, and in 1995 Finland joined the European Union, following a favourable referendum.

These political developments were accompanied by other subtle yet significant changes in the general atmosphere of the Finnish society. Signs were visible particularly in the metropolitan area of Helsinki: numerous international chains opened their stores in the downtown area; the streets began to portray a more diverse mixture of different races, whereas the population had previously been almost uniformly Finnish; and English and other foreign languages became a regular part of city life. It seemed that as Finland had recovered from the severe recession of the early 1990s, it had become more open and cosmopolitan than ever. In the late 1990s and the new millennium these cosmopolitan influences have become ever more evident as Finland has become an active participant in EU policies, being among the first nations to adopt the EURO as its national currency. Despite its formal policy of 'non-alignment' in military affairs, today politicians regularly discuss Finland's possibilities to join NATO.²⁵ In particular, the speeches of many politicians convey the impression that, in addition to Western Europe, there exists the

²⁵ Finland's activeness as well as the pro-EU sentiment of many predominant Finnish politics have lead some sardonic Finnish journalists to cite it as the EU's 'model pupil'. The political enthusiasm - particularly right wing - toward both the EU and the US often appears to exceed that of the Finnish population. Consequently NATO membership remains unlikely due to lack of popular support.

desire to strengthen Finland's ideological proximity to the US while taking distance from Russia. In the autumn of 2007 this was illustrated by the speech of Finland's Defence Minister during his official visit to the US: he stated - speaking, according to most leading Finnish politicians, without due consideration and consequently causing significant internal controversy - that Finland's greatest security challenge is today created by Russia (Yle Uutiset 7.9.2007).

These developments provide the background for exploring both the position of the human rights discourse in the Finnish society and Finland's position in the international human rights phenomenon. Although Finland participated in the UN human rights regime from early on, both of these elements are, until the early 1990s, construed as being influenced by Finland's relationship with the Soviet Union (Luoto 1997, 63-65). Yet also this matter remains the source of controversy, as other commentators construe such an assessment to overemphasize the importance of Finland's refraining from ethical judgements regarding the human rights circumstances of the East Bloc countries; this matter will be elaborated on later. For the Soviet Union, the relationship with the international human rights phenomenon was marked by conflict already as the new regime was emerging: as was mentioned, during the planning for the UN it became evident that the Soviet Union - echoed by Great Britain - was greatly adversarial toward the inclusion of references to human rights in its Charter (Mazover 2004, 398; Proskauer 1950, 219-220; Korey 1998, 33-34). This opposition continued during the drafting for the Universal Declaration, channelling itself into ideological strife between the West and the Soviet Bloc and resulting in repeated heated exchanges between members of the drafting committee on the content of rights, among other things (Sellars 2002, 67-85; Evans 1996, 79-95; Evans 1998, 10; Korey 1998, 46-50; Morsink 1999, 157-190; Glendon 2001).²⁶ In the end these circumstances led to the 'disappointing abstentions' (Roosevelt 1992, 322) of the Soviet Bloc when they abstained to vote for the adoption of the Universal Declaration (Universal Declaration 1948).²⁷

²⁶ This tension was summarized in candid fashion by Eleanor Roosevelt in her autobiography: 'Thus, over the years, in one capacity or another, I saw a great deal of the Russian delegates and not infrequently felt I saw and heard too much of them, because they were usually the centre of opposition to our ideas' (Roosevelt 1992, 311).

²⁷ The only countries to abstain from voting in addition to the 6 countries of the Soviet bloc were South Africa and Saudi-Arabia, protesting against the articles related to religious freedom, marriage rights and racial equality. Honduras and Yemen were absent from the vote, whereas all the other 48 members states of the UN voted for the adoption of the Declaration.

During the Cold War the Soviet Union, despite refraining from voting, seized upon the opportunity to utilize the human rights discourse to highlight US racial policies (Glendon 2001, 193-199) - a topic that had gained embarrassing momentum in 1947 through the petition of the National Association for the Advancement of Colored People (NAACP) of the 'alienable rights' of African Americans in the US (Smythe 1947; Mazover 2004, 395; Adams & Sanders 2003). The US retaliated by focussing on forced labour in the Soviet Union, calling it an institutionalized form of slavery; this was a charge initially raised by Britain (Sellars 2002, 67-75). Later the Soviet Union took a leading role - along with the US - in efforts to stall the negotiations for the Covenants for Civil and Political Rights as well as Economic, Social and Cultural Rights (Glendon 2001, 195-199; Simpson 2001, 511-542; Sellars 2002, 75-78). Through their ongoing protest, the Soviets 'gained themselves a reputation for obstruction' (Sellars 2002, 76), and scholars have described them as, among other things, becoming notorious for their efforts to 'silence the NGOs at the UN' (Korey 1998, 77-94).²⁸

FROM THE 1950S TO THE END OF THE COLD WAR

After becoming a member of the UN in 1955, Finland followed the momentum of the other Nordic countries - commonly construed as progressive regarding the human rights discourse²⁹ - for example ratifying the principal human rights treaties in the same pace with them in the 1970s and 1980s. These ratifications importantly included the optional protocols entailing the provisions that subjected the ratifying party to the monitoring proceedings outlined by the treaty (High Commissioner 2004; Table 2). In the 1960s Finland worked actively in the Commission on the Status of Women, particularly through the personal contribution of Helvi Sipilä, who later became the first female Assistant Secretary General of the UN. An active input was also given by

²⁸ The relationship of the US to the human rights regime also continued as distraught, as the US continually treated human rights and human rights violations as something that existed abroad, notwithstanding its intense ongoing battle for the civil rights of African Americans (Sellars 2002, 114-133; Adams & Sanders 2003, 265-294). This policy of 'double standards' continues to arouse criticism along with the heavy reservations that accompany US ratifications of human rights treaties (Chomsky 1998; Redgewell 2003; Glendon 2001, 193-199; Sellars 2002, 75-85; Evans 1996, 72-95).

²⁹ See for example Lauren 1998, 13, 46-47, 51, 79, 81, 107; as well as Pelkonen & Rosas 1983. Nordic countries acquired a high profile in the new UN, reflected in the nomination of Norwegian Trygve Lie as the first Secretary General, and Swedish Dag Hammarskjöld as the second (UN Secretaries General, 2006; Bring 2003). These high-profile positions were followed by others, establishing a tradition of Nordic individuals in important posts in UN organs.

Table 2: *Ratifications of Principal Human Rights Treaties by Nordic Countries*

YEAR		Country
1940	1948 UDHR (Signed)	Sweden
		Norway
		Iceland
		Denmark
1950	1955 Member of the UN	Finland
1960	1969 CERD	Iceland
1970	1970 CERD	Finland
	1970 CERD	Norway
	1972 CERD	Denmark
	1972 CERD	Sweden
	1976 CESC	Denmark
	1976 CESC	Finland
	1976 CESC	Norway
	1976 CESC	Sweden
	1976 ICCPR	Denmark
	1976 ICCPR	Finland
	1976 ICCPR	Norway
	1976 ICCPR	Sweden
1980	1979 CESC	Iceland
	1979 ICCPR	Iceland
	1981 CEDAW	Norway
	1982 CEDAW	Sweden
	1983 CEDAW	Denmark
	1985 CEDAW	Iceland
	1986 CEDAW	Finland
	1987 CAT	Denmark
1987 CAT	Norway	
1990	1987 CAT	Sweden
	1989 CAT	Finland
	1990 CRC	Sweden
	1991 CRC	Denmark
	1991 CRC	Finland
	1991 CRC	Norway
	1992 CRC	Iceland
	1996 CAT	Iceland

Finland regarding the issue of discrimination and the protection of minority rights particularly through the personal contribution of Voitto Saario. In 1975 Finland hosted the important Conference on Security and Co-operation in Europe (CSCE), bringing together government leaders from both the West and the Eastern Bloc. Particularly during the preparations for the Conference, human rights issues were thoroughly discussed (Bloed 1993; Pentikäinen

1994).³⁰ By the 1980s Finland had established itself as an integral participant in the international human rights phenomenon, with a well-established record of membership in UN human rights treaty bodies as well as the Commission on Human Rights (Törnudd 1986, 22-28; 276-285). Finland received favourable evaluation in its commitment to the human rights phenomenon, and in one evaluation from 1983 it was given the highest rating - together with only Denmark and New Zealand - in an effort at a worldwide comparison dealing only with civil and political rights (Törnudd 1986, 287 quoting Humana 1983, 24-26, 184-185).

Simultaneously Finland's participation has been assessed as being impacted by Soviet influence. In his analysis on the relationship of Finnish foreign policy and human rights Juha Luoto notes that, although Finland's policy of neutrality led to reticence in all matters that could be construed to fall within the domestic sphere of other states, this was most visible regarding questions that related to the Soviet Union (Luoto 1997, 60-65). A prominent SCANET expert describes how Finland 'during the Cold War ... stood with [its] "mittens in the air" when we should have taken a stand'. The status of the human rights discourse within the Finnish society remained controversial, as the era was marked by deep ideological division. On the one end of the spectrum were the student groups with close ties to Western Europe, yet exerting limited societal influence, who established the Finnish branch of Amnesty International in 1974.³¹ On the other were the more influential left-wing groups from social democrats to communists - the group *taistolaiset* obtaining the highest profile (Relander 1997) - harbouring close sympathies to the Soviet Union. Most of these groups viewed the human rights discourse as anti-Soviet propaganda perpetrated by the US, and consequently opposed any reference to it. Thus, despite treaty ratifications, at the beginning of the 1980s Finland appeared to hold greater ideological distance to the human rights regime than the other Nordic countries which increased their development aid, making direct connections to human rights through such programs as the 'human rights based approach to development'. By contrast, commen-

³⁰ The Final Act led to the adoption of Charter 77 signed by prominent Czech intellectuals, which has since been treated as important for the human rights movement in European socialist countries. The Helsinki Final Act also led to the founding of the Helsinki Watch in 1978, later transforming into the prominent US-based Human Rights Watch (Human Rights Watch 2006).

³¹ Amnesty's operations in Finland began in an informal manner in 1964, with the Finnish department founded in 1967. However, at that time it did not achieve national following. Thus a board was selected in 1974, starting a new era reflected by growing membership numbers (Amnesty International 2006a).

tators construed in the mid-1990s that the approach had not been sufficiently prevalent in Finland, and instead it was only implemented in the new millennium (see for example Kumppani-lehti 1996; Seppänen 2005).

In the other Nordic countries these policies were accompanied by increasing discussions about human rights, also focussing on the internal conditions of these countries. By contrast, a participant in the civil society remembers feeling that human rights were continually an unsuitable topic of internal political discussion in Finland. Thus, for example, the first doctoral dissertation focussing explicitly on human rights issues appeared in Finland only in 1984 (Pellonpää 1984). It was with the new winds of Glasnost that public attitudes began to alter.³² In 1990, following Finland's membership in the Council of Europe, Finland ratified the European Convention on Human Rights (European Court of Human Rights 2007).³³ A prominent SCANET expert construes the time to have also marked Finland's increasing activeness in UN contexts. She associates Finland's changed policy with a specific meeting of the Human Rights Commission in spring 1990 when, during the preparatory meetings, Finland's representative simply asked that Finland bring up certain considerations relating to the internal affairs of different states, ones that it would previously not have highlighted in its policy of *neutrality*. Finland's intensified engagement at the end of the Cold War reflects the general development of the human rights phenomenon, which had continued its expansion in the 1980s. By the time the core content of the human rights discourse embodied by the Universal Declaration was reaffirmed at the Vienna World Conference on Human Rights in 1993 (Vienna Declaration 1993), the human rights discourse had already established itself as the primary discourse of international diplomacy and cooperation.

However, for human rights to develop into the global phenomenon they would become in the new millennium, a seminal event was still required

³² Some commentators mention as a seminal event for the new era the 1986 publication of Klaus Törnudd's 'Finland and the International Norms of Human Rights'. As Törnudd was at the time working at the Finnish Foreign Ministry, the book is in retrospect viewed as a semi-official discussion opener; yet Törnudd himself views such an assessment as dramatic exaggeration.

³³ Ratification was preceded by discussion on the compatibility of the Finnish legal system to the requirements of the Convention, with particular concern created by the length of service for conscripts who do not do military service, the status of conscientious objectors, the personnel records held by the police and certain matters relating to foreigners (Pellonpää 1988, 313-316; Helsingin Sanomat 11/1988, 36-38; Scheinin 1988). The status of Finnish conscientious objectors continues to provoke controversy (Foreign Affairs 2004c). In many other respects the Finnish legislation was in conformity with the Convention due to developments of earlier decades; many thanks to Matti Pellonpää for clarification on this point.

at the turn of the 1990s: the end of the Cold War. As has been repeatedly noted, only these events elevated human rights into ideological trumps, making them the moral backbone of the new world order and bringing ‘the end of history’ (Fukuyama 1993). In their rush to join the liberal world, new post-socialist states hurried to intensify their participation in the human rights regime - a participation that simultaneously signified the abandonment of old ideologies in favour of the one embedded in the human rights discourse. This rush is reflected in the ratifications of the Covenant on Economic, Social and Cultural Rights: in the 1990s it was ratified by the Former Yugoslav Republic of Macedonia, Turkmenistan, Uzbekistan, Slovakia, Slovenia, Moldova, Georgia, Czech republic, Croatia, Bosnia & Herzegovina and Armenia, as well as all the Baltic countries.³⁴ By the end of the decade the Covenant had 50 new ratifications, making that decade almost as active in ratifications as the 1970s (High Commissioner 2004).³⁵ In terms of ratified treaties, former socialist states have rapidly become some of the most active participants in the human rights phenomenon: two have ratified all principal 12 human rights treaties - a record held by only three other states - and a supplementary eight have ratified all but one.³⁶

In Finland at the beginning of the 1990s, the internal position of the human rights discourse was still in a flux and had not yet permeated Finnish law, nor was it viewed as the sole discourse on rights. This is reflected by the introduction to Finnish constitutional law by Mikael Hidén and Ilkka Saraviita published in 1994, a volume used as a text book in Finnish law faculties: in its discussion on the background and origins of ‘certain inalienable rights’, the book uses the formulation ‘which can be named e.g. human rights or fundamental rights’ (Hidén & Saraviita 1994, 272; translation by author). The reference to fundamental rights introduces an alternative discourse of *perusoikeudet*, which can be construed as more indigenous to the Finnish legal culture as well as holding a significantly longer pedigree. This is highlighted by examining a book by Mikael Hidén on constitutional rights

³⁴ Of these ratifications, six are successions, meaning that they continue former treaty relations from the Soviet era.

³⁵ Other ratified countries included such diverse states as Thailand, Liechtenstein, Burkina Faso, Brasil, Israel and Switzerland. In 2000 the wave slowed down, with 10 ratifications from geographically dispersed areas, the most noteworthy ratification coming from China (High Commissioner 2004).

³⁶ The list of 12 major instruments is offered on the website of the High Commissioner for Human Rights. In this discussion, the Optional Protocol for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is excluded; the document has only been ratified by Madagascar.

from 1971: it makes no reference to human rights, discussing instead the origins of fundamental rights as deriving from old laws from the 18th century, when Finland was a part of Sweden. In discussion of the hierarchy of legal norms, no reference is made to international human rights treaties, nor is the Universal Declaration mentioned (Hidén 1971). The same findings apply to an introduction to Finnish public law from 1982, which likewise makes no mention of the human rights discourse (Merikoski & Vilkkonen, 1982).

In the Finnish context the two discourses, that of human rights (*ihmi-soikeudet*) and ‘fundamental rights’ (*perusoikeudet*), have further traditionally been substantively distinguished from each other: the latter has referred to the rights of Finnish citizens listed in the Finnish constitution, the former to rights deriving ‘from treaties of international law that bind Finland, or through other arrangements’ (Scheinin 1988, 1; Scheinin 1991, Ojanen 2003; Ojanen & Haapea 2006). In the aforementioned textbook from 1994, the relationship of Finnish fundamental rights and human rights is further defined as follows: ‘Although by no means identical to each other, in many central substantive questions the contents of fundamental rights and human rights norms correspond to each other’ (Hidén & Saraviita 1994, 273, translation by author). This distinction has been interpreted as being radically altered by the fundamental rights reform of 1995, which has been characterized as ending their separation from human rights. Veli-Pekka Viljanen discusses how human rights and fundamental rights have become mutually *complementary* instead of competing orders; how the substantive differences between the two have been effectively annulled. He further notes how Finnish courts and officials have been active in their promotion of human rights, as well as how human rights have entered into the Finnish culture of rights through *pervasion*, a process which has also been characterized as constitutionalization (Scheinin 1996). Combined, these developments have been construed to mark the end of the closed Finnish legal culture (Viljanen 1996).

THE HUMAN RIGHTS DISCOURSE IN THE NEW MILLENNIUM

In the new millennium the human rights discourse has stabilized its position at the centre of Finland’s foreign policy. The centrality of the human rights discourse in Finnish political rhetoric is reflected by the speeches of the country’s Foreign Minister Erkki Tuomioja between the period 1999-2006.³⁷

³⁷ Erkki Tuomioja became Foreign Minister in February 2000, following the election of the former Foreign Minister Tarja Halonen as president. In 1999 Tuomioja was the Minister of Commerce and Industry.

whereas in 1999 human rights were mentioned in only one in eight and in 2000 one in five speeches, by the year 2006 the frequency was two speeches out of three (Table 3).

Table 3: *Human Rights mentioned in Finland's Foreign Affairs Minister's Speeches*

Year	Speeches	HR mentioned	%
1999	8	1	13%
2000	17	3	18%
2001	17	6	35%
2002	26	13	50%
2003	23	16	70%
2004	27	23	85%
2005	32	15	47%
2006	12	8	67%
Total	162	85	52%

On the level of policy-making, the centrality of the human rights discourse is highlighted for example by the Foreign Affairs Ministry's report of 2000, which states the increased centrality of human rights to form an explicit goal for foreign and security policy (Human Rights Report 2000). This emphasis was strengthened in Finland's 2004 Human Right's Report, celebrated as the first of its kind (Foreign Affairs Ministry 2004a).³⁸ These developments find their origins in the mid-1990s, when a more general shift occurred in Finnish foreign policy from the former emphasis on disarmament to human rights; this is a development some commentators assign in particular to Finland's current President and then Foreign Minister Tarja Halonen. Emphasis on human rights has led to the emergence of different collaborative ventures between ministries, the civil society and international actors. This is exemplified by the program of the International Helsinki Federation for Human Rights in 2000, which stated itself to be 'the broadest and most comprehensive program of human rights monitoring and advocacy in the history of the organization'. The program received funding both from national ministries and the EU, as well as such prominent funders as the Ford foundation (International Helsinki Federation for Human Rights 2001). Human rights and their advancement were likewise highlighted by the new Finnish Government Programme of 2007, which mentions that the

³⁸ Although similar reports were published in 1998 and in 2000, the 2004 report was greatly more expansive and featured domestic elements, contrary to earlier ones; yet the main emphasis has remained on external affairs. The report follows the model of Sweden, where similar reports have been drafted for decades. See *Mänskliga rättigheter i Sverige* 2001.

Finnish government actively promotes the global advancement of human rights (Government Programme 2007).

The manner in which the human rights discourse has permeated Finnish policy-making is reflected in the educational reforms of the new millennium. Finland's 2004 human rights report mentions that in the future, human rights education should begin in primary school, discussing how ethical discussions in schools should be founded on the Universal Declaration. The report discusses initiatives already taken concerning human rights education, mentioning how in the new millennium it has been directed toward the functionaries of foreign affairs as well as others in leadership positions in the government (Human Rights Report 2004). In the new governmental decree on education from 2002, 'respect of life and human rights' was mentioned as forming the foundation for high school education (Valtioneuvoston asetus 955/2002). In 2003, the primacy of human rights was highlighted by the online magazine of the Finnish Ministry of Education, likewise emphasizing how human rights form the foundational values of the new educational curriculum, and in 2007 human rights were invested a similar position in the educational plan by the Ministry of Education for the years 2006-2008 (Ministry of Education 2007b).³⁹

To summarize these developments, from Finland's 1955 membership in the UN to the educational policy in 2007, the human rights discourse has moved from the *periphery* to the *centre* of Finnish policy making. Finland's relationship to the human rights phenomenon - measured in terms of its participation both in the UN and European human rights regimes, its activeness in commenting on the internal human rights records of other countries, its alignment of public policy with human rights, as well as the activeness of its civil society - no longer differs from that of the other Nordic countries. Instead, all the Nordic countries are jointly regarded as the global leaders of the human rights phenomenon. They belong to the group of 41 states that have ratified all but one of the 12 principal human rights treaties as enlisted by the UN High Commissioner for Human Rights (High Commissioner, 2004).⁴⁰ They are active in the UN diplomatic and political community, with

³⁹ These developments gain context from international developments discussed in Chapter 4.

⁴⁰ For all the Nordic countries the absent treaty is the same as for most Western European states, namely the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). The position of migrants in the Nordic countries has aroused some criticism, reflected for example in the 2006 Amnesty International report noting how Sweden has deported foreigners (Amnesty International 2006b). In 2004 and 2005 concern was raised over Sweden's actions to ban torture in the form of exporting suspected terrorists (Amnesty

numerous of their citizens in high positions in different UN human rights bodies, and they provide substantial funding for the High Commissioner for Human Rights. Finland's high status in the human rights phenomenon was reflected in its election to the newly formed Human Right Council in May 2006. It is likewise repeated in treaty body proceedings, which provides increasing motivation for participation: Sally Engle Merry mentions a Finnish delegate noting, of the CEDAW Committee proceedings, how 'it is good for the government ministers to come to the hearings to hear the questions and the praise the experts give to countries such as her own that have made notable progress toward gender equality.' This provides valuable feedback about 'Finland's place and image in the world as a leader in women's human rights' (Merry 2006a, 85). Although in the new millennium the human rights phenomenon has met its greatest challenge since World War II, namely the war against terrorism initiated by the US as a response to the terrorist attacks of 11 September 2001,⁴¹ in the Finnish context this has not induced severe challenges; instead, the human rights phenomenon appears to continually strengthen its ideological position.

THE HUMAN RIGHTS DISCOURSE AND THE GENERAL POPULATION

The above narrative has focussed on the position of the human rights discourse in Finnish policy-making and political rhetoric, giving only fleeting attention to the divided attitudes of political youth groups of the 1970s. To add further layers to the story - as well as to gain further context for the ideologically favoured position of human rights experts discussed in the next chapter - a glance is required at the manner in which the discourse has been received more generally in the Finnish society. This matter is explored primarily by investigating how different interest groups have adopted the discourse to articulate their specific concerns. Specific focus is invested on the issue of 'LGBT-rights' - the rights of lesbians, gays, bisexuals and transsexuals - and the strategies utilized to expand the human rights discourse to include the specific concerns related to it. Here examination focusses particularly on

International 2004; Human Rights Watch 2005). However, such criticism is usually presented against the backdrop of the special responsibilities of Nordic countries as world leaders in human rights affairs.

⁴¹ For three central scholarly contributions on the effects of the war on terrorism, see the symposia of the *American Journal of International Law* 2002; *The Nordic Journal of Human Rights* 2002, and the *European Journal of International Law* 2003. On the impact of the US hegemonic position on the foundations of international law, see Byers & Nolte 2003.

the exchanges accompanying a hearing organized in 2003 at the Finnish parliament for the preparation of Finland's 2004 Human Rights Report. These exchanges are likewise explored to identify how the human rights discourse is today adopted by representatives of political parties to address their respective agendas. The background for this inquiry is provided by the continual thematic and substantive expansion the human rights discourse has faced over the past decades: an issue starting off the subsequent discussion. This chapter concludes by exploring a few additional instances where the human rights discourse has been utilized by Finnish actors to address surprising contexts, attempting to illustrate how commonly it is utilized today by different domains.

THEMATIC AND SUBSTANTIVE EXPANSION

Expansion has been one of the most salient elements of the entire global human rights phenomenon. In the UN human rights regime, this is reflected in the continuous proliferation of new human rights instruments which expand the scope of the human rights discourse by introducing new rights and circumstances to it: in 2004 the website for the Office of the High Commissioner for Human Rights enlisted a total of 109 documents under the heading 'International Human Rights Instruments', including both legally binding and non-binding instruments such as Declarations, Optional Protocols, Principles, Recommendations, Guidelines and Codes of Conduct; and an additional nine working groups working on new documents (High Commissioner 2004; Working Groups 2006; Table 4).⁴²

Table 4: *UN Human Rights Instruments*

	1940	1950	1960	1970	1980	1990	2000
Signed Covenants	2	7	7	2	2	1	1
In Force	2	4	5	5	2	1	1
Declarations	1	1	6	8	5	5	4+1
Total of Decade	5	12	18	15	9	7	6+1
Total of All	5	17	35	50	59	66	72+1

Thematic expansion is illustrated by the transformation of 'women's rights' into 'women's human rights'. This development started in the 1980s - the

⁴² The information on the website is a few years old, as no update has been made on the Convention on the Rights of Persons with Disabilities, nor does the website enlist any of the Declarations adopted after the year 2000, for example the Declaration of Commitment on HIV/AIDS (2001).

Convention on the Elimination of all Forms of Violence Against Women entered into force in 1981 (High Commissioner 2004) - and gained enormous momentum in the 1990s. Today the link between the two has become commonplace, and talk of women's rights appears old-fashioned.⁴³ This thematic shift has been accompanied by substantive expansion enlarging the significance of key concepts. Sally Engle Merry describes how the meaning of 'violence against women' has expanded from the original meaning - men's violence against their partners in the form of rape, assault, and murder - to include 'female genital mutilation/cutting, gender-based violence by police and military forces in armed conflict as well as in everyday life, violence against refugee women and asylum seekers, trafficking and prostitution, sexual harassment, forced pregnancy, forced abortion, forced sterilization, female foeticide and infanticide, early and forced marriage, honor killings, and widowhood violations' (Merry 2006a, 21; 59-60).

Similar examples are abundant. Today indigenous and minority rights are increasingly formulated as 'human rights to culture'; a trend that started with full vigour in the 1990s (Margalit & Halbertal, 2004; Cowan, Dembour & Wilson 2001; Samson 2001; Fried 2003; McIntosh, 2003; Sieder & Witchell 2001; Halme 2005).⁴⁴ The same decade saw environmental law become increasingly articulated in the human rights discourse through arguments that nature should be protected in order to preserve the best environment for human beings (Sakamoto 1996; Boyle & Andersson 1996), and this development has continued in the new millennium (see Kolari 2004). These years have also seen the human rights discourse utilized in issues of labour law (Marceau 2002), the WTO as well as trade law, the last discussion giving rise to the curious phrase 'the human rights of companies'.⁴⁵ In 2006 the Human

⁴³ Hilary Clinton's speech at the Beijing Conference in 1995 is often mentioned as a key moment (Cook 1994, 20; Keck and Sikkink 1998; Peterson & Parisi 1998; Pentikäinen 2003; Marks & Clapham 2005, 411-428; *The New York Times* 1995; Sun 1997; Riles 2002). This development has led to the establishing of such organizations as 'Women's Human Rights Net' (<http://www.whrnet.org/>) and formulations such as 'Global Women's Human Rights' in the speeches of George and Laura W. Bush (*The White House* 2004). For an overview on the relationship of the UN and women, see Pietilä 2005.

⁴⁴ These claims can be linked to the trend of using the concept of culture to back up claims for differential treatment, a wave that began with full vigour in the 1980s and has today raised the concept as perhaps the biggest buzzword of minority and indigenous rights. As Jane Cohen, Richard Wilson and Marie-Bénédicte Dembour note, the time for this is curious, as the same years saw criticism increase towards the concept in anthropology (Cowan, Dembour & Wilson 2001, 3).

⁴⁵ The core themes of this discussion were summarized by a debate-inciting article by Ernst-Ulrich Petersman in which he discusses how the functioning of the WTO must increasingly take human rights reflections seriously (Petersman 2003). See also Thomas 1998.

Rights Quarterly introduced one of the most surprising academic invocations to date, talking of the ‘the emerging human right to tobacco control’ (Dresler & Marks 2006).

This thematic expansion of academic invocations has been accompanied by a steady increase of academic journals focussing on human rights, a matter explored by overviewing the emergence of English-language journals.⁴⁶ This investigation reproduces the temporality observed regarding treaty ratification with a slow start and few concrete developments in the first decades after the adoption of the Universal Declaration. In the 1960s the only English-language human rights journal was the Columbia Human Rights Law Review founded in 1967. The 1970s saw the emergence of two additional journals, of these most importantly the Human Rights Quarterly founded in 1979. Although a few more publications emerged in the 1980s, it was only in the 1990s that real proliferation commenced, with a total of 12 new journals appearing during the decade.⁴⁷ The pace intensified in the first years of the new millennium, as by 2005 11 new journals had appeared (Table 5). When the entire period after the Universal Declaration is viewed, the decade between 1995 and 2005 appears particularly active: whereas prior to 1995, only 13 human rights journals and periodicals existed, during the following decade 17 new journals were established, bringing the total number to 30.

Outside the academia, as is expected, the human rights discourse has seen even greater expansion. The issue of women’s human rights has expanded into the question of the ‘human right to wear a jilbab’ (Spiked-liberties 2006); the claim of ‘human right to family’ has been utilized to defend desires to marry one’s former father-in-law (The Sunday Times 2005); and a disabled Danish man has argued for the existence of a “‘human right’ to a sex life’ (Taipei Times 2006).⁴⁸ Online chatrooms talk of the ‘human right to a nuclear

⁴⁶ Table 5 aims to cover most principal English-language human rights journals located online through various means. A helpful source list of journals is supported by the Washington and Lee Law School (available at <http://lawlib.wlu.edu/LJ/index.aspx?country=All%20Countries&subject=Human+Rights%2c+Civil+Rights>). Site visited on 25.8.2006. Information on founding year as well as publisher are derived from journal home sites, found primarily through google.com.

⁴⁷ The 1970s saw the publications of several pivotal human rights books, of which one example is Ronald Dworkin’s influential work *Taking Rights Seriously* in 1977 (Dworkin 1977). The book commenced the development of a positivist system of rights, allowing lawyers to make sense of the emerging human rights regime; a German equivalent is Robert Alexy’s *Theorie der Grundrechte* from 1985 (Alexy 1985).

⁴⁸ In concordance with social service guidelines from 2001, the man attempted to get social services to offer financial support to bring prostitutes to his flat, prostitution being legal in the

Table 5: *Human Rights Journals*

YEAR	Name	Publisher	Total
1960	1967 Columbia Human Rights Law Review	U of Columbia	1
1970	1971 Israel Yearbook on Human Rights	Brill	2
	1979 Human Rights Quarterly (formerly Universal Human Rights)	John Hopkins U	
1980	1982 The Netherlands Quarterly of Human Rights	Intersentia (2002-)	5
	1982 The Nordic Journal of Human Rights	U of Oslo	
	1985 South African Journal on Human Rights	U of the Witwatersrand	
	1988 Harvard Human Rights Journal	U of Harvard	
	1988 Harvard Human Rights Yearbook	U of Harvard	
1990	1993 The East African Journal of Peace and Human R	University of Makerere	12
	1993 Int Journal of Minority & Group Rights	Brill	
	1993 Int Journal of Children's Rights	Leiden	
	1994 The Buffalo Human Rights Law Review	U of Buffalo	
	1994 The Human Rights Brief	C for HR & Humanit. Law	
	1994 Australian Journal of Human Rights	U of New South Wales	
	1996 International Journal of Human Rights	Routledge	
	1996 The European Human Rights Law Review	Sweet and Maxwell	
	1996 Human Rights Magazine	Amer. Bar Association	
	1997 Mediterranean Journal of Human Rights	University of Malta	
	1997 Indiana International human Rights Law Bulletin	Indiana U	
	1999 Yale Human Rights and Development Law Journal	U of Yale	
2000	2000 BMC International Health and Human Rights	U of Helsinki	12
	2000 Human Rights & Human Welfare	U of Denver	
	2000 Asia Pacific Journal of Human Rights and the Law	Martinus Nijhoff	
	2000 Asia Rights	Asian Civic Rights Net	
	2001 The Human Rights Law Review	U of Nottingham	
	2001 African Human Rights Law Journal	U of Pretoria	
	2001 Journal of Human Rights	Routledge	
	2002 Journal of Human Rights	U of Connecticut	
	2003 Journal of International Human Rights	Northwestern U	
	2003 Muslim World Journal of Human Rights	Berkeley U (e-version)	
	2005 Intercultural Human Rights Law Review	U of St Thomas	
	2005 Human Rights Law Commentary (online)	U of Nottingham	
TOTAL			32

free world' (Counterpunch 2006); they discuss the 'human right to renewable energy' (Renewable Energy Access 2005) and ask how far this right extends - 'Free speech as a human right yes, free TV as a human right no' (World Changing 2005). What about the 'human right to a nice hot cup of tea?'

country. When his plea was refused, the man initiated legal proceedings against the state, arguing that the decision violated his human right to a sex life.

(World Changing 2005). San Francisco's mayor Gavin Newsom - undoubtedly tongue-in-cheek - utilized the human rights discourse to describe Wi-Fi, a new technology, as "a basic human right" - sort of like gay marriage, but for nerds' (The Register 2006). An online abortion debate asks: '[i]f a human is crossbred with dog, shouldn't the outcome of that not have human rights?' (Internet Infidels Discussion Board 2005). In Spain and Austria activists attempt to secure human rights to the great apes (The Spain Herald 2006; Great Ape Project 2006; HS 3.4.2007);⁴⁹ and in the UK an activist utilizes the human rights discourse to advocate for the right of sheep to remain homosexual (HS 20.3.2007). In sum, the expansion of the human rights discourse appears infinite, and has - quite justifiably - started to awaken serious concern. This is reflected by the following newspaper article on the consequences of the UK 1998 Human Rights Act which has been followed by an avalanche of different, competing and conflicting human rights claims. The article notes how 'Afghan hijackers and ranting mullahs had a human right not to be deported. A Nigerian visitor had a human right to a National Health Service heart transplant. A released killer had a human right not to have his parole terms enforced. The dying had a human right to euthanasia and the living a human right to reject a cancer-carrying embryo... Rights are cited against sexual harassment, personal offence, noisy neighbours, landscape views and the wheelchair navigation of a spiral staircase.' The article further claims that 'a tribunal actually bothered to hear, at public expense, a teacher claiming that a "farting chair" infringed her human right to avoid embarrassment. A silly law is an invitation to silliness' (The Sunday Times 2006a).

EXPANSE OF THE FINNISH DISCOURSE

Such expansion of the human rights discourse entails sombre challenges for the human rights phenomenon, discussed in the next chapter. To focus on the Finnish developments, although they are more modest in scope, also here expanse has been characteristic. Yet similar critical accounts as the one cited above have so far been primarily absent. To explore some of the processes through which expansion has occurred, it is illuminating to examine the exchanges of a hearing organized in October 2003 in association with preparations for Finland's 2004 Human Rights Report. In addition to govern-

⁴⁹ Many thanks to Varro Vooglaid for this quote. Discussions on what constitute a human being have their scholarly equivalents, stemming from advances in gene technologies. These developments bring new vigour to abortion debates. In law, compelling are questions related to how the social is constituted and persons and things made in legal processes (Pottage & Mundy 2004).

ment representatives, the hearing featured NGO representatives, bureaucrats and scholars, and its exchanges exemplify instances where the human rights discourse is transformed into a part of wider social and political currents as well as ongoing political debate. This was particularly visible in the interventions of parliament members, which came to reflect the wider concerns of their political parties.⁵⁰

The first comment was made by a representative of a left-wing party who expressed concern over the weakening of health care system as well as regional inequality in Finland. Particularly the first of these concerns is traditional for the Finnish left. This comment was followed by one from a right-wing party member who emphasized the benefits of globalization and trade and enforced the importance of education to ensure Finland's success at international competition; again, these are traditional right-wing views. The right-wing party member also utilized the forum to acknowledge the criticism Finland had received on the speedy manner in which it handled refugee applications. The representative continued that this criticism was unwarranted and that the Finnish practice was good. These comments utilized the hearing as a medium for expanding the human rights discourse to address ongoing political debates. These comments were followed by a representative of the centre party - a notorious figure due to political scandal earlier that year - who in his comment again emphasized domestic aspects. He focussed particularly on the position of children, mentioning explicitly the position of children taken into custody: another area that had aroused international criticism toward Finland. After this he focussed on the issue of children's mental healthcare in Finland. At the time of the hearing this topic was the subject of intense controversy at the Finnish Parliament, stemming from plans to cut back public funds allocated to it. The topic had received both intensive media attention and initiatives from parliament members, and in the end the plans were cancelled (KELA 2003).

What becomes decisive for the present analysis is that the comments, rather than being phrased for example in terms of Finland's obligations stemming from international human rights instruments, stemmed directly from ongoing internal political debates. Simultaneously the comments expanded the human rights discourse to areas which are not mentioned in Finland's human rights treaty obligations or the eventual 2004 Report, for the preparation of which the hearing was organized. It appears unlikely that the com-

⁵⁰ In total, parliament members representing left and right-wing parties made five comments each, while the parliament member representing the centre party made three comments.

menting politicians even expected or were particularly interested in whether their comments would find a place within Finland's official human rights discourse. Rather, the hearing appeared as one additional forum within the Finnish political life in which the representatives could pursue their agendas. This tendency was likewise visible in many of the later interventions by NGOs. Here most conspicuous became the intervention of an NGO representative focussing on the position of children in Finland. The representative opened the intervention with an explicitly polemic comment, stating that 'as I get paid for provoking, I shall do so now as well'. After this, the representative proceeded to outline a list of concerns, most of which had remote or no connection with international human rights norms and were instead directly linked to local politics. The representative mentioned how a Finnish city had cut back on its educational budget by 3%, and emphasized how the city's actions were jeopardizing the right of the area's children to equal education.

THE HUMAN RIGHTS DISCOURSE AND 'LGBT-RIGHTS'

The hearing also provided an example of an instance where the expanse of the discourse was challenged due to the controversial nature of issues that were attempted to be incorporated into it, namely the rights of sexual minorities or LGBT-rights: lesbian, gay, bisexual and transsexual rights. Despite repeated attempts to mainstream the issue as a part of the Finnish human rights discourse and policy-making in the past, its position has remained marginal. To fully grasp the Finnish developments as well as the rhetorical tools utilized in these initiatives, a glance into international developments is useful. Although occasional arguments suggest a much longer background (Sanders 2002, 1), the first initiatives on LGBT-rights in an international forum are most clearly associable with the late 1970s.⁵¹ In the new millennium orchestrated efforts have been made for the adoption of a UN resolution on the matter, first in 2002 at the UN General Assembly, where attention

⁵¹ In 1978 the International Lesbian and Gay Association (ILGA 2006) was founded and in 1981 the first case, *Dudgeon v. United Kingdom*, was adjudicated at the European Court of Human Rights, affirming the protection of lesbian and gay rights by noting that a law criminalizing consensual homosexual conduct in Northern Ireland violated the Convention. For this case as well as a summary of jurisprudence on sexual orientation and gender identity, see Human Rights Watch 2006. However, this remained the only favourable ruling of the 1980s, and in 1986 Klaus Törnudd stated 'there are no United Nations norms specifically concerned with the human rights of homosexuals' (Törnudd 1986, 269). The 1990s were characterized by positive rulings particularly at the European Court of Human Rights, a development continuing in the new millennium.

was drawn to the lack of elaboration by an intergovernmental body of the concepts 'sexual minority' or 'sexual orientation' (UN 2002). The following year saw the most prominent initiative to date: the resolution proposed by the Brazilian delegation of the UN Human Rights Commission to prohibit discrimination based on sexual orientation (UN 2003). The resolution was discussed in sessions in 2003 and 2004, but it proved too controversial for adoption. It has since been dropped from the Commission's agenda, and it appears unlikely that its predecessor the Human Rights Council will bring it up in the near future (Redding 2006; Marks & Clapham 2005, 327-343). Consequently lobbying efforts have altered their form. Spring 2007, for example, saw the publication of the 'Yogyakarta Principles' on the application of international human rights law in relation to sexual orientation and gender identity (Yogyakarta Principles 2007). Their publication was the result of a high-profile meeting including leading human rights scholars and UN experts, and they were introduced, for example, in an unofficial lunch meeting of the Fall 2007 session of the Human Rights Committee, where treaty members were encouraged to consider how the principles could be applicable to the Committee's work.

Finnish developments reflect the international momentum, as the issue was first raised by a Finnish interest group at an international forum in 1979. Then the NGO for sexual equality, SETA (founded in 1974), made a formal complaint to the Human Rights Committee claiming that a provision of the Finnish Penal Code relating to public encouragement to 'indecent behaviour between persons of the same sex' violated free speech (Törnudd 1986, 269-270). Since then systematic attempts have been made to have the issue of sexual orientation incorporated under the human rights discourse, particularly under provisions related to equality and non-discrimination. Yet the issue has remained marginal. For example in the 2000 Human Rights Report, whereas the rights of the disabled were discussed on three pages (Human Rights Report 2000, 121-123), those of sexual minorities were mentioned in only one paragraph under the rubric of minority rights (Human Rights Report 2000, 93). Also, analysis of Finland's Foreign Minister's speeches in the period of 1999-2003 demonstrates that he made no references to the issue. Sexual minorities were mentioned in the 2004 Report under the chapter discussing discrimination with the text referring to the 2002 UN General Assembly Third Committee meeting, where Finland supported a proposed resolution containing the term sexual orientation. The report also mentions that Finland actively supports the initiative of Brazil to have a resolution dealing with sexual orientation approved in the UN Human Rights Commission, now-

days Council. It is mentioned that Finland will bring forth the rights of sexual and gender minorities in other contexts as an essential human rights question that has so far not received sufficient attention (Human Rights Report 2004, 103). Yet the space allotted to these issues remains brief - one paragraph in the 130-page entity (Human Rights Report 2004, 102).

This outcome was far more limited than what was desired by Finnish interest groups, as is demonstrated by the extensive intervention made by a representative of the NGO on sexual minorities in the discussed hearing of 2003. The intervention included a general reference to the position of sexual minorities, mentioning violence against transsexuals, particularly women; the problems of intrasex people and the question of adoption by same sex couples; and the practices of the Lutheran church, which were described as discriminatory against homosexual employees. After that the representative addressed the problems of transsexuals, emphasizing how the demographic profiles of government records continued to hold information of previous gender after sex-change operations; this was seen as a violation of the protection of information. Finally the intervention drew attention to the corrective surgeries performed usually on newborns or young intrasex children, meaning children who are born with identifiers of both sexes. These comments entail important elements requiring closer attention. To begin with the references to homosexual employees of the Lutheran church, they illustrate instances where the human rights discourse is utilized to address controversial domestic political topics for which it has otherwise proven occasionally challenging to gain wider societal attention. That these issues were articulated through the human rights discourse can be connected to the hope that this might invest them with greater legitimacy and lead to general acceptance. This applies to the comment relating to the position of homosexual church employees; a topic that had at the time received considerable attention in domestic press, but the progress of which remained uncertain. An even more controversial topic was that of adoption by same-sex couples. The issue had been discussed by the Parliament on numerous occasions, so far without agreement. Yet future success of legislative initiatives on the issue appears likely.

When examining the rhetorical strategies utilized in these initiatives, international lobbying efforts include arguments that they 'already exist' in the current human rights instruments. This approach surfaced particularly after the Brazil proposal was rejected, with views commenting that the setback was not as severe as initially feared: since the rights being advocated for are all effectively covered by the existing documents, the argument goes, the role of any potential new document is primarily to *unify* existing dis-

courses, (WHRNet 2006). This strategy is visible in the Finnish context, as the NGO representative interventions demonstrate how acceptance for the controversial topic of LGBT-rights is attempted by connecting it to issues that already enjoy a more clearly defined status within the Finnish human rights discourse. Here illustrative are the comments where the NGO representative described the corrective surgery commonly performed on intrasex children as ‘intrasex genital mutilation’.

This terminology connected this issue to another one holding a particularly clearly established profile in the human rights discourse, namely female genital mutilation. This issue was at the time invested with considerable political attention in Finland, and it was also mentioned repeatedly in the 2003 hearing: in his opening speech, the Foreign Minister referred to ‘harmful cultural practices that must never be allowed to deprive women or children of their rights’. In addition, the issue was mentioned twice more during the hearing, and the issue of cultural relativity and the rights of women once. The intervention of the representative of NGO on sexual minorities equated these two practices with each other, aiming to position the cause of transsexual children more favourably due to the common disapproval bestowed upon the practice of ‘female genital mutilation’. In her comment the representative equated the position of intrasex children also with the disabled, a group whose concerns likewise hold a more recognized position in the human rights discourse, as is reflected for example by the 2006 adoption of the Convention on the Rights of Persons with Disabilities (Convention on the Rights of Persons with Disabilities 2006). The NGO representative clarified this equation by noting: ‘It is not an entirely marginal group I am talking about: there are more intrasex children born annually than those with Down syndrome.’

The intervention of the NGO representative also included another rhetorical strategy, one where the position of sexual minorities was approached through extension of existing categories. This applies particularly to the conception of ‘discrimination’. In the hearing the NGO representative discussed discrimination by phrasing the group that might potentially face it as being constituted of the ‘disabled, homosexual, religious minority’, and in an article from a left wing magazine from the same year assigned to the same group ‘gay, transvestite, immigrant, hearing impaired, Muslim’. Examination of the speeches and writings of the same NGO representative from the following years suggest that this connection was not the result of an isolated instance, but rather part of a systematic strategy to expand the category of discrimination in the human rights discourse by equating the socially and politically controversial topic of sexual orientation with that of more readily acceptable

minorities. Speeches from 2005 show two instances where the representative equated the position of sexual minorities to other groups facing discrimination such as gender, age, ethnic background, disability, and conviction; and an article from 2006 makes the same reference by associating discrimination on the basis of 'homosexuality, transgender, ethnicity, age, disability'.

To assess the effectiveness of these rhetorical strategies, these interventions appear to have produced some results, although modest ones. When evaluating how the position of sexual minorities is reflected in the Finnish human rights policy through the speeches of Finland's Foreign Minister, it can be noted that prior to 2004, the 91 analysed speeches entailed no references to the rights of sexual minorities. Instead the group facing discrimination emerges as being constituted of women, children, ethnic groups and indigenous peoples, minorities and to a more marginal extent, disabled people. Sexual minorities were not mentioned in the Foreign Minister's speech commencing the hearing in 2003, although explicit reference was made to these other groups. The year 2004 demonstrates a differing pattern: in the speeches made during that year, sexual minorities are mentioned on four occasions. Yet, for example, one of these mentions occurs in a formulation differing considerably from the significance in which sexual minorities were discussed by the NGO representative. Instead the Foreign Minister phrased the matter as 'people with disability within minority groups, and sexual minorities within immigrant groups'. As was already noted, although the issue of sexual minorities was mentioned in the 2004 report, the mention remains brief - in total the matter is discussed in one paragraph in the 130-page report - and the discussion focusses exclusively on the position of sexual minorities.

Thus all the other comments of the hearing are left outside it and the Report makes no reference, for example, to the more contested issue of right of adoption by same sex couples. Also, in the part commencing the sector on 'Discrimination', referring to Article 6 of the Finnish Constitution, the position of sexual minorities is not explicitly mentioned as it entails, in addition to explicit mention of the groups conventionally associated under this category in human rights law, instead the phrase 'other matter relating to a person' (Human Rights Report 2004, 102). Neither was the issue of LGBT-rights mentioned by the Foreign Minister in his speech to the Parliament upon presenting the report (Foreign Affairs Ministry 2004b), and the position of sexual minorities has not established itself as a staple in political parlance. Consequently there is a total absence of references to sexual minorities in the speeches of the Foreign Minister after 2004 (Table 6).⁵²

⁵² The matter, however, received significant recognition in summer 2006 in Helsingin Sanomat

Table 6: 'Rights of', Total 1999-2006

	<i>minority</i>	<i>ethnic/ indigenous</i>	<i>women</i>	<i>children</i>	<i>disabled</i>	<i>sexual minority</i>	<i>total</i>
1999	-	-	-	-	-	-	-
2000	2	2	2	1	1	-	8
2001	1	3	3	1	-	-	8
2002	-	-	4	1	-	-	5
2003	4	4	6	6	3	-	23
2004	4	7	8	5	3	4	31
2005	1	-	1	-	-	-	2
2006	-	-	3	2	-	-	5
Total	12	16	27	16	7	4	82
%	15%	20%	33%	20%	9%	5%	100%

To summarize this analysis on the discussions around Finland's 2004 Human Rights Report, two primary observations emerge of the human rights discourse in the Finland and the processes contributing to its expansion. First, these discussions demonstrate how in practical situations the human rights discourse is transformed into a venue for discussing local social and political issues which at times may be greatly distant from the abstract provisions of international human rights instruments. Second, the success with which different interests become accepted as a part of the discourse depends greatly on their wider social and political acceptance. Consequently, although controversial issues might benefit greatly from being accepted into the discourse, their controversial nature renders their wider societal recognition significantly difficult. To conclude this section, a few general observations can be made of the position of the human rights discourse among the Finnish population. Today most Finns are familiar with the discourse and view it with great favour.

This has been reflected, for example, in rapidly growing membership numbers for the Finnish Amnesty International in the new millennium: in the years between 2003 and 2007 the number has tripled, jumping from 10 000 to over 30 000. Examination of membership profiles suggests that the group reflects primarily the same demography as the group leading the statistics in separating from the church as they are primarily young urban adults. Expansionary development has also been visible for example for UNICEF when explored in terms of people making regular monthly donations to the organization. Whereas in 2000 this group included only some hundreds of individuals, by 2006 the figure had exceeded 40 000. In addition to mem-

which published a guest-editorial on the topic, discussing the rights of sexual minorities as human rights.

bership and financial donations, particularly many young Finns participate readily in such human rights initiatives as signing online Amnesty petitions. The human rights discourse is becoming increasingly prevalent for addressing a great range of issues, as was reflected in the opening quotation of this chapter. Three additional examples demonstrate how the discourse is utilized in surprising and innovative contexts by laymen. A Finnish book on sleeping disorders describes how sleep and sleeping, through being constitutive to a good life, become human rights (Hyypä & Kronhom 1998, 192). A representative of the council of the City of Helsinki utilizes the functioning of libraries as essentially human rights work (Helsingin kaupunginvaltuusto 1.2.2006, Aarnipuu, 2006). Finally, the food pages of Finland's largest newspaper utilize the human rights discourse as follows:

'To the hunters of wild greens [edible plants that grow in nature] spring is what autumn is to those picking mushrooms [...] We acquire our food far too easily, which [...] harms us in many, invisible ways [...] We are drowning in food, evidenced in increasing food wastage, increased production rates and obesity [...] People could search for their food, find it, pick it up, carry it home and prepare it [...] People not only have a right to enjoy their food, but also to the pleasure brought by its finding [...] I am talking of a topic that in my opinion should belong to human rights.'

Vivi-Ann Sjögren,
Helsingin Sanomien kuukausiliite 5/2006, 95-97;
original in Finnish, translation by author

CHAPTER THREE

THE SCANDINAVIAN NETWORK OF HUMAN RIGHTS EXPERTS

Two high school acquaintances run into each other after ten years. They briefly exchange news of their lives. One has had two children, the other is working on a PhD. The first one asks what the PhD is about, the other answers 'Human Rights'. Before the other has time to elaborate, the first one exclaims: 'It's nice to know that at least some of us are doing something good.'

This instance occurred to me when I was about two years into my research. The exchange stuck with me due to its distinct and unambiguously positive conception of my work; an unlikely notion had I told my classmate that I was pursuing my earlier research on the relationship of the Miccosukee Indians and the State of Florida. The above instance was not an isolated one, either. When discussing my topic with friends working in diverse fields, as well as with strangers, I observed how the very reference to 'human rights' was received as entailing noble aspirations to improve the world. Whereas this rendered me occasionally uneasy - I felt I was operating under a false banner due to my more complex analytical approach to the human rights phenomenon - it communicated to me that people identified as (aspiring) human rights experts are received as kind-hearted and well-intentioned individuals. In addition to enjoying this characterization, these personal experiences acquired an analytical significance as they directed my ethnographic gaze to the favourable societal position enjoyed by human rights experts in the Finnish society.

This position is illustrated by the tone utilized to describe human rights experts in the Finnish media, a matter explored through two featured articles from prominent newspapers and magazines following the nomination of a

human rights expert to a high-status international position (HS 4.9.2005, SK 19.8.2005).⁴⁶ The articles highlight the expert's persona by emphasizing two characteristics: on the one hand kindness, on the other, toughness. The first characteristic emerges from expressions describing the expert as agreeable and good-humoured. The articles mention how 'she laughs gently - at herself' and how she upon being greeted is 'visibly in a good mood even though the day appears to have been a busy one' and they describe how she 'states kindly' and talks 'without raising her voice'. The articles emphasize that 'self-indulgence is not a part of [her] style' and that 'she is not one of those who greatly crave to dress in a business suit'. Both articles discuss the expert's family ties, which are cultivated and privileged. They also include detail connecting the expert to her wider context. This description emphasizes imagery of nature and everyday artifacts. They outline how in the interview setting 'the surface of the river is moss-green, the oaks old and great' and mention how 'a gust of wind strokes across the table and raw apples fall from the tree'. They note how the expert 'sniffs the south-west wind' while sitting 'under the apple trees'. Both articles mention the expert making and drinking coffee, one of them enclosing detail on the type of cup used - 'an old fashioned porcelain cup' - the other on the quality of the coffee made by the expert - 'good, strong coffee'. They mention that the expert enjoys entertaining guests and describe the dishes she is planning to offer them.

This image is contrasted with the one where the expert 'howls', 'scolds', and 'does not get along with others at any cost'. The expert is known 'as a snappish discussant' who does not leave it 'unclear what her opinion is'. She is described as 'so to speak, to have balls' which 'stops her knees from trembling' in difficult situations. As reasons for such strongly contrasting personal characteristics the articles mention the expert's commitment to her beliefs, which are 'always on the side of the weak against the strong' and for the defence of which she is willing to engage in strong disagreements. Both articles mention her desire to improve the world through her work for the defence for human rights which she characterizes as 'work for building a global societal peace'. Both articles highlight how the expert's commitment to her values has a long pedigree, as she 'already in primary school brought home the most ragged and dirty school mates and gave them her books'. They emphasize her role as a pioneer who concerned herself with human rights also during an era 'when human rights were not in fashion'. The articles discuss

⁴⁶ The original language of the articles is Finnish and all quotes are translations by the author. The Finnish-English General Dictionary (Hurma, Malin & Syväoja, 1984) has been consulted for translation of individual terms.

how her commitment has guided her career, leading first to involvement in domestic policy-making and human rights education. From this her engagement has globalized, as she now travels over 120 days a year, meeting people from all parts of the world. This leads to tremendously long working hours. She mentions being ‘used to 14-16 hour days’, a condition for which her new engagement, added on top of her existing commitments, contributes. To summarize the lay conception of a human rights expert emerging from these two articles, she is portrayed as a kindhearted yet courageous person; a visionary and a pioneer willing to make great temporal investments in her attempts to improve the world even while facing opposition or personal unpopularity.

The conception of human rights experts is strongly contrasted by the tone used particularly in Finnish tabloid newspapers to describe Lutheran ministers, whose actions are today regularly featured in headlines and front pages. To illustrate this with a few examples, four recurring themes can be identified. One of them relates to ministers’ violent behaviour, resulting for example in June 2007 in the headline by the tabloid paper *Iltalehti* ‘The police were summoned - a confirmation camp disrupted’, with the story telling how ‘the children ran to escape the enraged minister’.⁴⁷ In 2005 headlines focussed particularly on the actions of ‘the Beating Minister’ (*hakkaajapappi*) referring to a minister convicted of physical assault (Kivioja 2007). The second recurring theme are ministers appearing in their workplaces intoxicated by alcohol. For example in April 2007 *Iltalehti* reported how a minister was fired for drinking.⁴⁸ The third, and perhaps the most enduring source for headlines, is the still ongoing controversy over the position of female ministers. Although the Finnish Lutheran church approved the right of women to serve as ministers in 1988, conservative male ministers continue to hold the option to refrain from working in the same service with female ministers. This option is commonly frowned upon by the press. Thus for example in May 2007, *Iltalehti* featured the headline ‘Female minister chased from the church’ to describe an instance where a male minister refused to work with a female minister.⁴⁹ The fourth, and perhaps the most frequent source of headlines, is formed by issues of morality and sexuality. In 2005 this was most visible in the numerous headlines utilizing the expression ‘The Cheating

⁴⁷ This instance also generated an online debate with participants commenting: ‘is it any surprise that my child and I don’t belong to the church’. Both the link to the article as well as the discussion are available at *KeskusteluSuomi* 24, 2007; the *Iltalehti* website offers direct links only to its recent issues.

⁴⁸ Reference to article available at Plaza 2007.

⁴⁹ Article available at the discussion forum Blogspot (2007).

Bishop' (*pettäjäpiispa*) to discuss an instance where the marriage of a bishop was dissolved due to an extra-marital affair (Kivioja 2007).⁵⁰

These four themes have raised particularly the personal lives of Lutheran ministers as a genre of the new 'scandals' reported on and sought after by the Finnish tabloid media (Kivioja 2007). Simultaneously instances where church-related headlines in mainstream media are positive remain scarce.⁵¹ Although, arguably, this applies to most headlines dwelling on disasters and scandal, the above examples demonstrate how in the media Lutheran ministers fail to occupy a position of spiritual leadership and moral integrity, resulting in a vacuum of public role models. It is overstated to claim that this position has been identically filled by human rights experts, yet media portrayals suggest that today public conceptions view these experts, in addition to being people knowledgeable about human rights, as morally righteous individuals providing leadership for others. Importantly, such descriptions entail nothing inevitable. Scholarship offers contrasting portrayals where human rights experts are depicted, instead of as reformers of the world, above all as bureaucrats characterized by their distinct knowledge practices (see for example Riles 2001a). The research of Daniel Goldstein provides yet another contrast: while exploring public conceptions of human rights advocates in Bolivia, he noted that although the political elites continually approach the human rights discourse, increasing inequality and civil unrest have left public sentiments more divided. Thus '[i]t is widely believed in the barrios of [the Bolivian town of] Cochabamba that human rights advocates defend the delinquents, positioning them as enemies of law-abiding citizens' (Goldstein 2007, 64).

THE SYSTEMIC AGENCY OF HUMAN RIGHTS EXPERTS

Despite positive connotations bestowed upon human rights experts in Finland as well as the frequent use of the concept 'human rights expert' to denote indi-

⁵⁰ This element is, of course, not restricted to the Finnish Lutheran Church, as particularly the Catholic church is a recurring source of similar headlines. Consequently, for example in October 2007, *Ilta-lehti* reported of a new Vatican sex scandal where a priest in a high position had made sexual advances toward a young man (*Ilta-lehti* 16.10.2007).

⁵¹ An exception was formed by the autumn 2007 headlines relating to the actions of one parish to assist an asylum seeker whose application had been rejected by the Finnish immigration officials. This instance was part of a larger campaign by the Lutheran church to actively assist asylum seekers. See *Kirkko turvapaikkana* (2007). Another important instance was provided by the November 2007 shooting incident in a Finnish school, after which the church was highlighted as a place of sanctuary by most of Finnish press.

viduals working with human rights, the concept's content has received little systematic attention: who human rights experts are, what they do, and how they acquire their status, among other things. Finnish media invocations suggest the concept to be rather fluid and utilized about individuals with highly diverse backgrounds. This finding reflects the membership criteria of UN treaty bodies. Although members are required to be 'experts', no exhaustive definition is offered on what renders an individual as such (see for example Human Rights Committee 2006; also Craven 1995). To approach the issue more analytically, the concept 'community of practice' becomes useful.

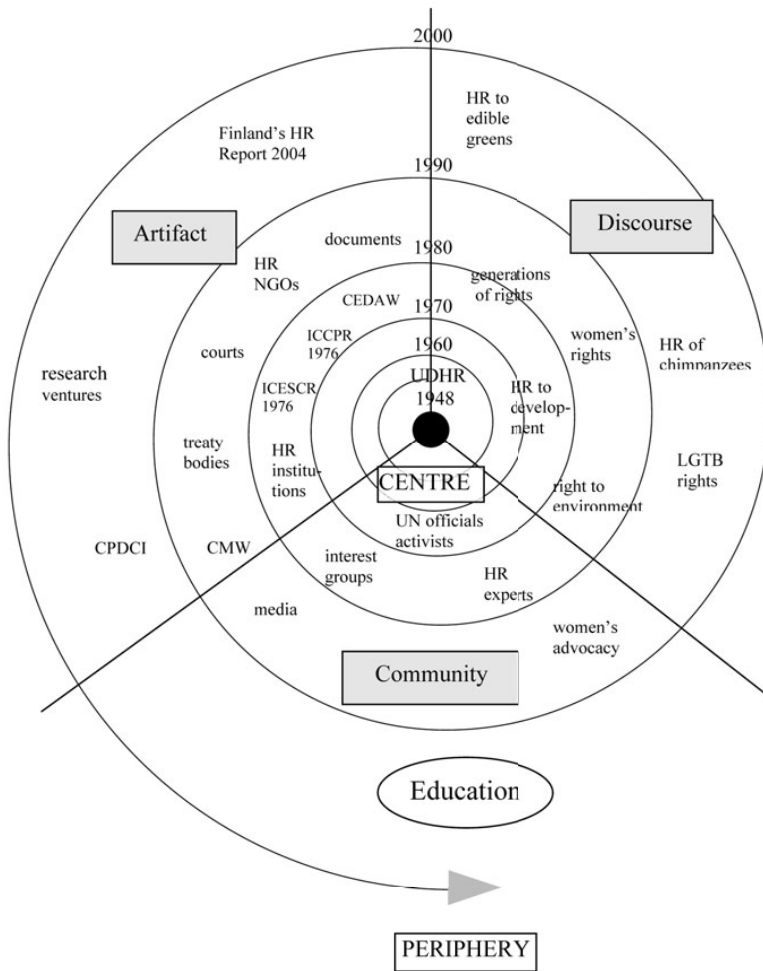
The concept is utilized by Jean Lave and Etienne Wenger to describe learning processes, and although they offer no exhaustive definition, they characterize it as a 'set of relations among persons, activity, and world over time and in relation with other tangential and overlapping communities of practice' (Lave & Wenger 1991, 98).⁵² This study construes the community of practice of human rights experts as formed of individuals having both training and professional experience in human rights issues, who gain all or part of their income from human rights work: consultative positions, research and teaching on human rights issues, NGO work or UN positions, among other things. The community is construed as being relatively new, as professional positions have emerged only recently; in the past UN treaty bodies, for example, were charged of being populated by senior officials reflecting political government interests and lacking expertise in human rights issues (Craven 1995, 45).⁵³ Professional human rights experts began to emerge in significant numbers only in the 1980s and particularly in the 1990s. This temporality reflects the findings of Yves Dezalay and Bryant Garth on the community of practice of international arbitration lawyers (Dezalay & Garth 1996).

To acquire precision for these vague characterizations, the profile of human rights expertise is explored through the members of the Scandinavian Network of Human Rights Experts, SCANET. However, before that, the significance of human rights expert positions needs to be addressed. Why does it matter who is called a human rights expert? What kind of authority do experts exert in the human rights phenomenon? This study connects answers to these questions to the continual expanse of the human rights phenomenon

⁵² Membership in communities of practice includes knowledge of 'who is involved; what they do; what everyday life is like; how masters talk, walk, work, and generally conduct their lives; how people who are not part of the community of practice interact with it' (Lave & Wenger 1991, 95).

⁵³ Little scholarship is available on such facets of UN work. Here the primary source has been an interview with a predominant SCANET expert and former treaty body member.

discussed in the previous chapter. This expansion is illustrated by a spiral graph enlisting the adoption of new artifacts, expanding invocations of the discourse as well as an enlarging community utilizing the human rights discourse to articulate their claims. The graph connects this process further to the concepts of *centre* and *periphery*, as the phenomenon moves continually to novel and often distant domains. Expansion is assigned a complex momentum which moves on the one hand from the centre to the periphery, on the other from the periphery to the centre as different actors seek recognition for their claims at the centre for example in artifacts (Graph 3).



Graph 3: *Expansion of the Human Rights Phenomenon*

Continual expansion is commonly regarded as a positive development, yet it entails a decisive risk: the more the human rights discourse expands, the more the concept of human rights acquires characteristics of free-floating signifiers to be filled with any meanings the speaker wishes.⁵⁴ This development is reflected in instances where the discourse is utilized to support mutually contradictory claims, such as anti-homosexual initiatives. For example in August 2006 a Polish politician argued against public gay parades by stating: '[t]hey bring deprivation to public places and through this violate the human rights of other citizens' (HS 10.8.2006).⁵⁵ Possibilities to utilize the human rights discourse to forward any given claims pose sombre challenges for the human rights phenomenon and undermine the potency of the discourse to function as 'trumps' by forwarding 'factoid' (Kennedy 2002) statements about the desired state of the human condition. Human rights experts occupy a pivotal position to prevent this outcome from becoming a reality. Their position finds elaboration through the concept of systemic agency utilized by Marshall Sahlins to describe the contributions of individuals in historic events. Sahlins describes how through the structural relays of the larger organization of society authority is conveyed to particular persons of authority (Sahlins 2004, 155-156).

This characterization illustrates the authority of human rights experts, who through their structural empowerment within the human rights phenomenon enjoy a systemic agency that assigns them high authority to adjudicate the content of the human rights discourse. Simultaneously this agency produces the inherent structure of experts and laymen discussed by Ulf Hannerz in relation to the flow of meaning. Expertise leads a situation where laymen submit elements of their autonomy; they are transformed into 'clients' (Hannerz 1992, 119). The functioning of expert systemic agency is illustrated by Bruno Latour's description on the social construction of scientific facts. Latour describes how '[t]he "average man who happens to hit the truth", naively postulated by Galileo, will have no chance to win over the thousands of articles, referees, supporters and granting bodies who oppose his claim' (Latour 1987, 44). This

⁵⁴ The term floating or empty signifiers has a long pedigree originating from the writings of Claude Lévi-Strauss in the 1950s, moving to the works of Jacques Lacan and Roland Barthes. For summaries of its utilization, see Mehlmann 1973. Ernesto Laclau has discussed the role of 'empty signifiers' in politics; see Laclau 1996.

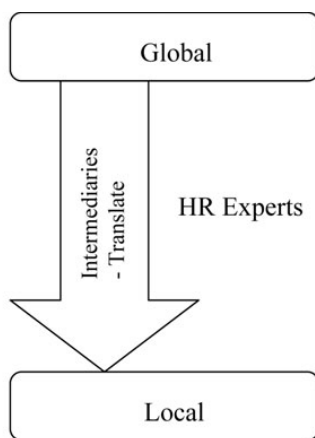
⁵⁵ Many thanks to Taina Tuori for this quotation. The recent anti-homosexual activities of Poland and other former communist countries have invoked intense concern from interest groups working to improve the position of sexual minorities (LiveJournal 2006; Kitlinski, Leszkowicz & Lockard 2005).

applies likewise to the human rights phenomenon, where the claims of the average man - be they for the human right to renewable energy, edible greens or the degradatory effects of homosexual parades - fail to gain recognition for the issue as a human right in international treaty making, human rights research or political rhetoric, as was demonstrated by the issue of LGBT-rights. In order for an individual to make successful claims for laymen that a given issue forms part of the human rights discourse, access is required to the 'thousands of articles, referees, supporters and granting bodies' of the human rights phenomenon.

Here individuals hold highly differing positions: while average men have limited access to and competence with these domains, these domains are readily available for human rights experts. The distinction between experts and laymen is also often reinforced by human rights experts themselves, who emphasize how laymen have only a vague understanding of what human rights *really* are. This was exemplified by a 2006 commentary in Finland's largest newspaper by leading human rights NGO representatives who emphasized how, although the concept of human rights is commonly known by the Finnish population, the exact content of human rights remains unclear (HS 10.12.2006). The asymmetry of knowledge relations between experts and laymen assigns human rights experts significant structural authority as intermediaries. The term derives from the analysis of Sally Engle Merry, who describes as its central component the ability to translate the abstract human rights discourse into concrete meanings in particular circumstances (Merry 2006a, 41; Graph 4).⁵⁶ Examples from the Finnish context demonstrate how this position has gained increasing influence: human rights experts are called upon by interest groups of disabled peoples to translate abstract provisions of international human rights instruments to correspond to their specific concerns (Dialogi, 2006)⁵⁷ and experts are cited as authorities by free-thinkers advocating for the separation of the state and church (Vapaa-ajattelijat 2001), as well as by Christian politicians supporting their continued alliance (Eduskunta 2006). As the influence of the human rights discourse has grown, also the sys-

⁵⁶ Merry associates three dimensions in this process: framing, program appropriation and definition of target population (Merry 2006a, 136-137). She offers an example on defining the target population through the concept of domestic violence. In the US it refers to actions between romantic partners, in China also to actions within households (Merry 2006a, 137).

⁵⁷ The article argued that children are too often removed from their disabled parents and placed into foster care, and that instead the rights of parents to care for their children should be assigned greater importance. This concern finds no direct articulation from existing international covenants and thus the interviewed expert acted as an intermediary translating provisions of existing treaties to support these claims (Dialogi 2006).



Graph 4: *Human Rights Experts as Intermediaries*

temic agency of human rights experts has gained greater impact. This has led to increasing instances where knowledge relations mesh with power relations since through their systemic agency experts wield significant societal power, as has been discussed by David Kennedy regarding international humanitarian efforts (Kennedy 2004). In the Finnish context, through their multiplying consultative positions, human rights experts continually have greater influence on how the society should be developed, investing them likewise with significant societal power.

Simultaneously the systemic agency of human rights expert is vicarious in nature: human rights experts become particularly powerful arbiters of truth in circumstances where no direct consequences fall on people's everyday lives. In other words, their authority is most influential in abstract circumstances which pose no direct challenges to existing societal structures. This is illustrated by the following instance relating to an ongoing controversy in Northern Finland between reindeer herders and forestry workers. Behind the controversy are disagreements over land rights as well as conceptions of sustainable forest cultivation. The disagreement led into the submission of two complaints to the UN Human Rights Committee. One side complained that the forest works violate traditional rights to practice Sami reindeer herding, the other argued that to stop foresting violates the forestry workers' human right to their livelihood. Both sides consulted known human rights experts in the matter. (Foreign Affairs Ministry 2005; HS 11.12.2005). For the present purposes relevant becomes the tone in which the controversy and the state-

ments of a participating human rights expert were described in a Finnish news broadcast for MTV 3 on November 16, 2005. The journalist sided with the perspective of forestry workers and perceived the controversy as posing a threat to their livelihood. This interpretation assigned the actions of the human rights expert with real life consequences on a group of individuals with whom he sympathized.

The journalist responded to this condition with confrontational undertones. Upon asking the expert why a UN body had been involved, the reporter commented: *'And why then should some body in Geneva rule our internal affairs?'* The expert responded by stating that along the same lines one could ask why any country should abide by human rights norms. After all, as the UN rarely sends armed forces or imposes embargos, the most probable consequence of non-compliance is unfavourable publicity. The journalist appeared unconvinced by this response and concluded the segment by noting, in a bewildered tone, *'tomorrow an embargo will begin here: machinery will not operate and hundreds of men face losing their job.'* This account illustrates how the systemic agency of human rights experts entails vicarious elements and becomes challenged when faced with undesired consequences. When parties stand to benefit, human rights experts are readily invited in as intermediaries, and their systemic agency enjoys recognition and respect. The possibility of undesirable immediate consequences alters this status: instead of being welcomed, systemic agency faces suspicion and challenge. In the disagreement over forestry the expert's translation of abstract treaties threatened to delimit the capacity of participating interest groups, and thus the systemic agency of the expert, as well as the UN human rights regime, was contested.

SCANET AND THE EMERGENCE OF THE COMMUNITY OF PRACTICE

The high authority enjoyed by the community of practice of human rights experts in the Finnish context renders it paramount to examine who are the individuals belonging to it. This matter is explored through a group of actors assigned detailed ethnographic attention in the subsequent chapters, namely members of the Scandinavian Network of Human Rights Experts (SCANET). By investigating SCANET member backgrounds, this section examines what kind of social capital, a concept utilized by Yves Dezalay and Bryant Garth in their analysis of the transnational community of arbitration lawyers (Dezalay & Garth 1996), membership in SCANET requires. This section examines

factors of inclusion and exclusion, laying the foundation for exploring the manner in which the community is socially constructed. SCANET is a loose coalition of human rights experts in the Nordic and Scandinavian region including Finland, Sweden, Norway, Denmark and Iceland. It was officially founded in 2002, and it is exemplary of the communities of practice that have emerged within the human rights phenomenon particularly in the new millennium. SCANET members include an executive board, a board of administration, senior researchers, doctorate candidates as well as a part-time coordinator attending to practical matters. Membership in SCANET is varied. On the one hand qualifying individuals may themselves request inclusion into the SCANET website, on the other, they may be included by the administrator as a consequence of involvement in, for example, a joint research venture. Also practical affiliation to SCANET alternates, and whereas some participate actively in its operations and probably view SCANET as a significant community, others frequent its activities scarcely and assign membership minor importance. Since its inception, SCANET membership numbers have continually grown: whereas in 2004 the number of senior researchers included in its website was 31 and in 2005 39, in November 2007 it was 51. The majority of this increase stems from the 25 doctorate degrees awarded during SCANET's existence and listed on its website, transforming previous doctorate candidates into senior researchers. Simultaneously also the number of new doctorate candidates has increased, primarily through new doctorate schools aligned to SCANET in the different Nordic countries. The growth of SCANET membership numbers exemplifies the general expanse of the Nordic community of practice of human rights experts that has occurred particularly during the new millennium.

The SCANET website mentions as its primary aim to enhance already existing Nordic cooperation in human rights research and training while simultaneously strengthening its efficiency and quality. To reach these goals, SCANET operates by three primary functions: organizing events, distributing mobility grants and updating an e-mail list. The e-mail list functions primarily to provide information about upcoming events and career options, averaging between one to two messages per week. Although all SCANET members have the possibility to distribute messages, the majority of messages arrives from the SCANET coordinator maintaining the list. Thus the list does not function, for example, as a general discussion forum on ongoing human rights issues. Mobility grants originate from SCANET's general funder and provide funding for participating in different SCANET activities as well as conducting research stays in different Nordic human rights

institutions. Nevertheless, the most important of SCANET functions are the different activities it organizes, the number of which was 31 in February 2005, and 53 by November 2007. These activities vary in nature, including policy-oriented events such as expert meetings discussing current human rights issues, and more academic seminars and conferences, both organized in collaboration with Nordic human rights institutes, universities or different UN bodies. In the subsequent analysis attention is directed to the educational activities organized by SCANET, intended to help participating students in their ongoing PhD research. In addition to permanent SCANET members - primarily senior researchers and doctorate candidates - educational activities also include visiting experts who originate mostly from Europe or North America and represent well-known universities, UN bodies and human rights institutes among others.

SCANET origins are twofold. As was mentioned, it was officially founded in 2002 when it was awarded a funding period by a large public Scandinavian academic funder assigned the pseudonym 'ScaFund'. In addition to SCANET, ScaFund provides funding for numerous networks similar in their organization operating in different fields in the Scandinavian and Nordic region. In 2006, when SCANET's first funding period ended, it was awarded with another period with a slightly modified research plan, yet with the same collaborative domains. The importance of collaborative relations is of fundamental importance for the investigating of SCANET, particularly its 'unofficial' narrative of origin. This narrative has significantly longer roots, going back to the 1980s, when collaboration between Scandinavian and Nordic human rights experts began to ensue. Consequently, instead of being something dramatically new, the founding of SCANET in the new millennium can be approached as forming another articulation as well as a reification of these earlier collaborative relations. This conception emerges from the statement of a prominent SCANET expert, who described the origins of SCANET by stating:

'It is difficult to put an exact starting point for SCANET ... it is primarily a question of new names and forms depending on the funding that is currently available. The funding proposals and outlines have in recent years favoured the formation of these kinds of academic networks through the Nordic region, and thus it is natural that this is the form SCANET took.'

However, although collaborative patterns have distinct importance in SCANET operations, its operations embody also the specific requirements set forth by ScaFund, relating primarily to equal geographic representation to ensure genuine Nordic collaboration. Consequently both SCANET general organization as well as its individual activities need to meet distinct partici-

pant quotas from each of the participating countries. SCANET activities have been successful in meeting these quotas, yet closer examination demonstrates how, both in the number of events as well as people participating in them, some of its formal participants, particularly some Finnish ones, have acquired a more active role whereas others remain more passive. Consequently, despite attempts at equal geographic representation, actual SCANET activities show, both in their content as well as their structure and organizing venues, strong correlation with the active input of interested parties. Thus for example in 2005, half of the activities enlisted in the SCANET website were planned and carried out by one of the numerous participating domains.

SCANET PROFILE OF EXPERTISE

The unofficial SCANET narrative of origins has outlined how collaborational relations come to hold importance over the definition of who is included in its community of practice, a theme elaborated on later. However, whereas collaborational relations form an implicit element of expertise, for now attention is turned to the explicit elements of expertise as they emerge both from member profiles of SCANET senior researchers as well as its organizing rationale. Here four criteria can be emphasized. First, as a rule with only few exceptions, all SCANET experts have a PhD, creating a strong correlation between SCANET expert status and high university education. Second, following guidelines laid forth by ScaFund, all permanent SCANET members need to have some association to the Nordic geographic area, a matter elaborated in Chapter 6. Third, in terms of professional background, by far the most prevalent types of experience derive from research, with three fourths of SCANET experts mentioning it in their CVs. The other prevalent background is formed by law, which is mentioned by two thirds of experts; the relationship of human rights and law is more generally discussed in Chapter 5. The fourth criterion becomes the finding that for SCANET experts, prior experience at the UN and different domestic governments is much more common than experience in different NGOs.⁵⁸ These four criteria offer a distinct characterization of the SCANET profile of expertise: it is occupied primarily by legal academics who have experience in research and different UN functions as well as their respective governments (Table 7). To place these findings in

⁵⁸ Table 7 includes examination of expert CVs that have been available at the SCANET website in February 2005. Thus the number of expert backgrounds examined is 21, whereas the total number of types of experiences is 70, as experts commonly mention more than one of these categories in their profiles.

context as well as to provide the emergence of the community of practice of human rights experts with a temporality, these different elements are next considered individually.

Table 7: *SCANET Expert Backgrounds (n = 21)*

PROFESSIONAL		% (of 70)	% (of 21)
ACADEMIC	16	23%	76%
GOVERNMENT	5	7%	24%
UN	7	10%	33%
NGO	3	4%	14%
LAW	14	20%	67%
OTHER	25	36%	119%
TOTAL	70	100%	333%

Research Career Options

The emergence of research as a viable career option for aspiring human rights experts reflects the discussed SCANET narrative of origins by going back to the early 1980s when the different human rights institutes were founded in the Nordic countries. In 1983 the Norwegian Chr. Michelsen Institute (founded in 1978) commenced its human rights program (CMI 2005), followed by the founding of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden in 1984 (Raoul Wallenberg 2006). In 1986 the Institute for Human Rights was founded in Finland (Åbo Akademi 2006), and in 1987 the Norwegian Institute for Human Rights was founded in Norway (Norwegian Centre 2006).⁵⁹ Increasing research interest was reflected in the founding of the Nordic Journal of Human Rights (Mennesker & Rettigheter) in 1982, and as was mentioned, the same years saw for example in Finland the emergence of the first PhDs focussing on human rights issues. Today the personnel of the Nordic human rights institutes ranges from a few individuals to some dozens. All the institutes engage in human rights research as well as organize events such as different expert meetings and academic conferences. Some of these institutes enjoy the status of national human rights institute, something encouraged by the Paris Principles of 1993, providing

⁵⁹ Iceland has followed a different path, as the Icelandic Human Rights Centre was only established in 1994 (Icelandic Human Rights Centre 2005). These are not the only human rights institutes of these countries, as Denmark has the Danish Institute for Human Rights, for which a founding year is unavailable (Danish Institute 2006). Finland also has, for example, the Finnish League for Human Rights and the Erik Castrén Institute of International Law, founded in 1998. It is occasionally difficult to draw a distinction between a human rights NGO and an Institute - for example, many Institutes are members of the International Coalition of NGOs.

certain steady funding.⁶⁰ The institutes that do not enjoy this status rely on more varied funding patterns stemming from a combination of academic projects and more policy-oriented work such as consulting statements as well as expert reports. Today, despite concerns related to employment security, career advancement or low wage standards, research has established itself as a viable career option for aspiring and current human rights experts. This development has been actively encouraged by a policy shift visible in Finland which seeks to increase the number of doctorate degrees obtained annually (Ministry of Education 2007). As desires exist simultaneously to lower the average age in which PhDs are acquired - a doctorate is increasingly viewed as a researcher's 'driving licence', a maturation into a professional research career, whereas it traditionally used to be the culmination of one's research career - also funding has been available for human rights research through, among others, the Finnish Graduate School in Human Rights Research. In addition to research positions, the human rights institutes offer career options in managerial positions, including heads of research ventures. As is elaborated in Chapter 4, research careers provide in addition increasing opportunities for teaching through the growing number of educational programs and courses on human rights.

Government and UN Career Paths

Table 7 demonstrated how prior experience in the government was another central component of SCANET expert profiles. To explore the temporality of this career option as it has emerged in Finland, the Unit for Human Rights Policy, part of the Political Department of Finland's Foreign Ministry, was founded in the mid-1990s. At first it employed around half a dozen individuals, having since grown to about a dozen; the number was doubled for Finland's EU Presidency in 2006. However, despite working on a wide range of human rights issues, SCANET conceptions of expertise give rise to an interpretation that its employees, like other government functionaries, are not assigned high expert status, as their views and actions are construed to reflect 'politics'; a characterization familiar from human rights literature. In the SCANET conception of expertise, a greatly more prestigious source of previous experience is formed by involvement in the different UN expert positions such as membership in a treaty body. Exploration of SCANET expert backgrounds demonstrates how these experiences are mentioned by one of

⁶⁰ The 'Paris Principles' were adopted in 1993 and they outline the status of national institutions for the promotion and protection of human rights (Paris Principles 1993).

three SCANET experts (Table 7). Also here the emergence of professional positions is a relatively recent development, as the Human Rights Committee monitoring the compliance of the Covenant on Civil and Political Rights was founded in 1977 (Nowak 2006, 148; McGoldrick 1994), and the Committee on Economic, Social and Cultural Rights monitoring the Covenant on Economic, Social and Cultural Rights was established by ECOSOC in 1988 (Craven 1995, 39). Today there exist seven treaty bodies monitoring the most important human rights treaties. For all treaties except the CESCR, treaty bodies have been formed according to the treaty provisions they monitor.

Treaty bodies commonly convene between once and three times a year in Geneva or New York in sessions continuing from three to six weeks. Participants in these meetings include treaty body members, research assistants, representatives of state parties, and members of domestic and international NGOs representing the civil society as well as other observers; they also include interpreters and different UN personnel attending to practical matters, among others. The existence of treaty bodies stems from the responsibility of state parties to produce reports on their compliance with treaty provisions at the intervals specified by the treaty. The treaty body then reviews these reports as well as possible additional material from other domains such as NGOs, and produces a statement where it both compliments and reproaches state parties according to their conduct. In the absence of formal courts, treaty bodies are commonly considered the most important implementation mechanisms of human rights treaties. Yet the legal status of both the documents they produce as well as the bodies themselves is somewhat ambiguous. (UN Treaty Bodies 2006; Craven 1995; McGoldrick 1994; Alston & Crawford 2000; Merry 2006a; Nowak 2006; O'Flaherty 2006). In the proceedings, treaty body members hold a paramount role in examining the state reports beforehand as well as participating in their submission by state parties in the treaty body sessions.

Today treaty bodies increasingly include individuals construed as human rights experts instead of government representatives. This is also reflected in their composition: their members are increasingly academics, primarily professors, as well as acting judges, as is demonstrated by Tables 8 and 9.⁶¹ The tables demonstrate how legal background and experience

⁶¹ Each treaty body has its own guidelines for selecting members. The homepage for the CESCR mentions that 'The Committee on Economic, Social and Cultural Rights is composed of 18 'independent experts' who are persons of 'high moral character and recognized competence in the field of human rights'. Members are elected for a term of four years by State parties (Committee on Economic, Social and Cultural Rights 2006)

again emerge as significant, with 15 of 18 members of the Human Rights Committee listing prior professional legal experience. What is noteworthy concerning treaty bodies are the scarce mentions of NGO experience found in biographic profiles: such experience is mentioned by only one member of the Committee on Economic, Social and Cultural Rights and three members of the Human Rights Committee. This is again contrasted with the high frequencies with which members mention professional experience both from the government as well as the UN. These findings suggest that despite the high status assigned to NGOs in the human rights phenomenon, in practice there is surprisingly limited mobility between such positions as treaty body membership and NGOs.⁶²

Table 8: *Committee on Economic, Social and Cultural Rights (n = 17)*

PROFESSIONAL		% (of 53)	% (of 17)
ACADEMIC	8	15%	47%
GOVERNMENT	14	26%	82%
UN	15	28%	88%
NGO	1	2%	6%
LAW	8	15%	47%
OTHER	7 (UN)	13%	41%
TOTAL	53	100%	312%

Table 9: *Human Rights Committee (n = 18)*

PROFESSIONAL		% (of 84)	% (of 18)
ACADEMIC	12	14%	67%
GOVERNMENT	17	20%	94%
UN	24	29%	133%
NGO	3	4%	17%
LAW	15	18%	83%
OTHER	13	15%	72%
TOTAL	84	100%	467%

Association with UN human rights bodies is commonly construed as highly influential, as is elaborated in Chapter 4. In addition to being prestigious, SCANET experts characterize UN expert positions as professionally sat-

⁶² It has been pointed out that despite not mentioning it in their profiles, many treaty body members do in fact have NGO experience which they have not highlighted in the concise treaty body webpages. Many thanks to Michael O'Flaherty for discussion on this point. Although this is most likely accurate, absence of references nevertheless indicates that NGO experience does not enjoy equally high status with the other professional engagements consistently mentioned by treaty body members.

isfying, which is reflected in the following brief profile by a former treaty body member:

The expert was elected for the Committee on Economic, Social and Cultural Rights in January 1995, where her term continued until December 2002. When elected, she was in her forties and clearly younger than the delegates in general, who are often in their 60s and 70s. She had, nevertheless, been involved in international human rights work already for a decade, having been nominated for the first consultative position in the late 1980s. Back then she was still working on her PhD, which she describes as ‘critical human rights research focussing on national shortcomings’: a thesis she completed in the early 1990s. She describes her work in the Committee as a ‘highly fascinating experience’. She further views a UN treaty body as the ‘professionally most satisfying position for a human rights expert’, which allowed her to treat ‘hundreds if not thousands of genuinely interesting problems which have a processually transforming impact.’

Human Rights NGOs

Both SCANET and treaty body member profiles have demonstrated how NGO experience is held by a small minority of members; only one in eight SCANET members mentioned previous experience among them (Table 7). Despite this outcome, it remains impossible to discuss the emergence of the community of practice of human rights experts without reference to NGOs, commonly construed as being in the *centre* of advancing the human rights phenomenon. For instance, in his exploration of the drafting of the Universal Declaration, William Korey notes how ‘NGOs [...] would take on the challenge of transforming the words of the Declaration from a standard into reality; it was they who would assume the function of implementing the demands of international morality’ (Korey 1998, 2).⁶³ Subsequently NGO positions will be briefly reviewed to gain wider appreciation for the temporality of the emergence of the community of practice of human rights experts. Also here the developments are significantly recent: when the drafting of the Universal Declaration took place, there were very few NGOs exclusively focussing on human rights, and ‘[n]ot until the fifties, sixties and seventies would there

⁶³ Korey borrows the title of his book from Eleanor Roosevelt, whom he quotes as calling NGOs the ‘curious grapevine’ that would spread the message of the Universal Declaration (Korey 1998, ix). Although few agreed-upon definitions exist for NGOs, a useful starting point for the present purposes is Keck and Sikkink’s characterization of transnational activist networks as ‘motivated by values rather than by material concerns or professional norms’ (Keck & Sikkink 1998, 2). For an analysis of the legal role of NGOs in international law, see Lindblom 2005. For discussion on the role of NGOs in the human rights phenomenon, see Brett 1997 and Merry 2006a.

be created the prominent international human rights NGOs with which the contemporary world is familiar' (Korey 1998, 3; 53). A salient event was the founding of the UK-based Amnesty International in 1961 (Amnesty International 2006; Power 2001). This was followed by the establishing of the Minority Rights Group International in 1965 and the predominant Human Rights Watch in 1978, following the Helsinki Final Act of 1977 (Minority Rights Group International 2006; Human Rights Watch 2006; Keck & Sikkink 1998, 89-97; Table 10). In the 1970s NGOs started to proliferate, a development that has continued in the following decades. In addition to proliferating in numbers, human rights NGOs have grown in their membership numbers and their mandates. For example, between 1987-2002 the Human Rights Watch is stated to have tripled in size, with greatly expanding geographic reach and numerous special projects devoted to refugees, children's rights, academic freedom, international justice, AIDS, LGBT-rights, and the human rights of multinational corporations (LSE 2002). The same applies to Amnesty International, which has expanded its mandate significantly in recent years (Power 2001).

Also in terms of NGOs, Nordic countries reflect the overall pulse of the human rights phenomenon, with the 1970s and 1980s emerging as decisive. As has been mentioned, the Finnish chapter of Amnesty International was founded in 1974, and for example the Finnish League for Human Rights in 1979 (FLHR 2006).⁶⁴ In the 1990s, following the shift in Finnish foreign policy to link development issues more tightly to human rights issues, collaboration between human rights NGOs and the government intensified. This is reflected in the founding of the Finnish NGO foundation for human rights in 1999, working in collaboration with the Finnish Ministry of Foreign Affairs. Previously similar foundations had been established in Norway in 1988, and in Sweden in 1991 (KIOS 2006).⁶⁵ In Finland human rights NGOs are also invited to different hearings such as the already discussed hearing from 2003, organized as a background for the Human Rights Report of 2004. The new millennium has further witnessed rapidly growing membership numbers. Chapter 2 mentioned how the Finnish Amnesty has grown, and the same development applies to Denmark, where Amnesty membership numbers have grown in the

⁶⁴ The League pursues the work of the League for Human Rights established in 1935 (FLHR 2006). Here the pattern seems similar to the already discussed *Fédération des Ligues des Droits de l'Homme*: that the operations of the League were interrupted with World War II, and picked up again as the human rights movement started to gain momentum.

⁶⁵ The foundation was established by 11 human rights NGOs, including Amnesty International, Finnchurchaid and the Finnish UN Association. See KIOS 2006.

Table 10: *Human Rights NGOs*⁶⁶

YEAR	NGOs & HR Centres	COUNTRY
-1940	1787 Anti-Slavery International	UK
	1898 Ligue des droits de l'homme et du citoyen	France
	1898 Ligue des droits de l'homme	Belgium
	1898 Ligue Hellenique des droits de l'homme	Greece
	1914 Internationale Liga Fur Menschenrechte	Germany
	1937 Liga Argentina por los derechos del hombre	Argentina
1940	1942 International Ligue for the Rights of Man	US
1950	1952 International Commission of Jurists	Switzerland
1960	1961 Amnesty International	UK
	1965 Minority Rights Group International	UK
1970	1971 Médecins Sans Frontiers	France
	1975 Asociacion por derechos humanos	Spain
	1976 Irish Council for Civil Liberties	Ireland
	1976 Ass.permanente de lost derechos humanos de Bolivia	Bolivia
	1977 Association for the Prevention of Torture	Switzerland (Geneva, ind)
	1978 Lawyer's Committee for Human Rights	US
	1978 Human Rights Watch (- Helsinki Watch)	US
	1978 International Helsinki Federation for Human Rights	Austria
	1979 Finnish League for Human Rights	Finland
	1979 Association Marocaine des droits humains	Marocco
	1979 Com. permanente por la defensa de los der. humanos	Colombia

new millennium from under 15 000 to over 80 000. In Sweden and Norway membership numbers are likewise around 50 000. Simultaneously NGO work has emerged as a viable career option for present and aspiring human rights experts as professional positions, although still modest in numbers, have proliferated in the new millennium: in 2003 the Finnish Amnesty had 11 full-time staff members, and in 2007 it had 21. Annelise Riles discusses how in Fiji the sums handled by NGOs were substantial, and consequently they were able to pay employees salaries that made activist work a lucrative and respected career entered into by the foreign-educated elite (Riles 2001a, 36, 47, 126).⁶⁷ Although in the Finnish context revenues handled by NGOs

⁶⁶ Table 10 covers central international human rights NGOs up to the end of the 1970s and a selection of others, primarily of the members of the Fédération Internationale des Ligues des Droits de l'Homme. It also includes the major human rights NGOs identified by Hanski & Suksi 1997. Information on year of founding as well as country are derived from the websites of the organizations. For a more comprehensive list of references for useful NGO sites, see bibliography.

⁶⁷ Riles mentions how '[t]he cost of attending the Beijing Conference, for example, equated the yearly salary of the average full-time worker in the capital city. A single project to produce several issues of a newsletter – a task requiring several weeks of work – could procure funding

are certainly more modest, these professional positions have still provided for additional professional positions for members of the community of human rights experts.

Yet, as has been noted, NGO employees remain largely excluded from the SCANET community of practice. Three factors can be identified as contributing to this. The first relates to the guidelines set forth by ScaFund, which emphasizes the formation of academic networks. Thus, reflecting these requirements, the SCANET community of practice has ended up including primarily academics. However, whereas this requirement can be held accountable for the profile of permanent SCANET members, it does not explain why NGO representatives are not included in SCANET activities as visiting experts. This outcome likely stems from the existing professional collaborational relations of permanent SCANET experts, most of which have been formed among academics. Consequently these relations are reflected in who is invited to SCANET activities as an expert. This appears likely, considering for example the World Social Forum, a global coalition of NGOs gathering tens of thousands of people to its meetings: its newsletter, in addition to providing media for discussions on diverse ideologies and searching for alternatives for the current world order organized on the basis of neo-liberal economics, also highlights human rights, which are called a vital component in the realization of the new world order (Sosiaalifoorumi 2007).

Despite such common substance and the ample visitors that both domains entail, no collaboration has emerged between them for example regarding the World Social Forum's meeting, which was organized in Helsinki in 2007.⁶⁸ Although one could speculate that this outcome stems, for example, from the different techniques utilized by the two entities - the World Social Forum in Finland incorporates more radical NGOs relating to animal rights, among others, that favour the kind of direct techniques foreign to SCANET experts - it appears more likely that the relationship has simply not emerged. SCANET has its origins in the Nordic human rights work with particular emphasis on the UN; the Social Forum has its origins in Brazil. The third plausible answer for lack of collaboration between SCANET and NGOs stems from the conception of expertise held by permanent SCANET members. Instead of holding substantive expertise on human

at a rate that exceeded the yearly starting salary for a university-educated civil servant' (Riles 2001a, 36).

⁶⁸ Importantly, both the Finnish chapter of Amnesty International as well as the Finnish League of Human Rights were also absent, demonstrating how also the NGO realm has expanded (Sosiaalifoorumi 2007).

rights, NGO representatives are commonly viewed as activists advocating for specific interests. Thus the competence that they hold fails to translate to what SCANET experts construe as human rights *knowledge*, and consequently they are not construed as experts in a manner similar to researchers or UN functionaries.

SCANET AS CHARACTERISTIC HUMAN RIGHTS COMMUNITY

This chapter has outlined the emergence of the community of practice of human rights experts, focussed on the systemic agency of experts as well as explored conception of expertise that have emerged from the profile of permanent SCANET members. The remaining section expands this analysis by observing how collaborational relations impact the *substance* of human rights knowledge in SCANET activities: what kind of issues are included in them, what is excluded. After that, SCANET is examined as a characteristic community of practice of the human rights phenomenon, with attention invested on the selection of English as its operational language. This analysis is set in context by exploring the position of English in the Finnish society. The chapter concludes by observing how SCANET comes to embody the global elite, and how this elitism also characterizes the international human rights phenomenon.

'INTERNATIONAL RELATIONS ON THE ABSTRACT LEVEL'

This chapter has outlined how, due to the vicarious nature of human rights expertise, its systemic agency is most potent in abstract circumstances that pose no direct challenges to existing societal structures. Perhaps consequently, human rights have increasingly gained elements of something existing in external affairs instead of the domestic context. This distinction resonates with the discussed separation between fundamental or constitutional rights and human rights in Finland. The conception of human rights as existing in external affairs is reflected in SCANET operations through topics selected and excluded as targets of research. An excluded issue is exemplified by the topic of violence against women, a topic assigned high profile in the field of women's human rights and repeatedly discussed by the CEDAW treaty body. Examination of Finland's Foreign Minister's speeches indicates that in Finland, on the level of political rhetoric, women's rights are also generally highlighted, as women emerge as the most often mentioned group for the protection of whom human rights are intended; of all the specific groups the

Minister mentions, women account for one third (Table 11). Violence against women, translating in the Finnish context in particular as domestic violence, forms a serious problem in the country and has received increasing domestic emphasis, for example from the Finnish Amnesty International through the global campaign ‘*Joku Raja*’ (‘Some Limit’) (Amnesty International 2005).

Table 11: ‘*Rights of*’, Total 1999-2006

	<i>minority</i>	<i>ethnic/ indigenous</i>	<i>women</i>	<i>children</i>	<i>disabled</i>	<i>sexual minority</i>	<i>total</i>
1999	-	-	-	-	-	-	-
2000	2	2	2	1	1	-	8
2001	1	3	3	1	-	-	8
2002	-	-	4	1	-	-	5
2003	4	4	6	6	3	-	23
2004	4	7	8	5	3	4	31
2005	1	-	1	-	-	-	2
2006	-	-	3	2	-	-	5
Total	12	16	27	16	7	4	82
%	15%	20%	33%	20%	9%	5%	100%

The campaign highlighted the prevalence of domestic violence in Finland, quoting a study according to which two in five women have faced physical or sexual violence or been threatened by it since turning 15. What is striking is that half of the acts and threats of violence come from a former spouse. Patterns of domestic violence are also greatly gender-specific, as nine times out of ten the perpetrator is a man and the target a woman (Amnesty International 2005; Lahti 2001). In May 2006, Finland’s largest newspaper reported how an Amnesty International representative described Finland’s situation as ‘scandalous’, and accused the Finnish government for having failed to grant the issue sufficient attention. The Amnesty representative construed the importance of this outcome as aggravated due to the position held by Finland and the other Nordic countries as models for those states where human rights enjoy significantly weaker status. Consequently, as a northern democracy and a member of the EU, Finland holds special responsibilities to provide an example (HS 24.5.2006; Amnesty International 2006a).⁶⁹

⁶⁹ Gilmore’s comments ignited discussion on the newspaper’s online chatrooms. While some praised Amnesty for bringing attention to the matter, others were more sceptical, questioning the integrity of the research utilized by Amnesty. Some comments demonstrate the vicarious nature of human rights: one commentator states that the credibility of Amnesty suffers when the organization places Finnish citizens in the same category as victims of dictatorships, urging Amnesty to ‘focus on the essential and more blatant violations’ (HS 27.5.2006).

The Finnish chapter of Amnesty raised the topic again in March 2007 on Women's day under the Finnish parliamentary elections, emphasizing that statistics suggest no change in the matter since 1997, and urging the new government to highlight the issue in the new parliament program (Amnesty International 2007).

Despite such high attention awarded to the issue by a human rights NGO, it has not been highlighted by SCANET: in the observed activities no expert lectures or student presentations focussed on it. Also, the SCANET website enlisted no activities focussing on the topic. Why is this so? A prominent SCANET expert described how no systematic reasons exist for this, and instead connected the matter to existing research practices and traditions by stating:

'Human rights consciousness is relatively new, and this question has traditionally fallen into the scope of criminal law. Thus no tradition exists for research in this topic. It is entirely possible that it might have arisen, but that has not happened in SCANET. Strong traditions exist for this topic in the area of women's studies as well as criminal law. It is a question of division of labour which has been rather arbitrarily formed based on the persons who are involved in such ventures.'

The expert emphasized that absence does not suggest that the topic is belittled. Instead she mentioned how its exclusion is also a question of financing.⁷⁰ In addition to this specific issue, examination of SCANET activities demonstrates a more general exclusion, namely critical discussions on the participating Nordic countries' own human rights issues, which were likewise the topic of very few lectures and presentations in the observed activities. This area has emerged as the source of significant human rights discussions in Norway and Denmark among others. Why has this not occurred in SCANET? The international reputation of the Nordic countries suggests that great atrocities do not occur in their scope, as their human rights record is exemplary. Does the absence of discussion stem from absence of human rights concerns and violations in these countries? A prominent SCANET expert refutes this view, stating that:

'I wouldn't say that no breaches occur. Rather SCANET holds an orientation toward international law, and consequently the tradition for the analysis of national legal systems is perhaps customarily a matter of different branches of law?'

In Finland such branches include, for example, constitutional law, which has a strong tradition of fundamental rights. The expert notes that her own uni-

⁷⁰ After this discussion, a known expert in women's studies has joined SCANET.

versity has not been particularly strong in the various branches of domestic law, which may have contributed to the lack of collaboration. However, she is not comfortable with the view that in SCANET, human rights focus primarily on the ‘other’, not on the self. Instead she phrases the relationship as follows: ‘*[h]uman rights research is concerned with international relations on the abstract level, which applies equally to the self*’, of which concrete examples are offered by discrimination and racism. Yet, whether due to lack of collaboration or issues of financing, in practice the human rights issues explored in SCANET activities focus largely on the ‘other’, either in the form of European collaboration or for example African human rights issues, with such critical internal issues as domestic violence awarded scarce attention. The topics addressed by SCANET highlight the importance of collaborative patterns in shaping what kind of issues become construed as human rights issues. As collaborative patterns have not emerged between SCANET experts and scholars focussing on the issue of violence against women, this issue has ended up being excluded from the SCANET activities, and human rights have instead become defined as something applying to the self particularly on the abstract level.

NAVIGATING BETWEEN CENTRE AND PERIPHERY WITH ENGLISH

To locate SCANET in relation to the centre and periphery of the human rights phenomenon, it can be seen to occupy an *intermediate* position: it is explicitly connected to the Nordic region which, although a periphery in terms of geography, has in terms of activeness acquired a more central position. SCANET also holds numerous personal connections to the centre, as many of its permanent and visiting experts are associated for example with UN treaty bodies. For the present purposes the defining feature of SCANET status becomes the selection of English as the language of both its formal and informal operations. As a rule, all documents produced by SCANET are in English, be they doctoral dissertations, articles or other background material provided for lectures. English is the only language used in lectures and presentations, as well as introductions and welcome speeches. In informal contexts English is utilized with less consistency, as it is the native tongue of few permanent members. Instead, in discussion with each other, members sharing the same language will utilize for example Finnish, Swedish, Norwegian and Estonian. Whereas particularly Swedish and Norwegian are mutually intelligible, the other languages are not, and thus the selection of other languages than English ends up separating participants from each other, limiting their

possibilities to converse. Aware of this consequence, for example during dinners organized by SCANET, participants, who are frequently quite randomly seated, will commonly utilize English.

English has been the central language of the global human rights phenomenon since its origins. This is illustrated by the documents most commonly mentioned as the precedents of the Universal Declaration of Human Rights, namely the British Magna Carta of 1215, the British Bill of Rights of 1689, the American Declaration of Independence of 1766 and the Bill of Rights of 1776, the French *Déclaration des droits de l'homme et du citoyen* of 1789, the Four Freedoms speech by Franklin Delano Roosevelt of 1941, and, a lesser known yet highly influential document, the Statement of Essential Human Rights of the American Law Institute of 1945.⁷¹ Of these documents, the original language of the Magna Carta is Latin and the *Déclaration des droits de l'homme et du citoyen* French, while all other documents are in English.⁷² The impact of these English documents is clearly reflected in the wording of the Universal Declaration: it holds affinity particularly to the Statement of Essential Human Rights through the phrase of 'Everyone has the right', an expansionistic phrasing not prevalent in the other documents.

This phrase is also prevalent in the French version of the Universal Declaration, which is embedded in the singular structure 'tout individu /chacun ... a le droit' - a direct translation of the expression 'everyone has' and an uncommon expression for the *Déclaration* of 1789 embedded in plural forms and more varied verbal structures.⁷³ In the drafting of the Universal Declaration English soon established itself as the primary working language.

⁷¹ This document is highlighted by both scholars and participants of the drafting process. Johannes Morsink quotes John Humphrey stating, as he prepared the first draft of the Universal Declaration subsequently extensively revised by Rene Cassin, as 'the best of the texts from which I worked' (Morsink 1999, 6; American Law Institute 1998, 23, 132-137, 267, 269-270). For discussion on the document's origins and significance, see Commission to Study the Organization of Peace 1949; Proskauer 1950, 221-224; Eichelberger 1977, 270-272; and Glendon 2003, 32. The Statement, further, has a strong American emphasis: a copy of the US Bill of Rights is included as an appendix for the Statement, with discussion on the similarities and differences of the two documents (American Law Institute 1998, 290-292).

⁷² Scholars make occasional mention of the 'Panama proposal', which in fact is the same document as the Statement of Essential Rights. This is an outcome resulting from the participation of Panama's former President in its drafting (American Law Institute 1998, 269).

⁷³ The French *Déclaration des droits de l'homme et du citoyen* also makes more extensive reference to 'duties', a feature Mary Ann Glendon assigns to the European and American rights discourses already in the 18th century (Glendon 1991, 11). This formulation was central in the Statement of Essential Human Rights, but not in the Universal Declaration, which entails only one mention of duties in Article 29.

The negotiations - carried out primarily on US soil (Roosevelt 1992) - were conducted in English by North Americans or people who had commonly been educated there, as was discussed in Chapter 2. Mary Ann Glendon notes how the French René Cassin was disappointed to discover upon his arrival that there was 'no European' among the drafters and that the main common language of the commissioners was English, a language in which he had limited competence (Glendon 2001, 49). Also the first version of the Universal Declaration prepared by John Humphrey was in English (Glendon 2001, 65).⁷⁴

The continued centrality of English in the human rights phenomenon is exemplified by Merry's examples from UN treaty negotiations. She notes how, although meetings have simultaneous translation into the six official UN languages, draft treaty texts as well as suggested alternative wordings are presented in English. Thus a person who has not mastered the language 'would have a great deal of difficulty assessing the implications and innuendos of different phrases and sentences' (Merry 2006a, 44). The choice of language is not always voluntary. For example, NGO caucuses are typically held in English in UN contexts only because NGOs cannot afford translators. Thus shortage of resources reproduces the privileged position of the powerful English-speaking actors also in the NGO community (Merry 2006a, 44).⁷⁵ Annelise Riles describes the same occurrence, noting how newsletters among the Fijian NGOs she studied were almost always in English, although it was the mother tongue of few network participants. English as the language of the colonial and postcolonial bureaucracy has emerged as the *lingua franca* of contemporary multiculturalism in Fiji, and it holds 'strong connotations of specialization, professionalization, and elite education' (Riles 2001a, 126).⁷⁶ The prevalence of English was visible in the presentation of the State Report

⁷⁴ Glendon quotes Humphrey commenting on the subsequent drafting work by René Cassin; Humphrey comments: 'In many cases ... Cassin merely prepared a new French version of the official United Nations translation, and when this was translated back into English the result seemed further removed from the original than it really was' (Glendon 2001, 65).

⁷⁵ This practice, nevertheless, has its consequences, as Merry mentions how at Beijing Plus Five, some Spanish-speaking representatives complained about feeling excluded. This sentiment can perhaps be contemplated as significant for the emergence of the World Social Forum utilizing French and Portuguese as primary languages. Merry notes how in those discussions most active participants came from countries where English is the language of the educated class; 'thus it tended to trace the boundaries of the former British Empire and its settler states' (Merry 2006a, 44).

⁷⁶ Riles notes how 'The English of network communications, whether oral or written, was replete with acronyms, nominalisation, and document titles strung together as if to form a network of their own. Focal points referred to this language as a "technical vocabulary," and they enjoyed using it' (Riles 2001a, 126).

of China to the Committee on Economic, Social and Cultural Rights discussed in Chapter 4. Although simultaneous translation was available in the official UN languages, English dominated the discussion, and for example treaty body members posed questions solely in English. The prevalence of English was reproduced in the proceedings accompanying the submission of Costa Rica's fifth state report to the Human Rights Committee in October 2007: during the oral proceedings numerous treaty body members mentioned how they had been unable to read the additional information provided by the state, as it was in Spanish.

English in the Finnish Society

Finland has two official languages: Finnish, the language of the majority, and Swedish, the language of the 6% minority.⁷⁷ Despite its official status, the position of Swedish has commonly been construed as problematic by parts of the Finnish-speaking population. During the Swedish rule and up to the awakening national sentiment of the late 19th century, Swedish was the primary language of the upper classes, although the Swedish-speaking community also included members from different domains of the society such as farmers, fishermen and peasants. Consequently many Finns still denote some of the group's members cynically as '*svenskatalande bättre folk*', 'Swedish-speaking better folk'. The language continues to be a mandatory subject in Finnish-language schools, a status that awakens negative sentiments among some Finnish-speakers. Yet, despite reserved attitudes, historically Swedish has undisputedly been, and continues to be, the most influential language in the country after Finnish: for example public offices are required to offer services in both languages, and street signs include the two languages.⁷⁸

Russian, on the other hand, has never achieved a prevalent position due to the ambivalent attitudes awakened by the Russian rule. Consequently it has never occupied a distinct status in public policy-making or arisen as the favourite language studied at schools - despite Soviet sympathies harboured by youth groups in the 1970s and the fact that today Russians form the larg-

⁷⁷ Finnish belongs to the Finno-Ugric language family, and its closest relative is Estonian. Finnish is also related to Hungarian, although more distantly. While Finnish is mutually intelligible with Estonian to a degree, its relationship with Hungarian is most evident in the languages' grammar. Finnish is not related to the Scandinavian languages, nor, thus, to the Indo-European language family.

⁷⁸ Finland's national poet Johan Ludvig Runeberg, wrote in Swedish; it is also the original language of the Finnish national anthem

est group of foreigners in the Finland, with around 50 000 members, making Russian the most common foreign language spoken in the country. Instead the foreign language enjoying the highest influence, besides Swedish, has traditionally been German, the influence of which has been decisive particularly through the Lutheran Church. German influences have impacted Finnish legal culture and literature (Merikoski & Vilkkonen 1982), and for example the productions of German composers are strongly emphasized in the training of classical musicians. In the past, Swedish and German were the languages most commonly studied in schools, and until the 1970s they formed the foreign languages in which the Finnish population had the best competence.⁷⁹

It was only in the 1970s that English became a compulsory language in Finnish schools (Leppänen & Nikula 2007). Despite the increasing influence of Anglo-American youth culture and although it was increasingly studied at schools, it had in the past decades remained a minority language. However, in the 1970s a rapid change started, as English soon overshadowed other languages in popularity - a development to which increasing subtitled English-language TV programs certainly contributed.⁸⁰ By the 1980s and 1990s English had become established as the language in which the Finnish youth held both the greatest interest as well as competence. Today fluent knowledge of English has become a practical prerequisite for numerous university degrees relying on English textbooks. It also increasingly dominates the Finnish scientific community.⁸¹ This has awakened worry relating to the future of Finnish as a viable academic and professional language. Competence in English has come to mark a generational gap, as few members of the older age segments, primarily born before the 1950s, have full command of it; of the members of the older age segments knowing the language, many belong to the socio-economic elites. Outside these groups, many members of older generations regard the frequent use of English with occasional resentment, seeing it as elitist and exclusionary (Leppänen & Nikula 2007; Ranta 2004, 33-36). This generational gap is reflected in scholarship, as is illustrated by contributions discussing fundamen-

⁷⁹ Also French, the traditional language of international collaboration, was studied, but its position in Finland was more marginal.

⁸⁰ American programs have occasionally aroused stark criticism, as is discussed by Iiris Ruoho regarding the reactions awakened by *Peyton Place* in the early 1970s, and *Dallas* in the early 1980s (Ruoho 2000). Today English-language programs form the majority of Finnish TV programs, and subtitled TV has remained one of the most effective English instructors in Finland.

⁸¹ For example the Finnish Anthropologist, a peer-reviewed quarterly, made a policy decision to limit its content to English contributions at the expense of Finnish and Swedish in 2007, thus breaking a tradition of three decades. English publications in international journals enjoy a significantly higher status in assessing academic achievement than Finnish ones.

tal rights and human rights from the 1970s, 1980s and 1990s. An introduction to Finnish fundamental rights, published in 1971 by Mikael Hidén, concludes with an English summary (Hidén 1971, 109-117), but includes no English references in its bibliography. Instead, most references are in Finnish with a few in Swedish. An introduction to Finnish public law from 1982 by Veli Merikoski and Eero Vilkkonen has no English references nor summary, instead its sources are in Finnish (Merikoski & Vilkkonen 1982). By contrast, the article published in 1996 by Veli-Pekka Viljanen, discussing the Finnish constitutional reform of 1995 and international human rights norms, features mostly English sources with only a minority in Finnish (Viljanen 1996).

English vs. Skandinavisk

In SCANET operations the selection of English is conspicuous due to the strong emphasis set forth by ScaFund that the networks funded by it embody Nordic collaboration. This collaboration has a long and well-established record, reflected for example in the already mentioned Nordic Council. Importantly, this collaboration has been marked with a distinct language, namely ‘Skandinavisk’.⁸² Although Skandinavisk has been slowly losing importance, its position has remained solid enough to cause the first occasions in which English was utilized instead of Swedish in the meeting of the prime ministers of Finland and Sweden to be commented on in the front page news of Finland’s largest newspaper (HS 19.10.2006).⁸³ Thus the language policy of SCANET in utilizing English can be seen as forming an exception to a pattern commonly found in Nordic collaboration. SCANET language policy also contrasts with the practices of some other networks funded by ScaFund.⁸⁴ In one of them English and Skandinavisk were used alternately, with both background papers and lectures occurring in the two languages. In

⁸² Swedish, Norwegian and Danish belong to the same branch of the Indo-European language family, and are mutually intelligible to a degree. Although ‘Skandinavisk’ does not exist as an official language, the term is used of a modified version of each language, in which the more difficult or differentiated expressions are omitted in favour of mutual intelligibility. Of the five Nordic languages, Icelandic and Finnish fall outside this common group. Unlike Finnish, Icelandic is related to the other Scandinavian languages, but due to its isolation is different from Swedish, Norwegian and Danish.

⁸³ Pressure for the spread of English usage in the Scandinavian countries is nevertheless high, demonstrated by a column by the Vice President of the European Law Student’s Association in ‘Legally prepared, the Magazine for Nordic Law Students’ titled ‘English is no longer a skill - it is a must’ (Legally Prepared 2005, 63).

⁸⁴ Many thanks to Jarna Petman and Kaius Tuori for discussion on this point.

the other, all background papers were produced in English but the language of verbal exchanges was Skandinavisk. This practice has sometimes resulted in confusion, as Skandinavisk spoken with radically differing dialects is difficult to comprehend. Yet the utilization of Skandinavisk has been a cherished element, concretizing the special Nordic element of the network. This is reflected in the regretful tenor utilized by one of their members to describe a future network event which would for the first time feature English as its official language; the member wondered if this was the beginning of the end for Skandinavisk, and whether English would take over entirely.

Although Nordic academic collaboration in the human rights field has a long tradition of utilizing English, reflected for example in numerous English collaborative publications, the field includes domains that emphasize the use of Skandinavisk. This is most clearly reflected in the submission guidelines for the Nordic Journal of Human Rights. The guidelines state that '[t]he bulk of submissions accepted must be written in one of the three main Scandinavian languages (Danish, Norwegian or Swedish)'. They continue by stating that '[a]uthors who are fluent in [them] should, as a rule, write their contributions in one of these three languages'. Of English submissions the guidelines note that 'to a certain extent, the editorial staff may consider contributions written in English, primarily by those authors who are not fluent in one of the three principal Scandinavian languages'. However, for authors wishing to write in English, yet fluent in one of the Scandinavian languages, the guidelines emphasize that they 'must secure the approval of the editorial staff beforehand.' Finally, the guidelines mention that the editorial staff 'reserves the right to refuse publication of English submissions if the total number of English contributions in any one edition of the Nordic periodical exceeds a reasonable maximum' (Nordic Journal of Human Rights 2006). Viewed against these observations, SCANET selection of English as the only language of operations becomes noteworthy. How can this policy be understood?

Analysing it from the perspective of the prevalence of English at the *centre* of the human rights phenomenon, the use of English in SCANET can be associated with desires to strengthen its connection to the *centre*: that it would render SCANET activities accessible to a wider audience and thereby increase their status. Whereas the selection of Skandinavisk strengthens the geographic particularity of activities, the use of English, due to its *lingua franca* status, assigns them qualities of embodying the universal that thus transgresses the narrow particularity of the Scandinavian context. Universal emphasis is vital for the human rights phenomenon, as only through impressions of representing the interests and conceptions of universal mankind

instead of the particular views of a distinct group do its norms become legitimate instead of cultural imposition. Consequently, the use of English in SCANET contributes to the conception that the knowledge disseminated in its scope enjoys, due to its direct link to the universal, higher legitimacy than knowledge that would merely represent the Nordic region.

Nevertheless, this selection entails distinct consequences which require closer examination. Utilization of English rather than Skandinavisk renders the network inclusionary and open to people outside the Nordic region. Simultaneously also the use of English entails exclusionary elements, as was mentioned earlier in relation to UN operations. Regarding SCANET, the use of English imposes on them the self-evident criteria that they are only accessible to those with sufficient English skills to both understand and produce written and spoken material in the language. As was discussed, such skills have become increasingly common in the Finnish context, yet very few Finns hold competence in English equivalent to that of a native speaker. Thus the use of English ends up creating asymmetry between participants, as native speakers enjoy higher status in SCANET operations due to their superior possibilities for sophisticated and accurate self-presentation. This was also evident in SCANET activities which included individuals assigned student status from e.g. the Baltic countries, for whom fluent contributions in English posed a tremendous challenge. This linguistic limitation effectively excluded their potential contributions, as they failed to find articulations that would have rendered their message intelligible to the other SCANET participants.

Selection of English effects the basis on which visiting experts are invited in: by majority, they were either native English speakers or held equivalent skills. Thus fluent command of English became a significant factor in determining who gains access to the SCANET community of practice. Consequently for example members of the already referred-to World Social Forum would likely be excluded, as its languages are French and Portanhol, a mixture of Portuguese and Spanish (Sosiaalifoorumi 2007, 2). SCANET activities do not entail the possibility to include individuals not fluent in English, and thus also its human rights knowledge comes to reflect only viewpoints that are held by individuals filling this criterion, as debates across languages remain impossible. The selection of English contributes to the development where it dominates the small Nordic languages, thus jeopardizing their future status as viable academic and professional languages. It strengthens the prevalent position of English over the other global languages such as Chinese, Hindu or Spanish, and from this perspec-

tive, action inside the global human rights phenomenon contributes rather than offers alternatives to the current global unequal power structures.

EMBODYING THE GLOBAL ELITE

Exploration of SCANET funding patterns offers an avenue for reviewing how it acquires elements of the elitist transnational practices characteristic to the *centre* of the human rights phenomenon, in which individuals traverse with ease the boundaries of time, space and particularity. SCANET activities were held in constantly changing venues from attractive university towns to resorts in the middle of mountains and the ocean. Due to ScaFund funding, all participant travel costs were covered by SCANET, including overseas air fares for visiting experts. Activity participants, including those assigned student status, stayed in private rooms in three or four star hotels, and in addition to breakfast and lunch, dinners were provided for nightly in trendy restaurants. These elements exceed the general standards of Nordic research funding, as researchers commonly enjoy, for example, more modest accommodation in association with seminars. That the SCANET standards were exceptional was noted by numerous participating students, who commented how they could not have participated in the activities without SCANET support, as their host domains lacked the funds to send them. The high standard of SCANET operations was also noted by a visiting expert, a professor and a UN treaty body member, and thus a member of what has been accused as forming 'a privileged and corrupted global elite' of UN officials (Hancock 1989). Following a dinner organized at a particularly successful location, the expert observed how well and generously everything was organized. She further commented how in the UN context dinners are never paid for.

Compared to general academic funding in Finland, characterized by low wages and poor predictability, the funding received by SCANET can be seen as one sign of the favourable societal position of human rights in the Nordic countries. However, as has been mentioned, SCANET is only one of numerous academic networks enjoying similar funding from ScaFund. Thus its generous level cannot be interpreted to stem exclusively from favourable social sentiments over the substance of its operations. Instead the ample funding can be ascribed to the form SCANET activities acquired in response to desires set by ScaFund, namely Nordic collaboration. This renders SCANET as one embodiment of the public wealth held by the Nordic countries, translating in this instance into possibilities to create transnational networks of scholars. These described elements of SCANET operations assign it characteristics

of elitism. Importantly, this feature can effectively exclude individuals from participation if they fail to possess the material means that allow access. This is concretized by the following personal account. As has been mentioned, one of SCANET's constitutive elements is the e-mail list sustained by its coordinator. In addition to distributing information and background reading,⁸⁵ the list functions as a site for event registration through downloadable forms. These forms imposed certain technical requirements on the part of potential participants, namely access to the Internet and software of sufficient quality. Due to the rapid changes in software, this condition entailed more difficulties than first appears plausible.

This became tangible in spring 2004, when I attempted an unsuccessful registration from my work station at the University of Helsinki. The University is one of world leaders among (public) universities in using computerised and Internet-based services in its operations. Great effort is likewise invested into offering up-to-date equipment to personnel. However, particularly during the latter part of the 1990s developments in the computer field simply outweighed the resources of the University, as funds fail to suffice for renewing equipment. Thus most personnel end up using faculties lagging behind in development. This also applied to my work computer, manufactured in 1998, which was unable to download the prescribed SCANET file to allow signing up for an activity. At the end I had to resort to a hard copy of the form sent through regular mail. The hard copy reached its destination only after registration had closed, leaving me outside the event. Consequently the shortcomings of the software excluded me from participation in that particular SCANET activity. As transnational coalitions rely on online communication to an increasing degree, this personal experience has wider relevance, as it exemplifies how only the global elites having either sufficient public or private funds at their disposal will be able to fully participate in its communities.

The elitist nature of the contemporary human rights phenomenon has been noted by numerous scholars (for example Merry 2006a; Mutua 2002). What is less frequently observed is how elitism is visible in the origins of the human rights phenomenon. This is reflected in the backgrounds of the American activists lobbying for the adoption of the Universal Declaration. The profile of Roger Baldwin, the long-time leader of the American Civil

⁸⁵ The list served as the primary source of information about SCANET courses, including background material sent by experts and student papers which were expected to be printed out; only in exceptional circumstances were paper copies provided in SCANET activities. Combined, these could result in significant numbers of pages. For example, in one activity the number for student papers alone was 455 pages.

Liberties Union (ACLU) and the founder of the International League for the Rights of Man, is illustrative: his ancestral roots were rich and comfortable, and his ancestors included Mayflower Pilgrims as well as a general in George Washington's army. In his youth Baldwin attended 'the inevitable Harvard' in the same class as Franklin Delano Roosevelt, and later in life married heiress Evelyn Preston, a well-educated Standard Oil heiress whose family was close to the Roosevelts. The Baldwin-Preston family maintained a pair of adjacent Greenwich Village townhouses, in addition to a farm in Oakland, New Jersey and a large estate on Martha's Vineyard (Cottrell 2000, 237-254).

Consequently, although money was 'probably the closest thing to sin [Baldwin] could imagine' (Walker 1999, 70) and he believed that 'people should work for other than wages', insisting on paying wages that 'starved staff' (Cottrell 2000, 302), in reality the ACLU, like many liberal and radical causes, 'depended on inherited wealth' (Walker 1998, 70). Other participants in lobbying and drafting efforts portray similar backgrounds, reflecting particularly the Ivy League elite. In addition to Baldwin, Harvard graduates related to the early phases of the human rights phenomenon included Charles Malik of the drafting committee, who held a PhD from Harvard (Meyer 2003), as well as Warren Seavey and Barton Leach, both of whom were key figures behind the American Law Institute's (ALI) Statement of Essential Human Rights. Lobbying and drafting efforts also include numerous University of Columbia graduates such as Noel Dowling, who participated in the ALI Statement (American Law Institute 1998, 137), and the Columbia University history professor James Shotwell, called by William Korey one of the central lobbyists behind the Universal Declaration (Korey 1998). Of the drafters, both P.C. Chang of China and Carlos P. Romulo of the Philippines, identified by many commentators as some of the most active participants in the drafting for the Universal Declaration, were graduates of Columbia (Chang 2003; Romulo 2006).

The elitist background of key lobbyists and drafters for the Universal Declaration is, of course, far from surprising: considering the high profile of the drafting of the UN Charter as well as the Universal Declaration, it is only natural that individuals participating in them would reflect the backgrounds of the other participants in high-level international diplomatic initiatives likewise belonging to national elites. However, the elitist backgrounds of key individuals do pose a challenge to notions according to which the human rights phenomenon was the result of momentum emerging from the 'common people' around the world. Most of these common people likely had no awareness of a concept called human rights in 1945, nor would the com-

mon people have possessed the means to mobilize for the lobbying of such notions had they been familiar with them. In addition, ‘the common people’ lacked required cultural capital, as for example English, the language utilized in the drafting process, was far less commonly known outside the elites at the time. Sally Engle Merry has discussed how the UN framework can still today be characterized as being formed by a transnational elite (Merry 2005). The analysis of this chapter demonstrates how also such an intermediary domain as SCANET acquires elements of elitism. This finding poses a challenge to the egalitarian potential of the human rights phenomenon. Although local human rights communities have proliferated in recent decades, whether through fluent command of English or sophisticated software, full participation in characteristic transnational human rights communities conversing between people across diverse localities and languages remains open only to the global elites. This is further probably something that the human rights phenomenon cannot escape: in order to attempt to reach the universal, action needs to transgress the particular limitations of time and space, thereby entering a transnational social space in which participation is only possible for those holding the sufficient material and cultural capital.

CHAPTER FOUR

TRAINING FOR EXPERTISE

Sender: SCANET

Subject: SCANET training course, June 5-10, 2004

Dear all,

The 2004 SCANET training course in human rights research will be organized between 5 and 10 June 2004. The course will feature lectures by permanent SCANET and international visiting experts. Participating doctorate candidates will hold presentations related to their ongoing PhD work. For this, they are expected to submit a paper of about 15-pages prior to the activity. The presentations will be commented on by participating experts. Application deadline: 15 February 2004. Course information and application forms can be downloaded from <http://www.humanrights.edu/SCANET/courses.htm>. A limited number of mobility scholarships are available for doctorate candidates from the Nordic and the Baltic countries.

Best wishes, the SCANET coordinator

The above message exemplifies e-mails sent at regular intervals by the SCANET coordinator to SCANET members. The messages reminded participants, dispersed around the Nordic area and engaged in research at their respective institutions, of SCANET's existence in the months between activities, and started a series of events which would culminate in the activity itself. Following the message, doctorate candidates fill in their application forms and work on their papers to be submitted by specific deadlines. Experts invited in to lecture send out background reading and prepare their lectures. Participants make travel arrangements followed by applications for mobility scholarships. The SCANET coordinator continues organization to ensure that all details are attended to at the activity venue. When the event dawns, participants convene at the prescribed location, out-of-town participants, usually a hefty majority, travelling by plane or train. After connecting flights and taxi rides, they arrive at the joint accommodation assigned to activity partici-

pants. As the venue usually holds no visible signs of the activity, participants attempt to shed nagging suspicions of having remembered the hotel - or the country, for that matter - incorrectly, passing an inquiry to the receptionist concerning rooms for SCANET activity participants.

Participants feel a sense of relief as the receptionist responds with a room key and an information package provided by the SCANET coordinator. Still seeing no signs of other SCANET members, participants check into their rooms and examine at what time they are to arrive at the activity venue. When returning to the lobby, they spot others carrying similar information packages. Closer examination reveals the group to include some familiar, some unknown faces. Small groups of lively discussion emerge, accompanied by a few individuals remaining outside them. As the starting time for the activity nears, a plan is organized to move jointly to its site. The brisk walk is accompanied by continued exchanges and a dawning sentiment that SCANET is slowly starting to acquire real-life existence; it begins to emerge as an entity capable of generating a genuine sense of membership. Soon the participants reach the university building that is to be the activity headquarters for the following week. Located at the centre of a charismatic university town, the building welcomes visitors with old-time academic charm. Upon entering the activity room, it appears small, as it is filled with people engaged in lively discussion while enjoying coffee and sandwiches provided by SCANET. Some participants are colleagues at their home universities, some have got to know each other in previous SCANET activities; many are meeting for the first time. A definite excitement is in the air and people appear pleased to make each others' acquaintance.

Soon the room is called to order and the activity announced to begin. The brief opening speech is followed by the familiar round of introductions by all participants. Sitting in the full seminar room with thirty or so people, SCANET's existence is palpable: for the next week it will be the community to which members would hold their greatest affiliation. As the activity program is once again fully packed, SCANET will, in fact, come to occupy most of its participants' waking hours. In the mornings, participants listen to lectures, in the afternoons, to student presentations. In between they have a common lunch break, followed by a joint dinner in the evenings that usually lasts at least until nine. If not followed by other social activities - going for drinks or having a sauna organized by SCANET among others - before bed participants read the numerous papers distributed to accompany lectures, as well as the background papers for the following day's student presentations.

For the first days virtually everyone participates in the program. By day three, participant numbers drop by three or four as people need to return back home; a few participants skip a session or two. By the second-to-last day more people leave, and by the time the activity concludes, the number of participants renders the event's closing into a pale shadow of its robust opening just a few short days before. The remaining participants make their way back to the airport, jumping on planes to take them to their diverse destinations. Soon all signs of SCANET's existence are again annulled. A few months later the post delivers an envelope to the participants' home universities containing the activity diploma and a group photo. Looking at the picture, many faces appear unfamiliar and names are forgotten. Participants place the envelope among their SCANET files and return to the responsibilities of their everyday academic life. SCANET fades back into its virtual existence, waiting to be revived by the next e-mail informing of future activities.

DECADE OF HUMAN RIGHTS EDUCATION

The years 1995 to 2004 marked the UN Decade of Human Rights Education (High Commissioner 2004a). Scholars have emphasized how the decade was the logical outcome of emphasis placed in education already in the Universal Declaration and since reified in numerous documents such as the UN World Conference of Human Rights (Andreopoulos 1997; Baxi 1997; Vienna Declaration 1993). The same decade demonstrates significant proliferation of educational programs on human rights: a search examining both online LLM program guides as well as Google shows that whereas only five human rights LLM programs established prior to 1995 were found - two of them in the US and three in the UK, with the University of Essex advertizing its human rights LLM, founded in 1983, as the world's first (University of Essex 2006) - by 2006 the number had grown to over 120.⁸⁶ In addition to national programs, the same years saw the establishment of numerous international programs, of which the most significant in the European context was the European Master's Programme in Human Rights and Democratisation, a predominantly EU-funded collaboration of 39 European universities, launched in 1997 and run in Venice (EMA 2006a). In 2000 this program was further followed by

⁸⁶ The LLM guides consulted are available at <http://www.llm-guide.com/university/562> (18.9.2006) as well as <http://www.humanrightstools.org/masters.htm>, hereon called the 'EMA guide'. Where not available from other sources, funding year has been requested directly from the program coordinators. The list makes no claims for being exhaustive.

the European Regional Master's in Democracy and Human Rights in South-East Europe (EMA 2006b). Over the past ten years, in addition to providing a competitive advantage by attracting students, master's programs charging a fee have grown into a substantial source of revenue for universities: for example the fee for the Master's Programme in International Human Rights Law at Oxford University was over 20 000 euros in spring 2007 (University of Oxford 2007).

In addition to higher education, numerous initiatives exist to introduce human rights education to all levels of schooling (Andreopoulos & Claude 1997). As was discussed in Chapter 2, this emphasis has been strongly featured in Finnish educational policy. Although the temporality of expansion coincides with the UN decade, the decade appears unlikely to provide the sole reason for this proliferation - for example critical commentator Graham Hancock argues that the 'calendar events' favoured by the UN have been unable to induce 'the slightest difference to the state of the world we live in' (Hancock 1989, 100-101). Thus two additional sources can be identified as having contributed to this development. First, the temporality of proliferation coincides with the establishing of human rights journals discussed in Chapter 2. Jointly with other trends discussed, these findings suggest that the decade between 1995 and 2004 has been particularly significant for the general expansion of the human rights phenomenon. Second, of the discussed 120 LLM programs, almost half have emerged in the UK. This feature can in turn be connected to the adoption of the UK's Human Rights Act in 1998.

In addition to temporality, the programs are connected to another already discussed feature of the human rights phenomenon, namely the selection of English as its operational language. This applies particularly to joint ventures: for example the Mediterranean Master's in Human Rights and Democratisation, founded in 2000 - a joint venture with the University of Malta, Bethlehem University, University of Jordan, University of Cyprus, Arab Institute for Human Rights, Centre d'Information et de Formation en Droits de l'Homme, Istanbul University, Tel-Aviv University, Cairo Institute for Human Rights Studies, and Foundation for Human and Humanitarian Rights in Beirut - mentions that while good working knowledge of French is 'highly desirable', good command of English is 'essential' (Mediterranean Master's 2006). The LLM program in Human Rights and Democratisation in Africa, founded in 2000 and mentioned as the only program of its kind in Africa - a joint venture of the Centre for Human Rights at the University of Pretoria, the American University in Cairo, the Catholic University of Central Africa in Cameroon, Universidade Equardo Mondlane of Mozambique, the

University of Ghana, Makerere University of Uganda, and the University of the Western Cape of South Africa - has likewise selected English as its language of instruction (Human Rights and Democratisation in Africa 2006). Also for the European Master's program the primary language is English.⁸⁷

The Nordic region has numerous programs focussing on human rights and likewise utilizing English as their working language. The Raoul Wallenberg Institute of Human Rights and Humanitarian Law offers three different English Master's programs focussing on human rights (Raoul Wallenberg Institute 2006), and the University of Oslo, in association with the Norwegian Centre for Human Rights, offers a Master's of Philosophy in the Theory and Practice of Human Rights, launched in 2001 (University of Oslo). In Finland, the Åbo Institute for Human Rights introduced its English-language Master's degree program in international human rights law in 2006 (Institute for Human Rights 2007). In 2002 the Finnish Research School in Human Rights Research was started, followed by its second 4-year term commenced in 2006. Although its official language is not English, in practice English has acquired a predominant position. In general the proliferation of PhD programs in human rights has been more moderate, with the searched LLM guide enlisting only three programs, of which two were in Spain. The third was the PhD program founded in the Netherlands in 1995 and continued until 2005 (KNAW 2006); the program can in many respects be held as a model for both the Finnish Research School as well as SCANET educational activities.⁸⁸

Human rights education has been invested with significant hopes for the future of the human rights phenomenon. Mary Robinson, former UN High Commissioner for Human Rights, has summarized these desires by emphasizing that human rights education is its highest priority, holding a fundamental role in empowering individuals to defend their rights and those of others (in Toivanen, Mahler & Mihr 2006, 171). The authors of the substantial volume on human rights education edited by George J. Andreopoulos and Richard Pierre Claude - a book published with the initiative and support of the Organizing Committee for the UN Decade - elaborate this statement. They emphasize how human rights education 'offers hope for the future of

⁸⁷ Likewise, for example, the LLM in Human Rights offered by the University of Hong Kong since 1999 and advertized as 'the only Master's programme of its kind in Asia' utilizes English (LLM in Human Rights, 2006). Links are, however, found to Spanish and French programs, yet the numbers are more moderate, as this search located 12 Spanish (DerechosNet 2006) and 24 French programs. Of the latter, only 13 explicitly mention the concept 'droits de l'homme' in their course curriculum (CREDHO 2007).

⁸⁸ Information is not available on the status of the program beyond this time.

our children and the destiny of humanity as a whole', how it is essential to a 'genuine process of global social change' (Koenig 1997, xiii), and how it provides a unique strategy for the 'building of a universal culture of human rights' (Andreopoulos & Claude 1997, xxii). Viewed against such high expectations, surprisingly little scholarship has emerged evaluating the abundant human rights programs: what kind of teaching they offer and how their operations can be assessed to contribute to the realization of these goals.

In the same volume Garth Meintjes introduces guidelines for elaborating the meaning of empowerment and the manner in which its realization is connected to central utilized pedagogies. He begins by noting how the emancipatory emphasis of human rights education is unique in its explicit goal to induce transformative change compared to other areas of conventionally defined education, usually attempting to socialize individuals into existing norms and thus reproduce the society. He points out how this induces the potential for elites to see human rights education as threatening (Meintjes 1997, 65). Meintjes then discusses different approaches to education, drawing a contrast between empowerment which increases people's or communities' control or mastery over their own lives, and 'banking' education. He borrows the latter expression from Paulo Freire, who has defined it as a process in which 'knowledge is a gift bestowed by those who consider themselves knowledgeable upon those whom they consider to know nothing'. Banking is further governed by the assumption of 'an absolute ignorance' of others, and it is 'characteristic of the ideology of oppression' (in Meintjes 1997, 66). Meintjes notes how, as students are treated simply 'as receptacles to be filled with useful ideas and information', they are subjected to the psychological impacts of the process where they are deprived of their own critical conscience and deceived 'into believing that knowledge is an object to be received rather than a continuous process of inquiry and reflection'; they are subjected to the 'violence of anti-dialogue'. By contrast, empowered students become conscious of their own participation in the creation of knowledge as well as their critical ability to conceptualize their experiences of reality. Thus, in order to realize the potential of empowerment as well as its liberating prospects for challenging existing oppressive structures, human rights education needs to be 'dynamic' instead of 'static' (Meintjes 1997, 66-67).

These observations provide the backdrop for examining SCANET educational activities. This analysis continues to utilize the concepts of Lave and Wenger, namely the *learning curriculum* and the *legitimate peripheral participant*. Lave and Wenger connect the concept of the learning curriculum to the reproduction of communities of different kinds, and emphasize that

learning is essentially situated activity. Thus, in addition to the acquisition of substantive facts, learning is understood to include the construction of identities and membership as well as socialization to a new identity. The learning curriculum represents the perspective of learners - the 'new-comers' and the *legitimate peripheral participants* - aspiring to gain access into the social practices of the given community. This concept is contrasted by the *teaching curriculum*, the agenda of intentional instruction designed particularly from the perspective of what the community's 'old-timers' - its full members - construe relevant for the instruction of newcomers (Lave & Wenger 1991, 36-37; 40-41; 53; 97; 116). Lave and Wenger assign the relationship of newcomers and old-timers an intrinsic tension: whereas the reproduction and sustenance of communities requires new members to gain full access, this can on a personal level awaken resentment in old-timers, for whom the process may induce loss of influence and status (Lave & Wenger 1991, 116). This resentment may embody itself in reluctance to offer newcomers thorough access to all elements of full membership, leaving its content opaque. This truncates the possibilities for identities of mastery to develop among newcomers, and transforms their legitimate peripheral status from an inclusionary and dynamic position into one of 'unrelatedness or irrelevance' (Lave & Wenger 1991, 29; 37; 42; 101-104).

The SCANET community of practice can be construed to embody the second generation of Nordic human rights experts with the first, now retired generation of pioneers emerging in the 1980s. A prominent SCANET expert lists the pioneers in Norway as including the late Torkel Opsahl, Jan Helgessen, who is still continuing his work, and the retired Asbjorn Eide, who held a leading role. In Finland Allan Rosas became influential and started to recruit younger researchers, in Sweden Göran Melander's impact was central, and in Denmark key figures were above all Lars Adam Rehof and Mårten Kjaerum. Due to the recent emergence of formal educational human rights programs, for the previous two generations of Nordic experts, socializing and education into experts status have occurred through more informal training that could be characterized as apprenticeship.⁸⁹ This raises the question whether such a formal 'school' as SCANET is successful in reproducing the community of practice of human rights experts; whether it renders the community transparent or whether in its activities the status of legitimate peripheral participation is marked by unrelatedness or irrelevance. Connected

⁸⁹ Due to its empirical focus on SCANET, this study does not offer a comprehensive analysis of the socialization processes of previous human rights expert generations, but rather offers mere glimpses. The concept of apprenticeship again follows that utilized by Lave and Wenger.

to this inquiry, the subsequent analysis explores SCANET educational activities from the perspective of empowerment by asking whether its educational mode provides its students with increasing control or mastery over their own lives with which to challenge oppressive structures, or whether it is characterized by 'banking', socializing its students to the 'violence of anti-dialogue'.

CONCEPTIONS OF KNOWLEDGE, EXPERTISE AND LEARNING

The SCANET website lists annually around a dozen activities in its name. These include seminars, training courses and expert meetings held at its participant universities. For the present inquiry focus is invested on the training courses organized explicitly by SCANET with funding provided by ScaFund. Each year commonly includes one week-long activity and one or two shorter, two to three day activities. The activity venues typically change and they have been organized in different parts of the Nordic region. Due to their short duration as well as limited number, SCANET activities do not provide a comprehensive doctorate study curriculum. Instead they can be seen as complementing the training that participating candidates receive at their home institutions. Due to the high number of visitors in SCANET activities, they commonly expose doctorate candidates to a greater range of scholars and practitioners from the human rights field than their local settings do. Following the emphasis placed on transnational collaboration in the human rights phenomenon, SCANET activities can thus be seen as holding a higher status than instruction occurring in distinct local settings. It could be questioned whether activities bearing numerous changing elements - venues, participants, topics - yield the kind of unity that permits their examination as a distinguishable entity. Despite changing elements, SCANET activities entail numerous consistent features which form the basis of analytical commonality: they are organized by the SCANET coordinator and numerous prominent experts frequent practically all activities. Activity programs entail distinct and consistent structure. The prevalence of common features has also been expressly emphasized by prominent experts who emphasize SCANET as forming a distinct 'school' of human rights research.

The following analysis focusses on three week-long activities and two shorter ones. In total these activities included 148 participants, of which 42 were experts and 106 students. A characteristic week-long activity featured around 30 students and eight experts, both permanent SCANET experts as well as visitors. Activity programs include formal and informal elements,

most of which incorporate all activity participants. Parallel sessions are an exception. The primary element of the subsequent analysis is to assess how the activities can be seen to contribute to the goal of empowering their participants from current oppressive structures; this inquiry is pursued in Chapter 6. This feature is examined by focussing on the *learning curriculum* formed by the activities.

The primary observation of the analysis is the ‘school-likeness’ of both SCANET activity organization as well as the approach to learning. On the conceptual level this is reflected in the division of participants into ‘faculty’ and ‘students’. These categories were instituted by SCANET organizers and prominent experts, who utilized them to introduce activity programs as well as to denote events, for example by announcing: ‘*tonight we will have a faculty meeting*’. In SCANET activities these categories were visible both in the substantive contributions expected from these groups as well as in spatial arrangements for the activities. This study explores the significance of these categories by investigating how they are reflected in the qualities invested in the speech acts of different participants. ‘Speech act’ is a term utilized by linguists of which paramount for the present purposes is how the nature and content of speech acts are construed to emanate from the syntactic and social context in which they are uttered, instead of from their grammar or formal content (Hanks 1996, 92-94). By focussing on speech acts, this analysis explores how in SCANET activities the nature invested in the speech acts of individuals assigned into different categories reflects SCANET’s internal hierarchy. It also investigates what kind of conceptions of knowledge, expertise and learning this hierarchy reflects.

FROM PRESENTATIONS TO KNOWLEDGE THROUGH COMMENTS

In SCANET activities individuals assigned the status of faculty as well as student are both expected to offer verbal contributions. These contributions are distinguished from each other through the terminology utilized by activity programs as well as prominent SCANET experts: whereas faculty are invited to hold ‘lectures’, students are invited to give ‘presentations’. Presentations are expected to be based on ongoing PhD work and, as their background, to be accompanied by a paper ranging between 10-15 pages distributed to other participants in advance. Lectures are related to the activity’s theme and reflect the research interests and background of the expert; during an activity each expert commonly holds between two to four lectures. Differences in terminology are reflected in the division of time accompanying these con-

tributions: although both lectures and presentations are in general assigned an equal amount of time - commonly 45 minutes - in lectures the time is most often occupied by faculty monologue followed by brief discussion, in presentations it is divided between student monologue and discussion. Also the terms used for the speech acts of subsequent discussions differ from each other. In lectures, the discussions are characterized as consisting of 'questions' and 'answers', in presentations of 'comments' (Table 12).

Table 12: *SCANET Speech Acts*

	FACULTY	STUDENT
TYPE of SPEECH ACT	Lecture	Presentation
TOTAL TIME	45	45
TIME FOR SPEAKER	35-40	10-20
TIME FOR DISCUSSION	5-10	25-35
CONTENT OF DISCUSSION	Questions/ Answers	Comments

As such, the above description may appear to merely reproduce a conventional division of academic labour where senior scholars lecture and assist younger ones through comments in their research. Yet it also contains elements that require closer attention. The first of these is the direction and volume of flow: the division of time accompanying lectures and presentations establishes a pattern where flow moves, by a vast majority, from faculty to students. As Table 12 demonstrates, in their presentations students were assigned between 10 and 15 minutes for their personal contribution, with the majority of the remaining 45 minutes being consumed by the comments of two pre-assigned experts. The first commentator was encouraged by SCANET organizers to occupy around 20 minutes, the second around 10 minutes. After these comments, jointly lasting between 25 and 35 minutes, the presenting student was reserved up to five minutes to reflect on them. Commonly, scarcity of time prevented this from becoming a meaningful dialogue. Instead many students concluded their presentations by merely thanking the experts for their comments. This outcome contributed to the impression that students were encouraged to adopt the comments of experts without, at least, public reflection.

This division of time induced an outcome that also prevented the other venue participants from contributing to the discussion, despite having been required to read the papers. Often the activities included other students who were conducting research in fields similar to the presenting student, which could have provided them with distinct insight for comments. Importantly the same did not necessarily apply to all commenting experts: although SCANET

organizers invested significant attention in matching presentations with commentators - students could in most instances wish for specific experts as commentators - the great diversity of student topics prevented all papers from finding corresponding expertise from faculty members. Yet the described pattern was upheld also in such instances, and the observed activities portrayed no examples where the expert chose to depart from this structure, such as instead inviting students conducting research in similar issues to contribute. This pattern introduced a circumstance where the other participants were expected to be present during the presentations, yet the division of time prevented them from offering contributions to the expert comments; their participation was reduced into that of a silent audience. Simultaneously the division of time communicated to them that the comments of experts were knowledge that could likewise benefit their own projects despite of themselves potentially holding greater speciality in their field.

The second noteworthy element relates to the ontological quality invested in lectures and presentations. This matter can be explored by focussing on the terminology utilized to describe the speech acts of the discussions following lectures and presentations, namely questions, answers and comments. These terms are again ones utilized and encouraged systematically by prominent SCANET experts. In SCANET activities questions characteristically address specific points raised by lectures, and therefore in this analysis they are treated as instances where an individual seeks supplementary information. Answers, on the other hand, are construed as instances where an individual provides additional information. In SCANET activities they, like questions, commonly follow lectures. As can be expected, questions are mostly posed by students and answers offered by faculty (Table 13).⁹⁰ Students often participate actively in this pattern, as they may include direct questions to experts in their presentations; as a rule, experts include no similar questions to students in their lectures. Differing from these two categories of speech acts are comments, which commonly follow presentations. Comments focus on the merits and shortcomings of presentations. They also often include suggestions for supplementary reading or point to relevant human rights documents. Likewise, they stem mostly from experts. Students commonly participate in

⁹⁰ Table 13 is based on the analysis of five discussions following lectures, occurring in three sessions over two days in a week-long activity. The sessions were intended for all the participants of the SCANET activity and in addition to students, they were participated by two or three experts. Table 13 includes in addition a category of 'answer+' which signals more than one answer per question. This accounts for the greater number of answers than questions. This category is explored in Chapter 6.

this pattern of flow, in many instances concluding their presentations by stating ‘*I look forward to the comments of the experts.*’ Yet as Table 13 demonstrates, also students are active in formulating their interventions to discussions following lectures as comments instead of questions. In such instances comments often stem from practical experiences held by the student in the human rights phenomenon. This is exemplified by the intervention of a student who commented on the lecture of an expert on the rights of indigenous peoples. The student had been a member of an indigenous delegation lobbying for the inclusion of particular provisions to the Declaration on the rights of indigenous peoples in different UN contexts. He utilized this insight to complement the views forwarded by the expert in her lecture, thus offering additional knowledge. Activities feature additionally instances where experts ask questions. These are primarily directed to other experts but occasionally to students. Yet, as Table 13 demonstrates, such instances are scarce and do not form a major diversion from the general observed patterns of flow.

Table 13: *Summary*

	total	students	% of total	experts	% of total
questions	44	36	82%	8	18%
answers	56	2	4%	54	96%
	(9 in answer+)	(1 in answer+)	(11% in answer+)	(8 in answer+)	(89% in answer+)
comments	13	6	46%	7	54%
total	113	44	39%	69	61%

To examine the conception of knowledge and expertise emerging from these patterns of flow, both the division of time as well as terms utilized to describe speech acts accompanying lectures and presentations differ from each other. The characterization of speech acts following lectures as questions and answers introduces lectures as domains entailing ready knowledge from which students can benefit by both listening to them as well as by asking questions to be answered by experts. Student presentations, on the other hand, emerge as raw data that are to be transformed into knowledge by listening to and adopting the comments forwarded by the pre-assigned experts. This pattern where flow moves, by majority, from faculty to students entails elements that construe knowledge as ‘an object to be received’ rather than as something that evolves through a ‘continuous process of inquiry and reflection’ (Meintjes 1997, 66-67). The lack of dialogue both between faculty and students as well as different members of the faculty in the above patterns induces a distinct conception of expertise: it emerges as a domain of individ-

ual mastering of skill and knowledge (Haavisto 2002, 63-64) instead of as the result of collective, interactive and collaborational activity by a community of practice (Lave & Wenger, 1991; Haavisto 2002, 63-64).

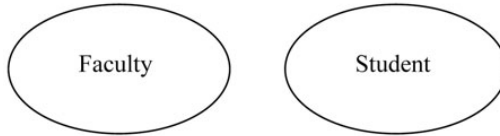
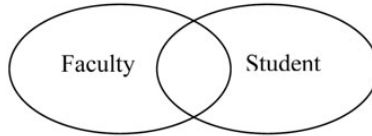
STRUCTURAL ELEMENTS OF EXPERTISE

The observed patterns of flow introduce important structural elements to the systemic agency of human rights experts: only by being included in faculty will the information held by an individual be viewed to constitute knowledge which forms expertise in SCANET activities. The significance of structural elements is reinforced by inspection of faculty and student academic profiles. Instead of being clearly delineated from each other, significant overlap can be identified between them. This is illustrated by three features concluded to mark academic experience and expertise: a PhD, published articles and teaching experience at university level. Exploration of student profiles shows that these experiences are not solely the domain of faculty, as the category of students also includes individuals who fill one or all of these categories. Thus many students have published articles, they have teaching experience - in one SCANET activity this applied roughly to one third of participating students - and some already hold a PhD; for the latter reason they may have been enlisted in the category of senior researchers in the SCANET website.⁹¹ Of faculty, although all its members have published significantly and hold extensive teaching experience, it importantly includes a few members not holding PhDs. The activities featured, for example, a prominent young scholar who was internationally merited, yet at the time of her visit she was finishing her PhD thesis. Another instance was that of an accomplished senior scholar who had a doctorate honoris causa but no PhD degree, as they were very rare in her generation. SCANET activities also included a few visiting experts who had experience in international organizations such as the UN instead of academic research, and for that reason did not hold a PhD. These exceptions enforce the empirical overlap between the two groups, demonstrated by Table 14 as well as Graphs 5 and 6.

⁹¹ Information on student profiles stems from a combination of sources, including CVs available on the SCANET website and informal discussions in activities.

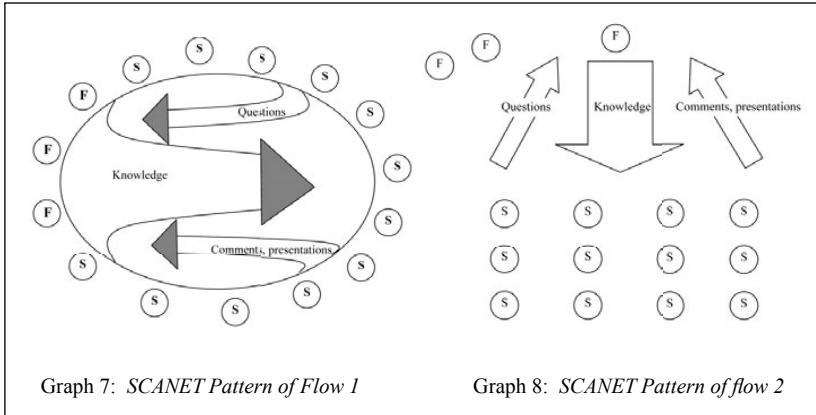
Table 14: *Profiles of Expertise*

	FACULTY	STUDENT
PHD	Most	Some
PUBLISHED ARTICLES	All	Some
TEACHING EXPERIENCE	All	Many

Graph 5: *Categories of Faculty and Students in SCANET Activities*Graph 6: *SCANET Faculty and Students on the Basis of Academic Experience*

The importance of these findings could be downplayed by arguing that although students hold academic experience, it does not necessarily translate into human rights expertise if these experiences derive from fields other than human rights. This argument appears inapplicable to SCANET activities as, although many students are new to the human rights field, many hold prior knowledge and have for example published in the field. Although their area of competence is likely more restricted than that of scholars with longer experience, doctorate candidates have engaged significantly with their topics, which could be argued to have assigned them knowledge in their particular areas that translates into expertise. This possibility was not recognized in SCANET activities, which were instead organized on the basis of a structural division of participants into faculty and students also in the cases of individuals who are in the final stages of their PhD research; their presentations were treated according to the pattern of flow described above. The importance of structural elements regarding SCANET conceptions of expertise is reinforced by activity programs, which are organized into distinct sections of lectures and presentations. Faculty and students are distinguished from each other in seating patterns, of which two types are common: one where participants sit around a common table with faculty on the one end and students

on the other, and another where participants are separated into speakers and audience (Graphs 7 and 8).



These distinctive seating arrangements were contrasted by a pattern that emerged in another SCANET event called, instead of a training course, an ‘expert meeting’. In this activity no distinctions in seating patterns were established and instead all participants sat together. This activity’s patterns of flow differed importantly from those discussed here: participant contributions were not distinguished from each other through such concepts as lectures and presentations, nor was their processing followed by pre-assigned commentators or such predetermined concepts as questions and answers. To connect this finding to conceptions of knowledge and expertise, these patterns give rise to the interpretation that as all the event participants were assigned expert status, all contributions were construed as knowledge, and thus a process where raw data was transformed into knowledge through expert comments was not required.

An alternative seating pattern was also demonstrated by the activities of another ‘school’ of international law, the seminars organized by the ‘NAIL’, the loose coalition of scholars discussed in Chapter 1. These seminars incorporate a round-table format where all participants sit together without regard for academic status. This seating pattern reflects conceptions of expertise and knowledge that likewise contrast with those of SCANET activities: NAIL events are commonly organized with 30-minute speeches held one after another, with each presenter individually choosing how to use the time. Some speakers will utilize the full time for a monologue whereas others offer a brief presentation followed by general discussion. Contributions are

not organized in any systematic fashion based on such aspects as academic status, but instead professors and doctorate students present papers one after another without distinctive terminology to denote the speech acts following them. This model embodies a more Foucaultian conception of knowledge and expertise, portraying them as entities that can be located in all participants, instead of being invested in predetermined, structurally allotted positions (Foucault 1972). This sentiment was summarized by a professor who commented:

'I always feel that the presentations of doctorate students are the most interesting ones and teach me a lot. They have fresh ideas and vigour, and are able to devote the kind of time to their research that professors only dream of.' Another professor emphasized how *'[m]any revolutions in the sciences were done by relative newcomers to their fields, for example Einstein and the theory of relativity'*.

It should, however, be noted that this NAIL model represents above all an ideal, not one actually realized. Instead, in the NAIL activities doctorate candidates display respect, even intimidation toward established professors, commonly making them hesitant toward commenting on the professors' papers. Some senior scholars display indifference to this ideal of equal time division, extending their presentations well beyond their assigned 30-minute slot and consequently confusing the schedule for the remaining day. Despite formal debunking of status, NAIL circles portray significant celebration of its key scholars, who primarily hold influential positions in prestigious universities. These factors notwithstanding, the events led to an atmosphere where experimentation and novelty was cherished - sometimes with embarrassing results: in one NAIL event a story spread among junior scholars of an article recently published in a NAIL type journal. The article incorporated psychoanalysis, metasciences and what-not and was for a moment celebrated in NAIL circles. It was only later discovered that the article was a hoax and made up with the intent to mock the NAIL approach to the conception of knowledge described here.

EXPLORING CONCEPTIONS OF LEARNING

The observed patterns of flow create circumstances in which doctorate candidates will, in the course of a week-long activity, be expected to listen to around 30 hours of lectures while they, in addition to participating in the discussions following lectures, offer a contribution between ten to fifteen minutes through their presentations. As lectures and presentations are practically

the only two modes of contributions that SCANET activities entail, doctorate candidates do not engage in such practices as examining state reports and experimenting with their processing from the perspective of the different parties - a practice suggested by Rita Maran as one option for how human rights could be taught at the university level (Maran 1997, 204). Why are such practices absent and the SCANET activity curriculum structured around these two observed models?

A plausible answer emerges from the conception of learning held by prominent SCANET experts in charge of structuring activities: as the time for the activities is scarce, it can entail only elements construed to allow most effective learning. This notion is then reflected in the activity structure including lectures and presentations. Connecting these findings to analysis on conceptions of learning discussed by scholars, SCANET activities entail elements of what Vaala Haavisto has characterized as the command-and-control mode, where learning is construed as the adoption of necessary information 'poured' by authorities to those who are to receive it (Haavisto 2002, 54). Lave and Wenger have characterized this process as the internalization of knowledge (Lave & Wenger, 1991, 47). The observed patterns of flow entail also elements of the already mentioned 'banking' education in which knowledge becomes construed as 'a gift bestowed by those who consider themselves knowledgeable upon those whom they consider to know nothing' (in Meintjes 1997, 66). These conceptions of learning have met serious criticism in past decades. Lave and Wenger note how the idea of learning as internalization leaves the 'nature of the learner, of the world, and of their relations unexplored' as well as establishes a sharp dichotomy between inside and outside. It suggests 'that knowledge is largely cerebral, and takes the individual as the non-problematic unit of analysis', construing learning too easily as an unproblematic process of 'absorbing the given, as a matter of transmission and assimilation'. (Lave & Wenger, 1991, 47).

As was already discussed, Meintjes emphasizes such conceptions to be particularly ill-suited for human rights education, as they subject the assumed recipients of knowledge to the 'violence of anti-dialogue'. This renders the outcome of the learning process static, instead of empowering students to become conscious of their own participation in the creation of knowledge as well as their critical ability to conceptualize their experiences of reality, thus bestowing upon them the awareness to challenge existing oppressive structures (Meintjes 1997, 66-67). Although it is exaggerated to characterize SCANET activities to embody anti-dialogue violence, as the discussions do encourage exchanges, their question-answer format emerges again as con-

spicuous, as does the intrinsic hierarchy of participants this model embodies. Importantly, this model was occasionally discussed and questioned by students in informal exchanges, but never explicitly addressed by experts during the formal SCANET activities.

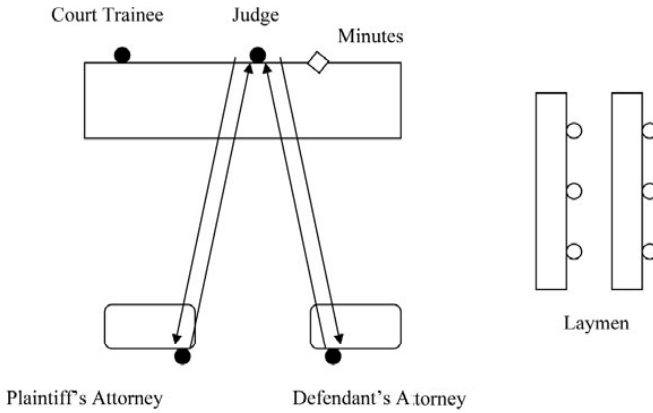
Pierre Bourdieu has argued in his seminal study of the Kabyle household how tacit understandings of social relations, worldviews and structural principles are largely acquired through everyday practices (Bourdieu, 2007 [1972]). Although an educational activity differs in significant ways from a household, Bourdieu's analysis entails integral aspects for the present context. The practices of SCANET activities - organization of program, utilized terminology, seating arrangements and patterns of flow - socialize participants assigned student status into a conception where knowledge emerges as a ready object to be passed from individuals holding it to those lacking it. They convey a conception of expertise as the mastering of knowledge by individuals enjoying the structurally allotted position as members of SCANET faculty; and finally, a conception of learning where knowledge is 'poured in' by knowledgeable individuals to those lacking it. This model gains importance also from two additional elements. The first of them is that SCANET activities are directed toward doctorate candidates, thus individuals working toward the highest university degree at a level where research is customarily expected to demonstrate independent inquiry as well as critical analysis. This assigns their engagement with their topics significantly different quality from that of, for example, first year undergraduates for whom it could be argued necessary that they adopt general knowledge as well as central practices in their fields. Consequently questionable emerges whether such a 'school-like' approach to learning is suitable at such a high academic level; whether it is a model that most effectively encourages the formation of new identities of mastery in research.

The second element is that, as was mentioned, a PhD has in the Finnish context traditionally signalled the culmination of a research career. Thus doctorate candidates have included, in addition to new post-graduates, university personnel well in their fifties who have commonly had extensive teaching commitments. Consequently the status of doctorate candidates has been mixed as, in addition to being 'students', they have been considered as 'researchers' and experts. As was mentioned, educational policy in Finland has since the mid-1990s sought to lower the average age for obtaining a PhD. Simultaneously, particularly through the establishment of numerous research schools funded by the Finnish

Ministry of Education as well as the Finnish Academy, policy guidelines have sought to identify doctorate candidates more clearly as ‘doctorate students’ in formal contexts. These initiatives have met consistent opposition for example from the central association of Finnish researchers, which construes the term ‘student’ to belittle the actual experience of researchers working on their PhDs, and simultaneously to convey the wrong impression of their level of professional experience to potential employers outside the university. Instead the association supports the idea that doctorate candidates be called ‘researchers’. Whereas official terminology appears to shift toward the uniform use of ‘students’, the position of doctorate candidates within Finnish academic circles continues to be in flux. Against this background the unequivocal denoting of doctorate candidates as students in SCANET becomes conspicuous and can be seen to depart from the general practices embedded in Finnish academic life. This gives rise to the following question: how can this conception be understood; what kind of domains emerge as its possible sources? This section explores this matter from three perspectives: SCANET patterns of flow as reflecting conceptions of expertise embedded in the functioning of courts; SCANET activities as reflecting the educational experiences of its faculty; and conception of expertise and learning as reflections of the ontological qualities assigned to human rights knowledge.

Legal Context and Patterns of Flow

The SCANET conception of expertise finds commonality with the analysis by Vaula Haavisto on the patterns of flow and conceptions of expertise embedded in Finnish court proceedings before and after the court reform of 1993 (Haavisto 2002). This finding gains relevance particularly from the manner SCANET activities are interpreted as part of ongoing efforts to increase the legality of the human rights phenomenon, an element elaborated in Chapter 5. Haavisto’s analysis demonstrates similarity particularly between SCANET activities and pre-reform proceedings, which were likewise largely constituted of monologues emanating from legal experts. Haavisto concludes that judges occupied particularly influential roles in mediating and directing patterns of flow (Haavisto 2002, 10; 120). This was also demonstrated by seating patterns portraying physical distance between the different trial parties - attorneys, the judge and laymen - as well as interactive relations (Haavisto 2002, 123, 124; Graph 9).

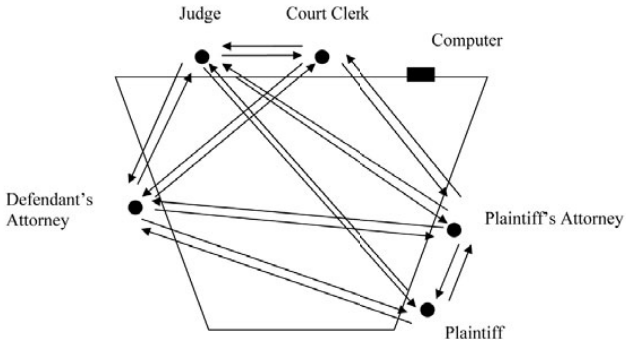


Graph 9: *Physical Setting and Interactive Relations in the 1990 Construction Dispute*
(Originally in Haavisto 2002, 123)

These elements assigned judges a structural position of authority and expertise comparable to that of SCANET faculty. As is demonstrated by Graphs 7 and 8, the patterns of flow from the two contexts resemble each other. In addition, parallels exist in the manner the position of a judge and human rights experts are described. Haavisto discusses how the work of judges has traditionally represented ‘the most individual and independent expertise with minimal collaboration’, with court trials forming the ‘nucleus of judicature and the area in which judicial expertise appears in its purest form’ (Haavisto 2002, 65). Similar characteristics were outlined by a prominent SCANET expert while describing her work in a UN treaty body: she emphasized how in her tasks she acted alone on the basis of her individual expertise, not, for example, as the representative of her government. As is elaborated in Chapter 5, in the description of treaty body work their ‘court-likeness’ is further emphasized. This suggests a desire that the work of individual human rights experts would be characterized with the same attributes described by Haavisto of judges as independent expertise relying on minimal collaboration with external domains.

However, Haavisto found significant differences in conceptions of expertise and patterns of flow after the 1993 reform: patterns were more reciprocal, creating a diversified profile of expertise as located both in legal experts as well as in lay experiences (Haavisto 2002, 10; 120). Instead of formal monologue, proceedings were more embedded in reciprocal exchange and

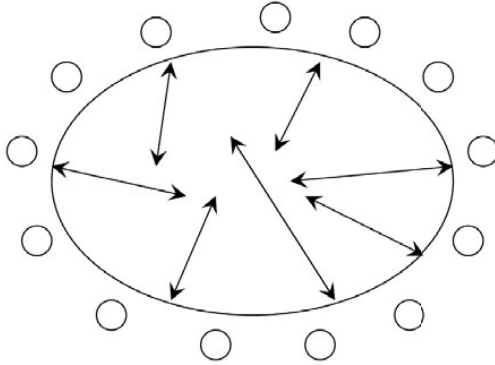
informal dialogue (Haavisto 2002, 123, 286) and in seating patterns physical distance had been replaced by greater intimacy and more direct interaction (Haavisto 2002, 123, 124; Graph 10).



Graph 10: *Physical Setting and Interactive Relations in the 1997 Construction Dispute*
(Originally in Haavisto 2002, 124)

These elements create patterns of flow that bear similarity to the discussed NAIL events (Graph 11). Haavisto discusses how this altered model introduced the possibility to treat court proceedings as instances of mutual learning and provided the possibility for the emergence of alternative dispute resolution models (Haavisto 2002, 301; Roberts & Palmer 1998). In SCANET activities such changes were not observable, as the patterns remained uniform in all examined events with one exception: the last observed activity entailed parallel sessions for the student presentations. Yet, despite the greater amount of time available for each paper, the described patterns of flow, with two pre-assigned commentators, remained unchanged. Why, despite changes in legal practices elsewhere in the Nordic countries, have SCANET patterns of flow remained unmodified? One possible reason is the strong tradition of legalism, which Haavisto suggests forms a Finnish cultural characteristic (Haavisto 2002, 67). This tradition can be assessed to contribute to patterns of flow entailing distinct separation of individuals into pre-assigned categories and clearly identified procedures, despite changes in one area of legal practice such as court proceedings. Another possible source is the process of increasing specialization or fragmentation of international law (Koskenniemi 2007), a process noted by scholars to characterize international law already in the 1980s (Alston 1988). Thus, as the field of international law has become increasingly complex and professional practices have grown continually

more diverse, it appears plausible that changes in one area of the law - in this case domestic Finnish law - are not passed on to other areas, which instead continue to follow their own practices which have emerged over the past decades.



Graph 11: *NAIL Pattern of Flow (Ideal)*

Filtering of Educational Experiences

Another plausible source for why the observed conception of learning is embedded in SCANET activities - their 'school-likeness' - stems from the educational experiences that the individuals acting as its teachers, members of the faculty, have themselves had in the past. These experiences form what Martyn Denscombe describes the 'hidden pedagogy' of teaching (Denscombe 1982). In his analysis of the professional practices of teachers, Denscombe notes a discrepancy between the theories and practices of teaching, locating it to the implicit conceptions of teaching and learning that the classroom teachers have kept from their own experiences as students in the classroom setting. These implicit conceptions are so potent, Denscombe argues, that they filter themselves through formal 'theoretical' teacher training, having even greater impact on teachers' conceptions of competent teaching than their formal training in pedagogics. This conception also illuminates SCANET conceptions of learning. What emerge as decisive are the conceptions of learning that were dominant when prominent faculty members gained their primary experiences of learning, namely their own school years. In Finland in the 1960s and 1970s the above description of learning as internalization of knowledge being 'poured' by a commanding authority can be construed as well suited to describe the schooling sys-

tem. In her analysis of school work, Pauliina Rainio has further noted that, although this model is today commonly assessed as undesirable, it remains the predominant model in Western countries despite repeated attempts to induce change (Rainio 2002).

In addition to general school experiences, two other potential domains can be identified as having contributed to the hidden pedagogy utilized by SCANET experts. The first of these are experiences in legal education: a distinct realm of education that has been characterized by Duncan Kennedy as being organized around an implicit model of hierarchy (Kennedy 1990). As was mentioned, a subtle hierarchy of participants emerges also from SCANET activities as reflected, among others, in the qualitative differences assigned to speech acts following lectures and presentations. Another possible source of implicit pedagogy stems from the educational experiences that SCANET experts have obtained likely through apprenticeships from different UN contexts. They have likewise been characterized as embodying distinct hierarchies based on professional status (Hancock 1989, 37-41), a matter illustrated by two examples from UN treaty body proceedings of the relationship between treaty body members and their research assistants, who are often doctorate students.⁹² The first stems from an informal lunch meeting focussing on the rights of sexual minorities while the Human Rights Committee was in session. The meeting featured four treaty body members as well as three members of different NGOs working on the topic. In addition, it featured three research assistants and one observer for an NGO taking notes.

During the meeting treaty body members and NGO representatives sat around a round table located in the centre of the room while the research assistants and the person taking notes sat by the walls in seats provided for observers. The hour-long meeting was commenced by the presentation of an NGO member, and followed by discussion. The discussion was participated in by treaty body members as well as NGO representatives, while the research assistants remained outside of it. It would have been highly irregular as well as unwelcome for them to intervene in the discussion. The second example stems from another lunch, this time accompanying a session of the Committee on Economic, Social and Cultural Rights. The lunch was participated in by six individuals, who were all seated at a common table. Of these, four were treaty body members while two, both PhD candidates, held assistant status. Lunch discussion demonstrated that instead of being equals, the

⁹² In this study contacts with UN domains have remained limited, as its primary ethnographic focus has been invested in SCANET activities. Thus these examples aim to illustrate relevant elements through examples rather than to offer comprehensive ethnography.

participants held highly distinct status: the treaty body members addressed exclusively each other (by their first names) while the assistants were not addressed and sat in silence through the lunch listening to the discussion. No indication was made that they were welcome to join in the discussion. The difference in the status of the two groups was reinforced at the end of the lunch, when treaty body members considered it natural to ask the assistants to clear their plates and fetch them coffee.

Importantly, both of the described events involved informal events in treaty body proceedings, yet both of them still demonstrate the substantive differences assigned to the status of treaty body members and assistants. The hierarchy between these groups is, of course, much more prevalent in the formal proceedings of treaty bodies, where it would be unacceptable for individuals not allotted distinct status to offer contributions. As was noted, the present generation of SCANET experts have likely been trained into the community of practice of human rights experts through apprenticeships of different kinds. Thus they have probably entered the community as research assistants or other individuals with a legitimately peripheral position. These experiences have led to the internalization of hierarchies, and consequently, as the individuals today hold the position of full members in the community of practice, these hierarchies are today reflected in SCANET activities. The significance of the implicit pedagogy formed by these socialization experiences can be seen to hold even greater weight in a context such as SCANET where, differing from school teachers, the individuals acting as teachers do not, as a general rule, hold formal training in pedagogics; none of the examined CVs mention such experience.⁹³ The SCANET experts' conceptions of learning have not been filtered or tested through similar theoretical reflection as those of school teachers, and instead their own experiences can be assessed to reflect their conceptions of teaching even more strongly.

'You Are Being Tempted by Relativism'

The third factor contributing to the above observed conceptions of learning, expertise and knowledge finds explanation in an understanding assigned to human rights knowledge. This matter is illustrated by exploring how the nature of human rights knowledge becomes defined by the patterns of flow of SCANET. Here instances emerging as decisive are those where students are encouraged to avoid critical queries. This is illustrated by an exchange fol-

⁹³ Even if some experts do have such training, the fact that it is not highlighted demonstrates that it is not decisive for membership in SCANET faculty.

lowing a student presentation on a paper exploring how the concept of human rights was treated in the European Court of Human Rights, with the research resulting in conclusions of distinct systematicities in the Court's practices and argumentation. The discussion following the presentation became unusually intense. Paramount for the present analysis is the tone in which both the presentation and paper were received: faculty comments suggested that they considered them to 'challenge' the universality of human rights; they were seen as potentially hostile to the general mission of advancing human rights. These sentiments were summarized by an expert who, after growing visibly aggravated, commented that the student was being 'tempted by relativism'.

This exchange is compelling for numerous reasons. It utilizes the concept of relativism as entailing a certain, predefined essence that can 'tempt' or 'seduce' students. The term relativism is, of course, familiar from the six decades of the 'universalism-relativism' debate which had as its first official marker the 1947 AAA statement (AAA 1947). It is today increasingly utilized by liberal multiculturalist scholars in a manner similar to that of the SCANET expert, as something the 'temptation' of which should be 'avoided' (Benhabib 2002, 29; Freeman 2002, 9). Yet, as has been marked by Clifford Geertz, the meaning of the concept has largely remained confused. He notes how it is today associated with such 'moral and intellectual consequences' as 'subjectivism, nihilism, incoherence, Machiavellianism, ethical idiocy, esthetic blindness, and so on' (Geertz, 1984, 263). In SCANET, the presentation was also accompanied by high emotional charge; instead of being a calm and rational exchange it was characterized by passion and intensity (Latour 2004). Thus, instead of fact or description (Latour 2005, 146), the presentation and the research it was founded on were politicised and perceived as *arguments*. This suggests that both the paper and the presentation touched upon matters that instead of 'stale' or 'cold' objects were still 'warm' (Latour 1987, 21).

To explore the significance of this exchange as reflecting a distinct conception of human rights knowledge, it formed an instance where both the student holding the presentation as well as those participants who were present in the session were communicated by SCANET faculty that the paper led to unappreciated outcomes. As it challenged the unbiased operation of a primary institution regarded to advance the realization of human rights, it resulted in conclusions that should be avoided. Geertz notes how this has become a principle function of the concept of relativism: it is used to 'scare[s] us away from certain ways of thinking and toward others' (Geertz 1984, 263). After this session, in a different context, the paper as well as the presenting student were characterized by a prominent SCANET expert as belonging to a different 'school' of thought

from SCANET. This suggested that both the paper's approach as well as its conclusions stemmed rather from adherence to this external entity - a 'school' of thought - rather than from its data. These characterizations reflect distinct assumptions invested in human rights knowledge.

These assumptions are clarified by another instance from SCANET activities where discussion turned to the drafting of the Universal Declaration. As was mentioned, the topic is still the source of ongoing research and has in recent years been met with numerous contributions (Lauren 1998, Morsink 1999, Glendon 2001). In this scholarship researchers have invested distinct attention on exploring the Western influences of the drafting process: while some scholars perceive their impact exaggerated (Waltz 2001, Glendon 2003), others acknowledge this legacy, yet construe the global spread of the human rights phenomenon as rendering it insignificant (Alfredsson & Eide 1999, 11). In SCANET discussions a third approach emerged, namely one that construed these influences as irrelevant. This is reflected in the following statement by a visiting expert during a discussion accompanying a presentation:

'I don't really see why it is relevant where the human rights discourse emerged. So what if it is of Western origin? That doesn't mean that it is not universal. That kind of an argument does not make sense. By the same logic you could argue that the theory of relativity or electricity are Western creations merely because they were invented in the West.'

This statement equates human rights knowledge with the findings of 'hard' sciences, to phenomena that *exist* as objective facts. Assessed from the perspective of scientific methods, this equation entails a problem of logics: whereas it is possible to verify the existence of electricity or the accuracy of the theory of relativity with empirical experimentation, it remains impossible to verify the same of human rights; to establish through empirical experimentation whether a given claim is a human right by its essence or not.⁹⁴ As was demonstrated with the case of LGBT-rights, whether a claim is recognized as a human right or not is guided by the social processes which define the claim's acceptability. An approach equating human rights to scientific facts

⁹⁴ This equation of human rights with scientific facts finds an interesting parallel in the already mentioned ongoing controversy over whether the Darwinian theory of evolution and the Biblical story of creationism should be taught at US schools. For the present discussion what emerges as significant is how the proponents of creationism are increasingly forwarding their arguments through the rhetoric of science, both in criticism toward the theory of evolution as 'myth' based on 'icons' (Wells 2002) and by introducing the theory of intelligent design (ABCNews 2000). Both attempts have, however, faced serious challenge; Wells's scholarship has received severe criticism and the teaching of the theory of intelligent design has been accused of violating the constitutional separation of church and State (MSNBC 2006).

denies the importance of such social processes, and instead construes human rights as something that merely *exist*. Such a characterization induces significant consequences on the conception of human rights knowledge: the portrayal of human rights as matters of undisputed absolute existence that cannot be verified by empirical observation transforms human rights knowledge into an article of faith. As has been discussed, the notion of human rights as a secular ideology or religion is not new and is instead well established particularly in critical research on human rights.

This conception is visible in the manner scholars of different ‘schools’ view each other. Thus for example a prominent NAIL scholar stated - in a passionately engaged tone explored in the next chapter - how she has ‘*no patience for the human rights believers*’. Another critical scholar described a human rights educational program as forming a ‘*human rights church*’. The characterization of human rights as articles of faith was accepted also by a prominent SCANET expert who, upon being asked how she felt about such characterizations, stated that she has no trouble accepting that human rights create a secular religion; in other contexts she has expanded this characterization by describing certain human rights as ‘sacred’, reflecting the commonly cited characterization of Michael Perry (Perry 1998). The conception of human rights knowledge as an article of faith induces important consequences to conceptions of learning: if knowledge is construed as a ready object, the core of learning becomes a process where this object is passed from knowledgeable individuals to those lacking knowledge - from faculty to students. Instead of vigorous questioning and analysis, learning acquires elements of internalisation. This model was visible in the reception of the described presentation: as its data led to conclusions that threatened to challenge the belief according to which the operations of the institution unequivocally advanced the progress of human rights, the student was advised to ‘avoid the temptation’ of such findings.

KNOWLEDGE PRACTICES

The second half of this chapter explores SCANET activities from the perspective of reproducing the community of practice of human rights experts. It investigates whether they render the community transparent, thus allowing its legitimate peripheral participants to gain full membership, or whether they leave elements of its content opaque. By focussing on the knowledge practices of the community of experts, this section inspects whether students learn

to process documents in a characteristic manner; it also assesses whether students have access to the implicit knowledge held by experts. The chapter commences by exploring whether SCANET activities teach its students to speak like experts. Greg Urban has identified a discourse and its circulation as central factors in the creation of a community (Urban 2001, 95). A distinct discourse inaccessible to outsiders strengthens the impression of the community as an expert one, as is often noted of medical specialists. Sarat and Felstiner discuss how access to a specific language is constitutive of expert positions in divorce court proceedings, sometimes to the great resentment of lay participants (Sarat & Felstiner 1995, 26). Command of a distinct discourse is also pivotal for membership in the community of practice of human rights experts. This is illustrated by the vigour and dedication invested in efforts to find 'appropriate' terminology for various human rights documents (Merry 2006a; Riles 2006b). Appropriate discourse is pivotal in the process through which an issue is construed as a human rights issue instead of a lay experience (Brenneis 2006), and a distinct vocabulary has been characterized as constitutive in the politics of universalism integral to the community of practice of human rights experts (Kennedy 2004).

In the process where laymen become human rights experts - are transformed from outsiders into legitimate insiders in the community of practice of human rights experts - 'learning how to talk (and to be silent)' as full participants is decisive (Lave & Wenger 1991, 105). The previous analysis of SCANET conceptions of learning has demonstrated how its activities offer ample opportunities for students to learn *from* the talk of experts. Yet, to qualify as full members, according to Lave and Wenger, they need to learn *to* talk as experts (Lave & Wenger 1991, 109). This section utilizes a notion of speech as including also written texts produced by students. In this it follows the concept utilized by Anna Maria Viljanen in her study of psychiatric statements to determine the accused's mental state in court proceedings. Yet in her analysis she relied solely on written statements, although many of her informants would have been easily available for interviews. She explains this choice by stating that in her context the analysed documents constitute the informants' 'speech' for the courts, and thus the actual speech acts delivered in person become superfluous (Viljanen 1994). In the attempt to explore whether SCANET students gain the ability to express themselves in the expert discourse of human rights through SCANET activities, this study has a more comprehensive approach, including in the concept of speech also actual verbal exchanges.

LEARNING TO TALK LIKE EXPERTS

In beginning this analysis, focus is directed to the skill SCANET students demonstrate in utilizing the human rights discourse in the papers they prepare as background material for their presentations. Sally Engle Merry has outlined distinctive characteristics of this discourse by describing her first experience of a UN human rights treaty body meeting as a ‘newcomer’: ‘I was overwhelmed by all the acronyms - UNDP, WFP, WHO, UNIFEM, CEDAW, CRC, ICCPR, and many more - and the catch phrases, such as gender mainstreaming, capacity building, best practices, gender focal points, and political will, that I heard all around me. Everyone else seemed to know what was going on ... and what all those letters stood for’ (Merry 2006a, 36). Annelise Riles describes similar experiences in her research of Fijian NGO workers, mentioning: ‘Although speakers often expressed a desire to communicate with outsiders, they peppered their presentations with acronyms and references to particular documents or conferences and therefore spoke in terms that were both too general and too specific for anyone but a seasoned participant to follow’ (Riles 2001a, 52). In the course of SCANET activities students participate in a high number of lectures as well as are expected to read a significant amount of material assigned by faculty members as background reading for lectures. Both of these elements include the characteristics described by Merry: they entail frequent references to documents, utilize ample acronyms and expressions that Merry describes as ‘catch phrases’, and feature numerous references to different human rights domains.

These patterns are illustrated by one randomly selected expert 22-page paper submitted as background reading for one SCANET training course. The paper includes mentions of 10 different types of committees. Of these, seven are explicitly named, while the paper includes a general reference of the ‘Committee of Experts’. Of institutions and organizations, the text mentions the European Court of Human Rights and the International Labour Organization, and of international legal instruments the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The term Covenant is repeatedly used, also in the formulation ‘Covenant and the protocols thereto’. In addition, the text includes the expressions ‘human rights treaty body’, ‘Paris Principles’, ‘UN Standard Minimum Rules for the Treatment of Prisoners’, as well as ‘quasi-judicial procedure’, ‘High Contracting Parties’, ‘Concluding Observations’, ‘Individual Observation’, ‘General Comments’, ‘Final View’, ‘Individual complaint’ and ‘Standard Minimum Rules and Final View’ (all capital lettering in the original).

To conclude what kind of learning this exposure induces - whether it translates to student competence of the expert discourse of human rights - student papers are compared to the randomly selected SCANET expert paper. To gain greater precision for analysis, only the use of acronyms in these papers is scrutinized. That acronyms create perhaps the most integral element of the expert discourse on human rights - as well as that of international law - is well reflected in Merry's writing: although she starts out by noting how their frequent use by 'insiders' enforced her outside status, in her analysis of treaty body proceedings she ends up reproducing their high frequency (Merry 2006a). The centrality of acronymous was also reflected in faculty comments accompanying SCANET student papers. Even in instances where their use was clearly exaggerated - one paper featured over 250 acronymous in under 20 pages - there were no instances where experts commented on the matter, encouraging restraint.

To examine how SCANET students have generally been socialized into this element of the human rights expert discourse, a randomly selected sample of 15 papers out of a total of 29 papers prepared for one SCANET training course have been examined. Text lengths varied between 5 and 22 pages per document; the total number was 200 pages. In this analysis, only the main text is analysed, while footnotes and bibliography are left unexamined. This inspection shows three in four student papers utilizing acronyms with frequencies that correspond to those of the expert paper, suggesting that a high portion of students have learned how to utilize this element of the expert discourse of human rights (Table 15). Student papers also demonstrate competence in the expert discourse by the diverse types of acronyms utilized. In addition to such conventional acronyms as the UN and UDHR, they include for example the acronyms DK, TRNC, MRT, FRY, EU-ACP, AU, AOU, DRC and ASEAN countries. In addition, the papers produce more unconventional formulations such as MS, WG, IGC, GSP, GSP and NHRI. Other non-standard acronyms include POW and GWT (Appendix). Both of these tendencies - the high frequency of acronyms as well as their invocation to unconventional domains - can be interpreted as signalling that students have internalized the prevalence of acronyms in translating an issue from an everyday one into a human rights issue. Through their papers students thus present their message in a discourse recognizable to insiders of the human rights phenomenon, while it is simultaneously difficult for outsiders to access.

So far this examination has focussed on written texts. However, full membership in communities of practice includes the ability to *speak* in the expert discourse. This is emphasized by Maija Gerlander, Lena Levander

Table 15: *Acronyms in SCANET student papers*

	STUDENT	FACULTY
N	15	1
USING ACRONYMS	73% (=11/15)	1
NO ACRONYMS	27% (=4/15)	-
AVERAGE of acronyms		
PER PAPER using acronyms	44	78
Average number of pages		
per paper	15	22
AVERAGE of acronyms		
PER PAGE	2.9	3.5

and Saara Repo-Kaarento, who in their guide directed for university teachers to improve seminars highlight verbal skills as a constitutive element in the socialization of students as members of a scientific community (Gerlander, Levander & Repo-Kaarento 2006). For the community of practice of human rights experts these skills include such things as the ability to give interviews, hold lectures and act as intermediaries. Gerlander, Levander and Repo-Kaarento mention, as pedagogical alternatives that introduce students to these skills, the organization of student presentations through a format where other students are assigned as commentators or opponents. Such practices encourage students to translate their competence into the relevant expert discourse in concrete verbal exchanges (Gerlander, Levander & Repo-Kaarento 2006). As has been demonstrated, the SCANET learning curriculum offers students limited opportunities for acquiring such skills, as for example opponent practices are not utilized. The most important element enabling students to practice speaking in the expert discourse is formed by their presentations. Yet, as each student holds only one presentation in each activity, these opportunities remain limited. SCANET activities entail neither direct instruction or feedback on how to hold a successful presentation. In addition to presentations, students rehearse formulating their verbal exchanges in the expert discourse in the discussions following lectures. Possibilities for such instances are, however, scarce, and thus students are primarily incorporated into the activities as a silent audience, limiting their possibilities to learn to talk as experts.

KNOWLEDGE PRACTICES IN PROCESSING DOCUMENTS

In addition to competence in the expert discourse of human rights, human rights experts share knowledge practices that students need to learn in order to gain full

membership of this community of practice. This section explores those knowledge practices, aiming to discover how SCANET activities socialize students in them. Focus is directed to two aspects: processing documents and utilizing research resources in SCANET activities. Both of these practices are approached through glimpses aiming to exemplify characteristic expert practices. Documents - ‘artifacts of modern knowledge’ - occupy a distinct position in contemporary societies, leading scholars to view their analysis as increasingly decisive for understanding modern expert knowledge practices (Riles 2006). For the human rights phenomenon, the primary observation becomes abundance. Whether acting as UN treaty body members, professors or consultants, human rights experts are continually showered with documents. Combined, these amount to tremendous quantities of documents, a fact which was illustrated by a visiting SCANET expert - in a discussion about propositions to introduce new documents for the inspection of treaty body members - by stating:

‘This all sounds very exciting, but one cannot but wonder how this concurs with the existing workload of treaty body members who already receive daily on our desks a stack of papers this high [holds hands 40 centimetres apart]’.

Subsequently treaty body members are in the course of their duties faced with state reports varying in length from below a hundred to several hundred pages, ‘shadow’ reports from domestic and international NGOs among others, general comments and concluding observations as well as their drafts, committee memos, background papers and e-mails. These are accompanied by documents deriving from their other responsibilities as professors and institute leaders including funding applications, evaluation reports, travel bills, annual reports, consultative statements, recommendations, student papers, articles for peer review, as well as their own writings such as articles and manuscripts in the process of being completed.

In addition to abundance, the processing of documents becomes challenging as they form only part of the responsibilities of human rights experts. In addition, experts participate for example in treaty body proceedings and meetings of different kinds, attend seminars, hold lectures, participate in different kinds of negotiations, travel; as has been mentioned, a prominent expert may travel for up to 120 days a year.⁹⁵ Combined, these tasks create circumstances in which time is of the essence. This imposes distinct conditions on the processing of documents. To evaluate human rights expert knowledge

⁹⁵ Many human rights experts consider travelling time well suited for processing documents, not separating these two responsibilities from each other.

practices - to explore what kind of attention they can allow documents while 'staying on top of things' - an experiment is conducted with the State Report of Norway submitted to the Committee on Economic, Social and Cultural Rights on 6 July, 2004, and discussed on 3 May during the 34th Session of the Committee on 25 April to 13 May, 2005 (State Report of Norway 2004). The purpose of this section is to illuminate general factors; a comprehensive analysis of knowledge practice would require more numerous experiments with different readers. Also, this section does not suggest that human rights experts treat all documents identically, making no alterations to their knowledge practices regarding the documents they are processing. Let us assume that a human rights expert has daily on average two hours at her disposal for work-related documents. Let us translate the estimated 40 centimetres of paper described by a SCANET visiting expert to 1000 pages. If all these documents are to be read in the allotted two hours, this translates to reading 8 pages a minute or one page in slightly over 10 seconds. What kind of reading can be given to the 85-page report by Norway in that time? What kind of characteristics emerge as compelling in the document, and what kind of personal qualities can be associated with a successful human rights expert on the basis of this experiment?⁹⁶

The State Report of Norway

To gain an appreciation of the nature of the document at hand, brief description of the composition and the aesthetic of a State Report is useful. Its front page contains the distinctive markers of the UN as well as the name of the respective agency in bold as well as also, the number, date and language of the document. The middle section of the page is reserved for the name of the document in the following form:

⁹⁶ Yet other treaty body members construe this quantity exaggerated, pointing out that this may instead refer to the amount of documents treaty body members receive during an entire session. Many thanks to Michael O'Flaherty for discussion on this point. Instead of exact quantities, the figure attempts to illustrate a general pattern of abundance. In their processing of documents, treaty body members naturally draw distinctions between different types of documents. They also receive State Reports six months prior to the session, allowing for processing time prior to it. Thus the attempt here is again to illustrate knowledge practices through an experiment instead of providing an accurate representation of their processing.

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fourth periodic reports [sic] submitted by States parties
under articles 16 and 17 of the Covenant**

Addendum

This is followed by the name of the State Party, as well as the document date. The first page is completed with various footnotes holding additional information such as the following: ‘The third periodic report concerning rights covered by articles 6 to 9 (E/1994/104/Add.3) was processed by the Committee on Economic, Social and Cultural rights in 1995 (E/C.12/1995/SR.34 and 36-37; E/C.12/1995/13)’ (State Report of Norway, 2004). The actual text is divided into two parts: A and B. In addition, the text is divided into paragraphs which connect the document in its aesthetics to legal texts. Page two holds a table of contents divided into ‘Articles’, and in addition to offering page numbers, it enlists paragraph numbers. Page three commences the actual text, which is frequently interrupted by paragraph numbers and subheadings. Combined, these make the text light and easy to access. The text itself is broken into tidbits of a maximum of ten lines. Relevant treaty articles are highlighted by bold and placed at the centre. In addition, the document contains numerous lists outlining the initiatives taken to meet the treaty’s requirements. In these contexts language is short and understandable, ‘commonsensical’. For example:

- ‘201. Based on food consumption trends, the Norwegian authorities seek to promote:
- breastfeeding of infants
 - increased consumption of vegetables, fruit, berries and potatoes
 - increased consumption of fish...’ (page 33)

These statements create a strong contrast to the expert jargon commonly associated with legal documents, making the document easily accessible to vast audiences. The document also contains percentages, such as the following from page 55:

- ‘33. As of December 2002, the following percentages of two-year-olds (born in 2000) had been immunised against:
- Pertussis: 92%
 - Diphtheria: 93%
 - Tetanus: 93% ...’

The document concludes with a list of appendices, in this instance featuring 34 additional documents ranging from handbooks such as the 2001 ‘Handbook in Human Rights Assessment’, and various tables such as the 2002 ‘Table, Regional differences in employment’, to different reports, judgements and brochures, such as the ‘Brochure, Mental Health Services in Norway’ (page 84-85).

This experiment highlights speed: in order to accomplish the task in the allotted time, the material needs to be processed rapidly, with emphasis placed on a general impression. Scarcity of time limits the reader’s possibilities to weigh the reliability of data presented in the state report itself or in the documents listed as its sources. This also applies to data presented in statistical form. Simultaneously this segment demonstrates the need for more specialized knowledge, as in order to be meaningful, it is necessary to know, for example, what the diseases enlisted above are. Yet these findings assign primacy in the overall assessment on the document’s outlook. To evaluate the quality of the data contained in the report, what emerges as integral is how well or poorly the document corresponds with the familiar aesthetic of such documents. In addition, what becomes compelling is how the report utilizes the expert human rights discourse; whether it articulates its message through the appropriate terminology, acronyms and reference to relevant documents. In verifying the document’s reliability, scarcity of time prevents in-depth analysis, placing emphasis instead on the previous knowledge held by the domain delivering it. These elements give rise to knowledge practices emphasizing the rapid formation of general impressions. This was also summarized by a visiting SCANET expert, a treaty body member, who described her processing of documents by stating: *‘I go through text very quickly - I just glance through it and am able to form a general impression on it. In fact, I can read any book in a day’*. Such a reading allows the processing of material primarily from the perspective of existing frameworks of knowledge. Its primary focus becomes invested on the extent to which material concurs with or differs from the existing framework of human rights knowledge, as scarcity of time and abundance of material do not permit the kind of focus that imposes radical challenges to underlying ontological assumptions.

SCANET Student Knowledge Practices

When beginning the inspection of how the SCANET learning curriculum socializes students into the above described processing of documents, the first observation is that activity programs are tremendously long. The following sample of one SCANET activity program illustrates this:

DAY 0: WEEKEND 4pm leave house, 6pm flight, 8pm arrive, 9pm arrive at hotel

DAY 1: 8am breakfast, 9-12am opening, lectures, 12-1 pm lunch, 1-6 pm presentations, 7-10 pm dinner

DAY 2: 9-12am lectures, 12-1pm lunch, 1-6pm presentations, 7-10pm dinner

DAY 3: 9-12am lectures, 12-1 pm lunch, 1-6pm presentations, 7-10pm dinner

DAY 4: RECREATION - 9-12am working groups, 12-11pm lunch, 1-5pm workshop of expert presentations, 6-10pm sauna & dinner

DAY 5: 9-12am lectures, 12-1pm lunch, 1-6pm presentations, 7-10pm dinner

DAY 6: WEEKEND 9-12 lectures, 12-1pm lunch, 1-4pm presentations, 4pm closing

DAY +: WEEKEND leave hotel at 8am, flight 9.30am, arrive 11.30am, home 1pm

This demonstrates that SCANET activities likewise make great demands on the time of students, allowing few possibilities for competing engagements for their duration. This conveys an accurate representation of the temporal requirements ensuing from expert positions, characterized by long days and numerous responsibilities. SCANET activities socialize students also to the abundance of documents faced by human rights experts. As was mentioned, for each activity students are required to process two types of documents: student papers and background reading for expert lectures. In the examined SCANET activity, the number of student papers was 29,⁹⁷ and their length ranged between 6 to 44 pages, with an average of 16 pages. This brings the total number of pages to 455. Background papers were provided by six lecturers, who each assigned on average three articles of 30 pages, bringing the total to 540 pages. Combined, this results in 1000 pages of text for one SCANET activity.⁹⁸ As students likewise have numerous competing assignments in their home universities related to their ongoing PhD work, they will likewise have to learn to process these documents with efficiency. This suggests that SCANET activities are successful in socializing students into expert knowledge practices where documents need to be processed with great

⁹⁷ The total number of student participants in the course was 32, with 3 failing to submit papers.

⁹⁸ These 1000 pages were expected to be printed by participating students, as hard copies were available only in exceptions. Going back to the discussion of Chapter 3 on SCANET as part of a global elite: this mundane feature offers another example of this, as such significant quantities of printing would not be available for example to the NGO workers I worked with in India in autumn 2000.

speed, focussing attention particularly on the general impression created by the document as well as how it utilizes the expert discourse of human rights.

UTILIZING RESEARCH RESOURCES

SCANET activities introduce another significant knowledge practice of experts which did not become transparent to students, namely the capacity to utilize research resources during SCANET activities. This practice is exemplified by instances where a discussion embodied controversy or questions on how certain issues, such as the rights of indigenous peoples, were addressed in existing human rights instruments. In general SCANET experts portray an impressive command of the content of existing instruments. Yet as documents continually proliferate, no individual can know all of them by heart. Instead in certain instances SCANET experts will reproduce a text through their laptop, allowing them to make authoritative contributions to ongoing discussions. This exemplifies another key element of human rights expert knowledge practices: the ability to derive relevant information with speed and efficiency. In SCANET activities this practice occurred through a medium that was not available to SCANET students. As a general rule, SCANET activities do not overtly recommend students to utilize their laptops during activities. It is also not commonly advertized that activity venues offer ready access to the internet. Consequently SCANET activities contained no instances where students were explicitly encouraged to experiment with this aspect of expert knowledge practices, for example through sessions where students would receive direct training on how to derive documents from relevant sources. This element of expert practices was not reproduced in SCANET activities but instead left implicit. Ability to utilize research resources became a factor emphasizing the distinction between the categories of expert and student, and from this perspective left elements of the community of practice of human rights experts opaque.

GAINING ACCESS TO IMPLICIT EXPERT KNOWLEDGE

This section concludes by exploring the implicit knowledge embedded in human rights expert practices, asking whether SCANET activities render it available to participating students. Implicit knowledge can be described as the 'space between' official and unofficial knowledge (Riles 2001a, 22). It resonates with what Sarat and Felstiner call 'private knowledge' - intimate knowledge of the subtle details of the functioning of the legal process not

available even to well-educated and well-read clients (Sarat & Felstiner 1995, 101-102). The notion of implicit knowledge also applies to the transnational space of human rights activism, which Sally Engle Merry has described as having its own values and culture (Merry 2006a). This section explores one element of this culture, examining how text functions as an ambiguous source of knowledge through description on the proceedings accompanying the submission of the state report of China. Numerous scholars have demonstrated the vigour that goes into the making of international treaties and other international human rights documents. However, research has simultaneously suggested that after documents are produced, their wording often ceases to be the target of scrutiny as significance is invested, in addition to what the documents actually say, to the fact that they exist and that they are processed. Annelise Riles has explored this element through circulation of documents among Fijian NGO workers through the analogy of circulation of ritual mats (Riles 2001a). This section focusses on the low knowledge status assigned to text in the submission of China's state report, and inspects ceremonial aspects of treaty body proceedings. Finally, it asks how SCANET activities render these elements transparent to students.

It was lunchtime for the treaty body members who were convened in Geneva for the 34th session of the Committee on Economic, Social and Cultural Rights in April 2005. The day was an exciting one, as it was the first time China was submitting its state report; the electricity generated by the event was palpable both in the cafeteria as well as the remainder of the vast conference building. By lunchtime China's presentation had progressed to day two and was nearing its end. After lunch, the floor would be open for questions, and the event was naturally the main topic of discussion for the four treaty body members present. During lunch various comments were made on the attitude of the Chinese delegation toward the proceedings. Treaty body members noted with delight how pleasant the head of the delegation had been; the fact that he had opened his presentation with a joke about 'communist explanations' was recounted on three occasions. However, this appreciation for his playfulness did not translate to a lack of criticism as it was observed that *'the leader's voice changes when he shifts from English to Chinese'*. This comment indicated that he was perhaps not as benevolent in his own tongue as his pleasant demeanor in English suggested. Various comments were also made on the Chinese delegation as a whole, with one treaty body member asking why China had brought such a large delegation to the meeting: *'it was, after all, a developing country.'* The tone of this comment - made by a treaty body member originally from Serbia - made it obvious that such a

large size was seen as inappropriate, as it presented a sign of carelessness on the part of the Chinese government. Being a developing country with limited financial resources, instead of spending money on such a large delegation, the comment insinuated that the money would have been more wisely spent on addressing the various developmental difficulties the state was facing. The comment appeared to entail, in addition, a second level, namely disapproval toward the flamboyance with which China had made its entry into treaty body proceedings. Instead of portraying itself as a developing nation coming in front of the treaty body with a humble and earnest attitude, the inappropriately large delegation was interpreted as a sign of arrogance from a malignant communist state still aspiring to portray the image of a superpower.

The Chinese delegation was indeed large, occupying four centre tables in the large conference room. In total it included, in addition to members directly related to the report's presentation, a member who appeared to be documenting the proceedings by vigorous writing, as well as a few women who were present primarily as companions. The proceedings incited excitement in Chinese participants, demonstrated by the numerous photographs taken by junior delegation members in them. During lunch, treaty body members observed that *'there are two kinds of Chinese [in the delegation]: those who are under 40 are Western and modern, those over 40 or 50 are traditional and hierarchical'*. The comment's tone indicated approval toward the younger generation and welcomed this change. With all these participants the delegation had an impressive presence, conveying the scorned image that this was a superpower - after all, one of the five permanent members of the Security Council - not a random developing state. This sentiment was evidenced during the question period which commenced after lunch. Although questions opened with customary diplomatic politesses on how nice it was that China was participating in these proceedings, after the introductions their tone altered; questions became direct and intrusive. The first treaty body members raised the issue of abortions - *'are there forceful abortions and how do Chinese officials treat them?'* The second question likewise addressed abortion, expanding it to pregnancy more generally, as well as to the issue of homelessness. The third question focussed again on abortion. Then a question addressed domestic violence and the position of women in Chinese society. Questions on illiteracy and access to education ensued, as well as inquiries into the freedom of press and teaching religion at schools.

Combined, these questions give rise to two observations. First, their tone was sharp, almost confrontational - far beyond the standard level of diplomatic parlance embedded in mutual politeness, introducing a greatly adver-

sarial aspect into the proceedings. This experience differs greatly from that of Sally Engle Merry, who describes how, although some questions were pointed, the tone of treaty body expert comments and questions was unfailingly courteous, and criticism was rarely explicit. The experts Merry talked with emphasized that their goal was to be constructive as well as to offer criticism. However, also in her experience a difference existed between the public and private realm, as in private discussions experts commented on their frustration on a certain country's report. These views were, nevertheless, not raised in the public hearings (Merry 2006a, 85). Second, all asked questions related to matters already covered in the State Report. Thus it was difficult to comprehend why they were asked, as they had already been addressed by China in the report. Presenting questions - in an adversarial tone - on topics for which answers were already provided for indicated disapproval and disbelief toward the accuracy of the data included in the document, and the questions indicated that the material of the State Report could be not treated as knowledge. The low knowledge status assigned to the material included in the State Report was illuminated by treaty body members who, during lunch discussion, commented that they '*do not wish to speak to the leaders [of the Chinese delegation], but to those who do not speak English.*'⁹⁹ It was construed evident that knowledge was not to be obtained from the representatives of State, but rather from the common people. As the state report had inevitably been constructed by the State, it was given low status as a source of knowledge. This conclusion was supported by the statement of another treaty body member, who noted that he is not really waiting for the State report drafted by the Chinese authorities but rather for the shadow-reports filed by various NGOs, who were considered to have access to what '*really happens*'.

The questions posed to China were primarily answered by the same delegation head who had delighted the audience with his opening joke. His responses confirmed that, indeed, he was no mere showman but instead a highly skilled diplomat and politician. His demeanour was not in the slightest shaken or offended by the adversarial tone of questions. Instead he replied to them as if the treaty body members had never seen the State Report, often reading text directly from the Report itself. His responses alternated between Chinese and English, which had not been the case during his earlier presentation, held consistently in English. The shifting of languages created the image that it stemmed not from limitations in language skills, but from something

⁹⁹ During lunch no indication was made that the present treaty body members had competence in Chinese; the biographies of treaty body members suggests the same. Subsequently such discussions would have required interpreters.

else - namely from efforts to distance answers from original questions, making replies only available through the words of interpreters.¹⁰⁰ The tone of his responses was energetic, even aggressive. Through the words of the English translator he declared: '*We do not allow people to live on the streets. There is no homelessness in China.*' He then went to complement his response, referring to a Housing Act by reading the precise text of the Act from the State Report in front of him. To return the discussion to the status of knowledge and the ways in which knowledge is produced in the human rights field - to the 'spaces between' officially 'existent' and 'nonexistent' sources - the status given to the above document and exchange requires closer attention. Officially documents such as state reports are valued as primary sources of knowledge in the proceedings of numerous human rights bodies. Yet, 'unofficially', their pivotal element becomes the way the vocal exchange accompanying the submission of state reports creates a ceremony of *dialogue* between different parties. The rhetoric of *dialogue* is pervasive in the human rights discourse and is commonly used to explain benefits of a particular instrument among others. As an example, the website for the Delegation of the European Commission states on its relations to China: 'Constructive dialogue remains the Union's preferred channel for working to improve the human rights situation in China' (European Commission 2006). 2001 was also named the UN Year of Dialogue Among Civilizations 2001 (UN 2001).¹⁰¹

The ceremonial nature of vocal exchanges is demonstrated by the answers, which often relied on the precise wording of the document for the elaboration of which the question was asked in the first place. In this context the Chinese representative answered questions on the State Report with the exact wording included in the document, providing no additional knowledge. The low knowledge status of the answers appears previously known to those asking questions, rendering the motivation for these questions to stem not from the desire to gain knowledge but from aspirations to engage in dialogue. Thus in this instance the treaty body proceedings acquired strong ceremonial characteristics, as little new knowledge was exchanged in them. Instead most of what was brought up in the discussion was already known to the participants before hand. The ceremonial nature of dialogue appeared further to be

¹⁰⁰ As is customary in UN meetings, the proceedings were being simultaneously translated into five languages: English, French, German, Spanish and Chinese, and most participants listened to presentations via headphones in the words of the translators.

¹⁰¹ No empirical studies have been available on the rhetoric of 'dialogue', yet the practices surrounding the term's invocation suggest strong emphasis on the ceremonial elements of collaboration.

known to both the Chinese delegation as well as treaty body members. The Chinese delegation head answered questions with a readiness that suggested great awareness of the charges the delegation would face in the question period, thus encouraging them to prepare answers beforehand. Lunch discussions among treaty body members suggested that they were also well aware of the answers to be provided by the Chinese delegation, and thus expected no new information to emerge. During the proceedings, the ceremonial nature emerged as both known and accepted to at least some participants, highlighted by the practice of individual treaty body members to leave the conference room before their questions were answered. These elements render the described treaty body proceeding as ill-suited to be described as ‘a cyclical process of the repetitive exchange of information between the parties’, ‘resulting in the adjustment of expectations and preferences’ (Haavisto 2002, 301; Roberts & Palmer 1998, 70). Instead it emerges as a ceremonial event in which, instead of the transformation of new knowledge, what emerged as primary was the engagement of different parties in a joint dialogue. This outcome imposes a supplementary requirement on successful members of the community of practice of human rights experts: in addition to keen interest and engagement in the substantive elements of human rights, they need to have tremendous bureaucratic stamina, translating into patience and endurance in the face of abundant committee meetings and proceedings among others, following commonly established procedures. Only these qualities allow the kind of participation and space that eventually translates into ‘dialogue’.

As the afternoon wore on, the session’s ceremonial characteristics gained even more emphasis. After the momentary vigour of lunch accompanied by stimulating social exchanges, a general sense of inertia started to overwhelm the atmosphere. This was visible from the faces of delegate and treaty body members as well as observers dispersed around the sides and back of the conference room: people started to fall deeper into their seats and many rested their eyes due to the exhaustion of the long day. Numerous individuals had focussed their attention on their laptops and were checking e-mails accumulated during the day’s proceedings. Participant numbers in the conference room started to decrease as people sneaked out of the room to convene in the panoramic cafeteria of the lobby. In front of the view of lush green parks, mountains (would Mont Blanc be visible today?) and the city of Geneva bathing in a gorgeous sunset, greetings were given to long-lost acquaintances, and little groups engaged in lively chat started to form around the tables spread apart. Soon drinks would be ordered, and the mood would be set for dinner.

Implicit Knowledge in SCANET activities

This analysis concludes by exploring how SCANET activities socialize students into such implicit knowledge of the community of practice of human rights experts: the low knowledge status of some documents as well as the importance of ceremonial aspects of formal activities. As was noted, SCANET activities introduce significant quantities of text to its participants, encouraging them to adopt the fast processing of documents already discussed. Processing of student papers by assigned faculty commentators also entails elements that could be construed to have assigned them low knowledge status. Although many commentators invested great energy into reading and commenting on papers, for others this was not the case. Some experts commented that they had not received the papers beforehand, but were instead offered them as they arrived to the SCANET activity. Others had, probably due to numerous competing engagements, not read them yet prior to the activity, noting instead, for example at dinnertime, that they still needed to read the papers they were to comment on the following day. During presentations similar differences were visible. Whereas many commentators forwarded comments explicitly on the basis of the specific student papers, referring to distinct passages of text, others maintained their comments on a more general level, commenting on broad themes instead of the specific content of distinct papers. The latter practice gave rise to the conception that the source of comments was not formed primarily by the student paper, but rather by general developments in the human rights field raised by the presentation. This finding can be connected to the ambiguous status of documents in treaty body proceedings, where, instead of being sources of knowledge, their primary function becomes their existence. Another element that can be construed to socialize SCANET students into this implicit knowledge practice relates to the abundance of documents handed out during activities: as was noted by numerous participants during activities, their quantity was construed as too great, and therefore it became impossible to digest them all.

To explore whether SCANET activities socialize their students into the bureaucratic stamina of successful experts, the ceremonial elements of SCANET activities will be considered. This analysis is facilitated by the primary observation of activities, namely their high quantity. As was demonstrated by the excerpt from SCANET activity program, days are significantly long and fully-packed. This renders it greatly challenging for participants to remain active and alert for their entire duration. This assigns SCANET activities similar elements as those described at the treaty body proceed-

ings: particularly as the program wore on, people would lose concentration, fall deeper into their seats, send and read text messages by cell phone; some experts would glance at e-mails from laptops. Yet notably few participants were absent from activities. Experts, including those not holding lectures at the time, participated in the sessions with high frequency, and with a few exceptions, also student participation remained exceedingly high throughout activities. Particularly during lectures many students appeared to engage in active note taking and listen attentively to the experts. To characterize these events as primarily ceremonial appears misguided, as they were instead often instances where students actively sought information from lecturing experts. Instead such a characterization finds more resonance with student presentations. Touching upon issues that were frequently remote from the interests of other students, and followed by a division of time that offered practically no possibilities for audience contributions in many instances assigned student presentations qualities of ceremony. Instead of being instances of mutual learning, occasionally the primary element of presentations became the fact that they were held. To connect these findings to the observations of treaty body proceedings, these instances become moments when SCANET students are socialized into the bureaucratic stamina of successful human rights experts.

CHARACTERISTICS OF PERIPHERAL PARTICIPATION IN SCANET

Observations of the ceremonial nature of events are, of course, not restricted to SCANET activities or treaty body proceedings but instead can be held to reflect, to some extent, most organized events. For this study these findings gain relevance from the question of how SCANET activities socialize their legitimate peripheral participants into the community of practice of human rights experts. This analysis has demonstrated that, whereas numerous of its practices do become accessible to students, the community also entails elements for which insight is not acquired through such formal educational contexts as SCANET activities. This resonates with the division of 'abstract' and 'concrete' knowledge discussed by Lave and Wenger (Lave & Wenger 1991, 104): while SCANET activities offer its legitimate peripheral participants 'abstract' knowledge on human rights, its students remain without access to such 'concrete' knowledge as that embedded in the practices of, for example, UN treaty bodies. William Hanks discusses how a training program that consists of instructional settings separated from actual performance 'would tend to split the learner's ability to manage the learning situation apart from his

ability to perform the skill'. Such circumstances raise the possibility of training actors who 'become experts as a learner - that is, who become masters at managing the learning situation - but who never actually learn the performance skills themselves' (Hanks 1991, 21).¹⁰² SCANET activities hold elements of this characterization. Again this finding is not restricted to SCANET, as Lave and Wenger discuss how learning how to 'do' school appropriately may be a major part of what school teaches. Thus, while SCANET students learn through their participation to meet the requirements set forth by faculty in terms of presentation - for example, they learn bureaucratic stamina, but not how this is relevant in such UN contexts as treaty body proceedings - this element assigns their legitimate peripheral participatory status 'irrelevance' to the ongoing activities.

To explore whether SCANET functions as a successful venue for reproducing the community of Nordic human rights experts, two features can be identified. On the one hand SCANET conveys its students necessary information on expert positions which can later transform into experimentation with them, and possibly also full membership in the community of practice. However, this process appears impossible solely through participation in SCANET activities without any further socialization into the community for example through apprenticeships as SCANET activities leave elements of the community of experts opaque. This is illustrated by the capacity in which the *centre* of the human rights phenomenon becomes construed in SCANET activities: instead of being a domain of which extensive knowledge is offered or to which students are introduced through concrete practices, it comes to function as a referential other utilized to increase expert status. This is observable particularly regarding association with different UN domains, which are commonly mentioned in SCANET activities both by the experts themselves as well as others during activities. Experts may highlight their associations in discussions in SCANET activities, particularly in instances of disagreement or confusion. Thus an expert may emphasize her association to a UN treaty body by noting of a document drafted by it: *'I am the author of General Comment 4 which states..'* Other experts may seek for authoritative interpretation on the content of treaty articles from experts who hold membership in treaty bodies. Association to the centre was also brought up in an instance in which uncertainty prevailed over the precise arrival time of a visiting expert. When the expert finally arrived, she explained her tardiness by stating: *'I just arrived from Geneva, where I was attending a meeting for a*

¹⁰² Original quote in the singular; transformed into the plural by author.

UN working group on the draft convention on indigenous rights'. Exchanges among students likewise suggest that association with the centre increases the authority invested in experts. This sentiment was reflected in the statement of a student who, before a lecture held by a treaty body member, characterized her as a '*very important person*'. Constitutive for the present analysis is that these references emphasize association with the centre while simultaneously leaving its content and practices unclear. The 'black box' of expertise is not transformed into a 'glass box' (Lave & Wenger 1991, 101-102). These findings assign SCANET activities an additional characteristic: instead of functioning solely as a domain for reproducing the community of practice of Nordic human rights expert, they become a context in which expert positions are created for the present generation of SCANET faculty members.

The final element to be considered relates to the question whether SCANET activities can be seen to empower its legitimate peripheral participants so that they, following the analysis of Meintjes, challenge existing oppressive structures (Meintjes 1997, 66-67). Lave and Wenger approach this issue from the quality of legitimate peripheral participation, noting how '[a]s a place in which one moves toward more-intensive participation, peripherality is an empowering position. As a place in which one is kept from participating more fully [...] it is a disempowering position' (Lave & Wenger 1991, 36). From this perspective the predetermined patterns of flow as well as elements emphasizing the expert status of present faculty members assign the status of students in SCANET elements of a disempowering position. Exploration of interactive patterns demonstrated that, instead of encouraging individuals assigned student status to experiment and gain more experience in the role of experts, the separation of the two categories delimits student participation in SCANET activities sometimes to a level below their actual substantive competence. Instead of socializing its legitimate peripheral participants into consciousness of their own empowering potential to challenge existing structures, SCANET activities entail elements which socialize its students into a clear and predetermined hierarchy where expertise is located in only some individuals. Chapter 6 connects this finding to existing societal structures in the global and Nordic level, exploring what kind of consequences this socializing process induces for the emancipatory potential of human rights education.

CHAPTER FIVE

FROM TRANSLATION TO ADVOCATION THROUGH LAW

The previous chapter has analysed SCANET activities from perspectives that have produced at times a formalistic and critical description of observed practices, particularly of the identified learning curriculum. This is, of course, not the sole possible description of SCANET activities; like all contexts, they entail numerous features on which analysis could have focussed. Had different data been explored - for example focussing more on *what* was said during lectures instead of on patterns of flow - a greatly differing portrait would have emerged. This entails nothing unique, but instead, as the possibility for absolute and exclusive description through ethnography has largely been accepted as untenable, it characterizes all anthropological research today. Yet to leave the matter without further reflection would undermine the relevance of the observed patterns and reduce them merely into one of numerous competing interpretations. To assign this analysis with greater relevancy, it becomes necessary to explore how the other SCANET legitimate peripheral participants, its students, viewed the activities. Would they concur with the portrait presented?

Answers are twofold. In discussions during activities many students portrayed genuine enthusiasm toward SCANET activities, stating how much they appreciated the opportunity to follow lectures by its well-established and knowledgeable experts. Many students participated in more than one SCANET activity, and since participation was voluntary, had they not been satisfied with earlier experiences, no requirements existed for them to return. High student satisfaction was also visible in the feedback forms requested after each event which, according to the SCANET coordinator, contained predominantly positive evaluations. Contentment with activities does not, of course, automatically mean that students disagree with the manner the

SCANET learning curriculum has been described in this analysis. The curriculum was likely familiar to many as they were taught by prominent SCANET experts also at their host institutions. Instead they might refrain from seeing it as a source of criticism - why is it problematic that individuals holding significantly more knowledge on human rights issues act as the educators while they become the recipients? This view could be accompanied by sentiments of discomfort toward suggestions that students should experiment more with expert positions; this could be something they might wish to engage in only after further studies.

However, SCANET activities also included students who expressed dissatisfaction with its learning curriculum. Common sources of complaint were the scarcity of time for individual presentations, the absence of in-depth discussions on them, and the limited possibilities for audience participation. Many of those expressing complaints were advanced doctorate candidates holding, for example, teaching experience from their host institutions. Their criticism can be perceived as being directed primarily against the SCANET structural conception of expertise, and thus to resonate with the present analysis. Importantly, no comments were encountered that formulated the SCANET learning curriculum as particularly ill-suited for a context teaching human rights due to its disempowering characteristics. Instead critical student views often reflect allegiance to different 'schools' of human rights thought. These 'schools' have been described both in the previous chapter as well as in the Introduction through Graph 1, outlining their differences in the ontological assumptions invested in human rights. These assumptions hold direct relevance for conceptions of learning. If human rights are construed as entailing a predefined, absolute and universal essence, it becomes a natural learning process to adopt knowledge about this essence from experts. If such an essence is questioned and human rights are construed as the product of social processes and politics, a conception of learning as adopting ready knowledge becomes irrelevant. As was mentioned, differences in ontological assumptions have also impacted the present venture, contributing to its critical exploration of the observed learning curriculum.

In addition, another point of departure can be located between myself and prominent SCANET experts, namely disciplinary background. According to official guidelines, listed among others in its website, SCANET offers doctoral candidates 'a systematically built, scientifically ambitious, and multi-disciplinary research education'. In practice SCANET activities are predominated by the discipline of law. This is illustrated in SCANET experts' professional experience, as was discussed in Chapter 3. Legal emphasis can

be elaborated by exploring expert academic backgrounds from the SCANET website through six disciplinary categories: law, international relations, economics, humanities, languages and other. Humanities includes anthropology, sociology, history, Latin American studies, African & Asian studies and theology, the disciplines mentioned in the biographies, and languages includes English and French while expert profiles entail no references to formal education in other languages. Three in five SCANET experts list law as their primary academic background, compared to the two in five assigned to all other disciplines (Table 16). The profiles of experts participating in SCANET activities strengthen this emphasis. Of the experts present in four SCANET activities occurring over 22 seminar days - the total number of experts was 29, of which half were visiting, half permanent SCANET faculty members - four in five had a background in law, compared to one fourth in all other disciplines (Table 17).

Table 16: *SCANET Expert Educational Background (n of experts = 18)*

DISCIPLINE		% (of 19)	% (of 18)
Law	11	58%	61%
IR/Pol Science	2	11%	11%
Economics	-	-	-
'Humanities'	6	32%	33%
Languages	-	-	-
Other	-	-	-
TOTAL	19	100%	105%

Table 17: *SCANET Experts in SCANET Activities (n of experts = 29)*

DISCIPLINE		% (of 30)	% (of 29)
Law	23	77%	79%
IR/Pol Science	3	10%	10%
Economics	-	-	-
'Humanities'	3	10%	10%
Languages	-	-	-
Other	1 (konstvetenskap)	3%	3%
TOTAL	30	100%	103%

This chapter continues by exploring the consequences that the legal emphasis of the SCANET expert profile causes for its activities and conceptions of human rights knowledge. In this aim, the chapter again offers analysis that is likely not agreed upon by all SCANET participants. The primary reason for disagreement is construed to stem from the fact that this study treats SCANET activities as a source of *data* instead of a source of *knowl-*

edge, the latter likely being the conception of many participants. The chapter has two primary goals. The first is to explore the process through which human rights are legalized and to examine how this process is embodied in SCANET activities. This discussion is accompanied by reference to the controversy surrounding the project of legalization, with focus again being invested on how it appears in SCANET activities. The second goal is to revisit and elaborate the systemic agency of human rights experts; to investigate how in SCANET activities experts enlarge their role from intermediaries who translate the abstract human rights discourse into concrete significances in practical cases, to activists who, through their teaching, advocate for the expansion of the human rights regime.

This process is explored from two perspectives: through arguments of legality with which experts contribute to the ongoing efforts to legalize human rights, and through arguments of legitimacy. The latter arguments depart from the earlier observed conception of human rights knowledge as being ready, arguing instead that in certain circumstances it needs to be ‘opened up’. These arguments emphasize the authority of expert systemic agency, introducing to it what will be called a *creative space*. This analysis thus introduces human rights experts as activists who are motivated by underlying epistemological values. This approach differs from scholarship viewing the professional engagements of human rights bureaucrats as reflecting solely the institutional frameworks in which they are carried out, as has been discussed by Tony Waters (Waters 2001). Yasushi Uchiyamada discusses the same through his analysis of Japanese body politics, which he describes as being characterized by a powerful void located at its centre (Uchiyamada 2005). Michael Herzfeld talks of the social production of indifference through bureaucratic practices (Herzfeld 1992), and Annelise Riles emphasizes in her research of human rights practices how they form a ‘set of institutions, knowledge practices, and artifacts thereof that internally generate the effects of their own reality by reflecting on themselves’ (Riles 2001a, 3).

This analysis construes such approaches to offer an exaggeratedly cynical interpretation of human rights expert knowledge practices. Instead, it maintains that although there undoubtedly are self-ironic undertones in such statements by prominent SCANET experts as ‘*I have failed to find a better way to improve the world than through human rights*’, such statements also convey a genuine belief in the benefits of the expanding human rights regime. During this study, nothing has emerged to suggest that prominent SCANET experts do *not* view human rights either as sacred, as has been phrased by Michael Perry (Perry 1998), or as forming a secular religion. Through the complex relation-

ship of human rights and law, this chapter attempts to analyse the knowledge practices of SCANET experts as continually reflecting an underlying activist engagement to advance the human rights regime. To connect this analysis to Bruno Latour's comparisons between lawyers working at the French Conseil d'état and natural scientists working in the laboratories, this analysis construes human rights experts to bear closer similarity to the latter, whose relationship to their targets of inquiry Latour characterizes as 'passionate'. He exemplifies this by describing the passionate exclamations of joy in instances of success and sentiments of frustration in moments of failure. Latour emphasizes how it would be absurd to expect natural scientists to present arguments contrary to their 'beliefs' merely if their primary findings did not receive immediate favour (Latour 2004, 75-78). This, on the other hand, is a standard professional practice of lawyers in the French Conseil d'état who, due to the structure of proceedings, always have to prepare a primary argument and a secondary argument, its potential opposite, for hearings in case the first one is rejected (Latour 2004, 86-87). This chapter explores how the passionate engagement of prominent SCANET experts toward human rights is reflected in the SCANET learning curriculum, both through arguments of legality as well as those of legitimacy. Simultaneously it investigates what kind of sources of knowledge experts rely on while trying to expand the human rights regime through their creative space: what kind of domains provide them knowledge on the universal human condition, the improvement of which is assessed as being at the core of their professional practices.

This chapter begins by observing the complex relationship of human rights and law, a constitutive, yet a largely overlooked feature of the human rights phenomenon. The concept of law has received extensive attention from socio-legal scholars who have demonstrated how, as an empirical phenomenon, it is multi-dimensional and entails extensive cultural elements as well as those of voluntary compliance (see for example Merry 1990; Greenhouse, Yngvesson & Engel 1994; Valverde 2003). Discussions on the topic have long roots in legal anthropology, and include numerous efforts to offer a comprehensive definition of universal 'law-stuff' (Llewellyn & Hoebel 1941, 20-27; Halme 2002). These attempts have received numerous correspondents from legal philosophers, with some of the most influential accounts emanating from H.L.A. Hart and Hans Kelsen (Hart 1994; Kelsen 1994). Instead of elaborating this vast scholarship, the subsequent analysis focusses on the conception of law held by SCANET experts. This conception is interpreted as viewing law through a formalistic lense as being defined by rules, legal documents, processes, institutions, implementation, enforcement and sanc-

tions; yet it simultaneously includes an extensive interpretation of customary law, *jus cogens* and *obligatio erga omnes*. Law is construed as being clearly delineated from politics, as being ‘good’ whereas politics is ‘bad’. Global improvement of the human condition is seen to require the submission of politics to international human rights law which thus ideally evolves, through the ‘domestic analogy’, to resemble national legal systems, thus properly ending the ‘rule of might’ in international collaboration. In addition to SCANET experts, this conception is visible in much human rights scholarship and, for example, in the academic debates behind the establishment of the International Criminal Court (Halme 2003). It has, however, received stark criticism particularly from critical scholars who have demonstrated how law and politics are always intermixed (Koskeniemi 1989; Kennedy 2004). Frequent arguments also note how the domestic analogy is unsuited to international law due to, among others, its consensual nature. This characterization further differs significantly from Sally Engle Merry’s description that human rights form a ‘lawlike cultural system’, the power of which lies more in persuasion than coercion (Merry 2006a). This chapter argues that, although this may be an accurate description of the human rights regime today, human rights experts wish to continually increase its legality, thus assigning it increasing characteristics of coercion. Yet these desires face persistent challenges, as is discussed in the following.

HUMAN RIGHTS AND LAW

When drafting for the Universal Declaration began, it soon became evident that the achievement of a binding legal instrument was politically untenable. Scholarship describes how this ‘lowered’ ambitions as efforts were instead directed toward the adoption of a legally non-binding Declaration (Glendon 2001). This can be construed as having posed the first challenge on the relationship of human rights and law. During drafting efforts also another source emerged, namely the question about the suitability of law to regulate matters construed to hold human rights substance. This is visible in the report from the Drafting Committee’s first session of 1 July 1947, where the UK representative Lord Dukeston states: ‘It is through the international cooperating so established that the United Nations can most effectively assist the realization of the right of all persons to work, to educate, to social security and similar social and economic rights, which *cannot by their nature* be defined in the form of legal obligations for states in an instrument such as the International

Bill of Rights' (United Nations 1947, 27; italics added).¹⁰³ Although the legal framework around human rights has since been well established, such claims have never entirely disappeared. A different yet equally compelling challenge for the relationship of human rights and law relates to the origins of human rights, to notions that in the *essential* significance human rights precede law. This view surfaces in instances where legal regulation is argued as having *not yet* progressed to a level where all human rights have been codified in legally binding instruments.

This tendency is exemplified by narratives on the evolution of the human rights phenomenon: despite the three-decade gap between the legally non-binding declaration and the legally binding treaties, leaving most claims recognized today as human rights without legal articulation, no scholars argue that the rights included in the Universal Declaration were not proper human rights during this period. Contrarily, for example Paul Lauren discusses human rights as existing also *prior* to the Universal Declaration (Lauren 1998). Such notions assign human rights the dual character of rights claims discussed by Duncan Kennedy: they exist both 'inside and outside the law'; they are 'either rules or reasons for rules' (Kennedy 2002, 185). Kennedy illustrates this quality with the American Constitution. It outlines highly abstract principles such as 'freedom of speech' invoked to support practices not exclusively listed in any particular legal provisions. Yet, cases exist where Courts have wanted to protect 'outside' rights not explicitly articulated by the Constitution (Kennedy 2002, 186). This duality leads to circumstances where rights 'straddle'; they are 'legal rights embedded and formed by legal argumentative practice (legal rules)' as well as entities existing 'prior to and outside such legal instruments as Constitutions, subsequently becoming assertions about how an outside right should be translated into law' (Kennedy 2002, 187). These observations apply likewise to human rights, as will be discussed later through arguments of legitimacy. Next, discussion moves to consider the relationship of human rights and law from the perspective of the human rights expert community of practice.

¹⁰³ It should be noted that Lord Dukeston's performance was both highly criticized and short-lived (Glendon 2001, 44-45); thus the weight assigned to this statement should be kept modest. Yet it demonstrates how the questions of the relationship of law and human rights were debated during the drafting of the Universal Declaration.

Legal Profile of Human Rights Expertise

This chapter has outlined how the SCANET profile of expertise is strongly characterized by an academic background in law. This finding is replicated by the profiles of two human rights treaty bodies, of which information has been available on the treaty body websites (Committee on Economic, Social and Cultural Rights 2006; Human Rights Committee 2006). The Committee on Economic, Social and Cultural Rights has 17 experts who mention 33 different disciplines in their biographic profiles. This suggests that an average treaty body member holds educational background in two disciplines (Table 18). Yet background in law rises as predominant, as it is mentioned in 14 treaty body member profiles. The next common disciplines are international relations and economics, which, combined, were mentioned in 10 profiles, and humanities and languages, combined mentioned in 7 profiles. The profiles of the Human Rights Committee members reproduce these patterns, although with even greater emphasis on law: it is mentioned in 17 of 18 profiles (Table 19). International relations is again the second most prevalent discipline, this time mentioned in 11 profiles, and humanities the third most common group, receiving mentions in 6 profiles. However, in other bodies such as the Committee on the Elimination on All Forms of Discrimination Against Women, legal emphasis is less central as expert backgrounds are more varied (Merry 2006a). This is sometimes construed as problematic. The scarcity of lawyers among Committee members forms a common cause of complaint for the few lawyers, who feel that members without legal education lack skill to draft the Committee's 'legal' documents, leaving this task with them. The legal scholars also complain that members without legal education lack the kind of objectivity and distance which the education provides, instead getting too emotionally involved in the issues discussed.¹⁰⁴

Table 18: *Committee on Economic, Social and Cultural Rights*

FIELD		% (n of disciplines = 33)	% (n of experts = 17)
Law	14	42%	82%
IR	6	18%	35%
Economics	4	12%	24%
'Humanities'	4	12%	24%
Languages	3	9%	18%
Other	2	6%	12%
TOTAL	33	100%	194%

¹⁰⁴ Many thanks to Jan Klabbers for discussion on this point.

Table 19: *Human Rights Committee*

FIELD	% (n of Disciplines =36)		% (n of experts = 18)
Law	17	47%	94%
IR/Pol Science	11	31%	61%
Economics	2	6%	11%
'Humanities'	6	17%	33%
Languages	0	0%	0%
Other	0	0%	0%
TOTAL	36	100%	200%

The emphasis of legal background was also visible, although to a lesser extent, in the drafting of the Universal Declaration: drafters included legal scholars such as René Cassin and John Humphrey, and key lobbyists behind the Declaration included such significant legal figures as Judge Joseph Proskauer (Proskauer 1950; Korey 1998, 33). Yet it has been noted that 'most of the human rights commissioners, after all, were not lawyers'. This applied as well to Eleanor Roosevelt, Charles Malik as P. Cheng who, alongside René Cassin and John Humphrey, are commonly held to be the most influential members of the Drafting Committee (Glendon 2001, 59, 210-21). In the following decades, probably largely due to the advances in legally binding documents, this outcome changed and the community of practice of human rights experts gained legal emphasis. Michael Freeman describes how in the 1970s nearly all academic work on human rights was done by international lawyers. This trend continued in the 1980s, when particularly work originating from social scientists was notably absent (Freeman 2006, 52). This was also the case for anthropologists, for whom the period was marked by 'disengagement' (Goodale 2006a).¹⁰⁵ Anthony Woodiwiss notes how the political concept of human rights is increasingly occupied by communities of lawyers in the level of regional human rights jurisdictions as well as the UN bodies, viewing this development as troublesome (Woodiwiss 2006, 32).

LEGALIZING HUMAN RIGHTS

In addition to increasing correlation between legal academic background and expert profiles, the human rights phenomenon has become the source of continual efforts to increase its legality. To briefly explore the components of this

¹⁰⁵ Freeman notes a survey that in the 1980s found the same to apply to university courses on human rights, a trend that has, however, slightly altered today: of the human rights programs observed in Chapter 4, only an ample third were LLM, and thus law degree programs, while the rest were commonly MA programs.

process, it can in the UN framework be characterized as commencing with informal discussions on a given topic, commonly accompanied by scholarly contributions and followed by the creation of study groups and expert meetings producing such informal documents as committee reports, concluding observations or special reports.¹⁰⁶ SCANET activities exemplified this stage with an expert meeting exploring the possibility to utilize indicators to monitor the compliance of human rights treaties (Sano & Lindholt 2000). The documents produced in this stage are highly informal and their status in international law undefined. Should the findings of a working group gain sufficient support, ideally additional meetings will ensue, leading to more documents such as guidelines or suggestions for subsequent action. This was also the outcome of the SCANET expert meeting, which concluded by producing an unofficial document suggesting guidelines for action as well as plans for subsequent meetings. If received favourably, these steps are followed by other non-legally binding documents enjoying higher visibility and prestige, such as General Assembly Resolutions. This step may be accompanied by the establishing of a drafting committee for a Draft Declaration, a legally non-binding document that is discussed, among others, by the Human Rights Council and the General Assembly.

If met favourably, these stages lead to the adoption of an official Declaration: still a legally non-binding, yet a high-profile document. This step is currently observable regarding the Draft United Nations Declaration on the Rights of Indigenous Peoples of 1994 (High Commissioner 1994). Work for the declaration commenced already in the 1980s, and the issue has since been highlighted by two UN International Decades of the World's Indigenous People: the first from 1995 to 2004, the second from 2005 to 2014 (UNPFII 2004). In June 2006 the Human Rights Council adopted the Draft Declaration by a great majority (Human Rights Council 2006), an outcome received by the characteristic rejoicement accompanying the adoption of new human rights instruments. These developments gave rise to high hopes that the Declaration would be adopted at the General Assembly, the final required step for its approval. Here bitter disappointment ensued: led by the concerns of Australia, Canada, New Zealand and the US that the Declaration

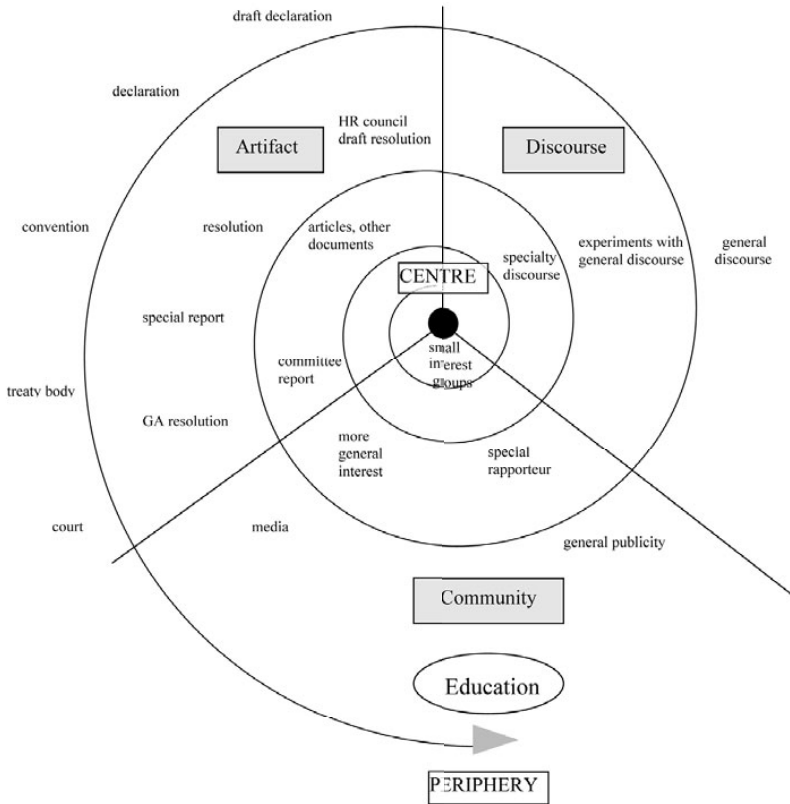
¹⁰⁶ Such working groups represent a standard feature of UN operations, with for example the website for the High Commissioner for Human Rights listing a total of 9 groups in this category in spring 2007 (High Commissioner 2007). This list is likely not exhaustive, as no additions were made to it between spring 2006 and 2007. This conclusion is supported by the finding that after the year 2000 the website's list of UN Declarations has not been updated either, as was mentioned in Chapter 2.

would interfere in their internal affairs, the Declaration's adoption was postponed until September 2007 to the end of the current session of the General Assembly (UN Special Rapporteur 2006; HRO Statement 2006). This outcome was described as 'outrage and dismay', and as an instance missing a 'historic opportunity to fill a critical gap in international human rights protection' (HRO Statement 2006). The source of this outcome was placed on the prevailing of 'domestic political agendas' over the 'promotion and protection of human rights' (HRO Statement 2006), a statement reflecting the above described separation of human rights law and politics. Due to these developments, the issue of indigenous rights remains without the 'conclusion' of an official Declaration, and thus also binding legal instruments.

Yet the UN system naturally offers ample examples of instances where this end-point has been reached, the most central of which is the development of the Universal Declaration from a legally non-binding articulation of central human rights into their legal articulation in the Covenants for Civil and Political Rights and Economic, Social and Cultural Rights. A more recent example is offered by the adoption of the Convention on the Rights of Persons with Disabilities in 2006, following the 1975 Declaration on the Rights of Disabled Persons (GA Resolution 1976; Convention on the Rights of Persons with Disabilities 2006). Some could further argue that the explicit goal of this legalization process is not the adoption of new documents, but instead securing the rights in question the status of customary international law. Many emphasize also the importance of implementation mechanisms to 'end the culture of impunity' (Akhavan 2001) by establishing an international human rights court. This proposal was forwarded already during the drafting of the Universal Declaration, when it nevertheless failed to receive decisive support (United Nations 1947, 89, 91). The establishment of the International Criminal Court in 2002 was received as a significant step, yet initiatives for an international court of human rights are also still ongoing (Scheinin 2005). Whether these initiatives will materialize remains undecided, and for now the human rights phenomenon operates without them. The process of legalization reflecting the current state of the phenomenon is illustrated by Graph 12, which outlines how key events are located in terms of time.

Controversy over Legalization

Advances in the process of legalization are commonly greeted with celebration among the human rights expert community of practice as well as the fields of diplomacy and the media. For example, in 2002 the entrance into



Graph 12: *The Process of Legalization*

force of the Rome Statute of the International Criminal Court was characterized as ‘a great victory for justice, and for world order’ (UN 2002) and in 2006 sentiments of satisfaction labelled the adoption of the Convention on the Rights of Persons with Disabilities (UN Enable 2006). Adam Tomkins notes how in the adoption of the UK’s 1998 Human Rights Act ‘[n]owhere were the celebrations more pronounced or more intense than among communities of lawyers’ (Tomkins 2001, 1). Human rights scholar Philip Alston noted the same already in 1988, describing how lawyers operate in the ‘front line of the battle’ where human rights are transformed from ‘the exclusive realm of philosophy and moral reflection into the domain of law’ (Alston 1988). These sentiments are also visible in scholarship. For example, human rights scholar Jack Donnelly discusses the ‘virtues of legalization’, highlighting the element of law and rights identified by Duncan Kennedy: their capacity to act as

trumps which cannot be reduced to mere value judgements (Donnelly 2003: 1; Kennedy 2002, 185). Mark Mazover discusses how efforts to upgrade legality become visible in narratives by human rights scholars focussing on the origins of human rights. He notes how '[l]ooking forward rather than back, these compendia of texts, with their scholarly apparatuses, commentaries, and bibliographies, are not neutral; they themselves form a part of the ongoing effort to assert the power of the law over politics' (Mazover 2002, 397).

Legalization has also given rise to criticism. Saladin Meckled-Garcia and Basak Cali view human rights as originating from moral ideals, and emphasize that nothing dictates that they should primarily be realized through law. They consider efforts to legalize human rights to expand the importance of law as means of social control (Meckled-Garcia & Cali, 2006, 1). A second source of criticism originates from the entanglement of legalized human rights with the instrumental rationalities of the law. Through it, what is compelling is no longer the search for the absolute 'truth' of a given situation but instead how it is depicted through the juridical process. This transformation is discussed by Austin Sarat and William Felstiner, who describe how during divorce proceedings, attention shifts - sometimes to the great displeasure of involved parties - from the search for an objective truth into the search for the legally relevant arguments which may bear more or less direct connection to issues of justice (Sarat & Felstiner 1995, 26, 104). This transformation has also been identified as applying to human rights, as the instrumentality of law subjects them to the argumentative structure of law where each claim becomes the topic of mutually competitive arguments, as has been discussed by Martti Koskenniemi (Koskenniemi 2001). As was already mentioned, Bruno Latour has explored this same condition in the French Conseil d'état (Latour 2004, 86-87), and Duncan Kennedy discusses the personal discomfort it caused him during an internship (Kennedy 2002, 193).

Legalization has likewise become the source of controversy among different 'schools' of international lawyers. A central source of criticism by critical legal scholars is the reliance by human rights scholars on 'soft law' documents (Klabbers 1996), argued to result in 'overly formal reliance on textual articulations which are anything but clear or binding' (Kennedy 2004, 27). Another consistent topic is the expansive significance given to the concepts of customary international law and *obligatio erga omnes* (Klabbers 1997). David Kennedy summarizes this criticism by noting how this practice 'degrades the legal skills of those involved, while encouraging them to believe that their projects are more legitimate precisely because

they are presented in (sloppy) legal terms' (Kennedy 2004, 27). Attempting to locate the centre of the controversy, it emerges as one of expertise over technical legal skills. This is summarized by a NAIL scholar who described how her criticism is directed to '*the means, not the ends*' of human rights experts. Human right scholars respond to such charges likewise through arguments highlighting expertise. For example, a prominent SCANET expert noted of recent NAIL scholarship on human rights:

'I consider it superficial, lacking expertise; often a sentiment emerges that the people do not exactly know what they are writing about. It feels that they have not studied how human rights actors really operate.'

The SCANET expert continued by emphasizing that the difference at stake is between expertise in international law and human rights, stating that '*to be an expert in the first does not mean that one is automatically also an expert in the field of human rights*'. The notion of expertise was further present in the praise she forwarded for the work of one NAIL scholar by stating: '*I respect her juridical skills. Other critical voices rarely operate in the same manner.*' For the present analysis decisive in this controversy is how it is characterized by passion and intensity instead of calm and rational exchange - a matter that emerged also in the student presentation discussed in Chapter 4, which was characterized as being 'tempted' with relativism. Passion and intensity likewise tint the exclamation of a NAIL scholar: '*I have no patience for the human rights believers*'.

LEGAL EMPHASIS IN SCANET ACTIVITIES

What kind of consequences does the legal emphasis of human rights induce in such contexts as SCANET educational activities? Here the first observation becomes the asymmetry of profiles between experts and students. Whereas SCANET experts are predominantly legal scholars, SCANET students hold varied backgrounds, including international relations, theology, linguistics, anthropology and sociology among others. Due to the SCANET learning curriculum, this discrepancy of profiles establishes a hierarchy between these disciplines: it forms a pattern where knowledge flows from legal scholars to a multidisciplinary audience. By contrast, the activities entail few instances where knowledge flows from experts of other disciplines to law scholars; as was mentioned, the contributions of students are primarily treated as raw data and thus not assigned equal status as entailing knowledge. This construes human rights knowledge primarily as the domain of legal scholars, a concep-

tion that was explicitly encouraged by SCANET experts in both private discussions and general SCANET activities. In a private exchange a prominent expert responded to the question on how she viewed research such as my own - then embedded in the critical tradition of epistemological architecture discussed in Chapter 1 - stating:

'I think it addresses a relevant point, but that point has already been addressed. In this approach the questions come from extra-legal sources, but we inside the legal field are capable of answering them'.

As the expert distinguished between intra- and extra-legal sources, she depicted human rights knowledge as falling exclusively within the field of law, as forming a 'closed' system which had ceased to be open for contributions from other disciplines. The tendency to define human rights as creating a closed system was noted by Philip Alston already in an article from 1988, in which he criticized the tendency of human rights scholars to largely quote each other, human rights documents or other 'internal' human rights domains without engaging in extensive discussions with 'external' domains (Alston 1988).

This impression was reinforced in an expert response to a student question in one SCANET activity relating to the substance of human rights in cross-cultural settings. The expert held the question to be off-target and focussing on substance matter ill-suited for the present context as it stemmed from an extra-legal source. In her answer the expert reinforced the implicit hierarchy of legal and other scholars, stating how the latter were welcome to contribute to the work of human rights experts, but that this contribution should remain external, as the substance of human rights was not primarily their concern. These examples depict an image of SCANET activities as dominated by legal experts whereas the insights of non-legal participants, 'laymen', are marginalised. This finding resembles the analysis of Austin Sarat and William Felstiner of the relationship of divorce lawyers and their clients characterized by professional dominance and lay passivity (Sarat & Felstiner 1995, 19-20). It also resonates with the description of Vaala Haavisto of the expertise of judges which she describes, particularly prior to the 1993 reform, as 'self-competent, self-contained within one individual not needing further refinement by other professionals' (Haavisto 2002, 67). After the reform, conception of expertise had altered as clients' contributions in the hearings acquired a subject-like position, guiding legal professionals to construct cases as more collaborative and dialogical (Haavisto 2002, 300). In SCANET activities a similar transformation is not observable and patterns of flow are continually governed by legal knowledge. This in turn impacts the

kind of issues that are construed as relevant, as well as the manner they are framed. Both of these factors are determined by the framework of law, which simultaneously favours certain kinds of conceptions at the expense of others.

EXPANSE THROUGH LEGALITY

The above description of UN processes offered a general portrait of the progress of legalization. This section pairs that observation with detailed analysis of how legalization is embodied by the SCANET learning curriculum, a matter explored from three perspectives: the presentation of documents, the definition of treaty bodies, and the characterization of the personal authority of human rights experts. In the presentation of documents constitutive is emphasis placed on the legal aesthetic of the already mentioned 'soft law' documents (Klabbers 2002), documents that Sally Engle Merry has also called 'lawlike' (Merry 2006a, 89). Examples of such documents include committee reports and Platform for Actions -type documents. In SCANET activities such documents are commonly discussed by emphasizing the aesthetic characteristics that such documents derive from more 'legal' instruments such as conventions. This presentational model applied particularly to certain prominent experts who frequented SCANET activities regularly and included ample references to documents in their lectures; for other experts this feature was less central. In practice this model means the following: an expert projects a document onto the overhead and proceeds to discuss it through paragraphs, for example *'As is stated by Article 4, paragraph 3 of General Comment 6.'* This approach emphasizes the legal nature of the document, conveying the impression that its juridical status corresponds to that of a treaty. Thus the presentational mode equates such documents to treaty texts as well as assigns them the status as clarifiers and specifiers of existing documents; they become domains that continue the text of human rights treaties. Here a characteristic elaboration might be *'This article of the CESCR has been discussed in Paragraph 5 of the Concluding Observation number 4 of the Committee on Economic, Social and Cultural Rights, which states...'*

This presentational mode equates 'lawlike' documents to those with a more clearly established juridical status, thus strengthening their status as 'spheres of legal knowledge' (Riles 2006, 54). However, as was mentioned, instead of being matters of uncontested fact, the status of such documents remains the source of intense controversy among international lawyers. These controversies were generally absent from SCANET activities as NAIL scholars seldom visit them; on average each activity included one or two scholars

out of a group of eight to ten experts who could be construed to represent the critical 'school' of international legal scholarship. Although these encounters often culminated in intense discussions between scholars of different 'schools', discussions commonly remained on a general level, not focussing on such individual details as document legal status. Thus, SCANET activities did not expose their students to the intensity of these ongoing controversies for example over the legal status of specific documents, instead forming a learning curriculum that offered a more harmonious impression of discussed issues. As has been noted, many students had received their training in international law primarily from human rights experts also outside SCANET activities, and additionally SCANET activities included students from numerous disciplines outside international law. Consequently SCANET students would in only exceptional circumstances hold the kind of knowledge of the ongoing controversy over legalization that would allow them to position the legalistic presentational mode as a part of these debates. These conditions invest the presentational mode with paramount importance: it becomes the principal medium for socializing the new generation of human rights experts into the conception that the legal status of the introduced document *is* what the presentational mode suggests. This transforms the legalistic aesthetic into a pivotal instrument in the process where the human rights phenomenon is transformed through education into a more legalistic direction.

Another example of legalistic emphasis is offered by discussions on the role of human rights treaty bodies in SCANET activities. As was mentioned in Chapter 3, treaty bodies differ from courts both by their juridical status and processes: whereas the members of courts are judges, the members of treaty bodies are independent experts. The terminology utilized to denote the documents produced by the two entities varies. For example the International Court of Justice is stated to produce *judgments* and *advisory opinions* according to a predefined procedure (ICJ 2007), the documents produced by treaty bodies are *general comments*, *concluding observations* or *guidelines* produced through 'constructive dialogue' (Nowak 2006, 149). The two also differ in their operations. Courts are more 'legalistic' both by their nature, their process as well as their end result, whereas treaty bodies are not governed by equally clearly established processual rules. Thus have the possibility to function in a more flexible manner and to offer general evaluations, whereas courts usually focus on evaluating specific points of law; a treaty body is, for example, not prevented from reaching conclusions of a given state's human rights record merely because its state report fails to fulfil some formal criteria set to the reports' format (see Craven 1995, 31-

35). The usefulness of treaty bodies could be argued precisely due to their possibility to function in a 'non-legal' manner to address human rights issues which - to follow the earlier quoted views of Lord Dukeston - cannot by their nature be defined in the form of legal obligations. Although their practices are today commonly called 'quasi-judicial', it has been argued that treaty bodies were never intended to be considered as 'courts' (Craven 1995, 32). SCANET activities offer examples of the reverse, namely of instances where the functioning of treaty bodies as well as their authority is defended with the argument that it is 'court-like'. This applies in particular to the Human Rights Committee monitoring state party compliance with the Covenant on Civil and Political Rights. In SCANET activities the status of the Committee was defended expressly by arguing that out of all the treaty bodies, it most resembles a court. This is a view concurred to by Sally Engle Merry, who describes the system of treaty bodies as '[t]he most lawlike of the human rights mechanisms' (Merry 2006a, 72). In SCANET activities the 'lawlike' quality becomes a medium for arguing for the higher authority of the treaty bodies in the human rights field. Simultaneously these arguments function again as instruments to increase the legality of the human rights phenomenon by assigning treaty bodies the role of 'courts' missing from it.

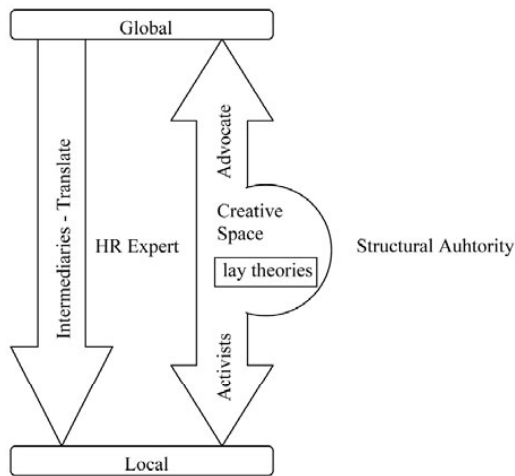
The third observed technique emerges from the characteristic statement of a predominant SCANET expert: *'I am only a black-letter lawyer'*. This statement was commonly connected to disagreements of philosophical nature or uncertainty on how human rights norms applied to a given context. In addition, the statement emerged in instances where other experts referred discussion to an expert recognized as a black-letter lawyer. This was illustrated by a discussion from the already mentioned expert meeting on indicators, where uncertainty emerged regarding the suitability of certain treaty provisions to address the topic under discussion. The participating experts paused the discussion and referred it to an expert regarded as particularly knowledgeable, who opened her comment by stating *'I am only a black-letter lawyer'*. This incident signals how the statement can be interpreted as embodying criteria increasing an individual's status in the human rights expert community of practice. This statement entails numerous significant features. First, it creates the impression of the community of practice of human rights experts as characterized by rationality, bureaucracy and calm detachment, a characterization challenged by the 'passionate engagement' with which they participate in the ongoing controversy over legalization with the different schools of international law. Second, the characterization of human rights experts as black-letter lawyers promotes the notion of the human rights regime as creating a legal

system directly comparable to contract law, for example - a field in which the characterization of a black-letter lawyer is easier relatable. Simultaneously the statement defines the field of human rights as creating a 'closed' system from which it is no longer necessary or reasonable to depart as all required answers are already offered by it; a definition which reinforces the hierarchy between experts from legal and other fields.

EXPANSE THROUGH LEGITIMACY

Yet occasionally human rights experts do depart from the domains internal to the human rights field. These instances are illustrated by the use of the rhetoric of 'legitimacy' by SCANET experts. The increasing use of this rhetoric has been described as a fundamental change in international and human rights law argumentation since the end of the Cold War, and its central function has become to defend expansive interpretations on the content of human rights treaties among others (Koskeniemi 2003). In SCANET activities this rhetoric emerged, for example, in a situation where discussion turned to the juridical status of human rights treaty bodies. I asked how the sources of public international law - 'legalistic' domains - approached the matter. As has been discussed, their authority and functioning had in other discussions been presented as enjoying expansive and unambiguously defined authority in matters related to the interpretation of human rights conventions. This presentation was more unambiguous than that conveyed by the general sources of public international law. For example, Article 38 of the Statute of the International Court of Justice mentions judicial decisions as one of its sources, as well as the teachings of the most highly qualified scholars of various nations. Yet it makes no reference to the documents produced by treaty bodies (ICJ Statute 2007). In her response the SCANET expert had a different approach: she emphasized that it was not relevant or perhaps even possible to determine the authority of treaty bodies from legalistic sources, as it derived above all from their *legitimacy*. This answer is compelling for numerous reasons. Its approach departed from the previous arguments emphasizing the legality of human rights. Simultaneously it gave rise to a distinct conception of the human rights regime: whereas arguments of legality depict it as a closed, ready system from which it is no longer meaningful or necessary to depart, the rhetoric of legitimacy emphasizes that the human rights regime is, in fact, not complete. Thus, whereas arguments emphasizing legality draw a hierarchy between 'intra'- and 'extra-legal' sources, the rhetoric of legitimacy emphasizes the importance of 'extra-legal' domains.

This rhetoric induces important consequences on the relationship of human rights and law: it introduces extra-legal domains as sufficiently compelling to challenge such domains as the Statute of the International Court of Justice regarding the status of human rights treaty bodies. Subsequently arguments of legitimacy concretize the already discussed dual character of rights claims as existing both ‘inside and outside the law’; as being ‘either rules or reasons for rules’. In the present case human rights concerns became the reasons for overriding the sources of public international law - ‘rules’ - which did not recognize the legal status of treaty bodies. As the protection of human rights was, nevertheless, construed by the SCANET expert to require their clear status, this view overrode existing rules, becoming ‘reasons for rules’. For the present analysis such arguments become paramount for two reasons. First, as SCANET experts engage in arguments propagating upon the inclusion of extra-legal domains, it becomes analytically greatly challenging to deduce what kind of conception of human rights they hold, as it clearly exceeds what exists in current legal instruments today. Second, as the experts move to arguments of legitimacy, they simultaneously greatly expand their systemic agency: in addition to acting as intermediaries who merely translate the existing human rights instruments, they become activists who advocate for the expansion of the human rights regime through the incorporation of ‘necessary’, ‘morally right’ issues. This gives rise to a realm of personal influence called the *creative space*, the functioning of which is elaborated next as well as illustrated by Graph 13.



Graph 13: *Creative Space of Human Rights Experts*

THE CREATIVE SPACE OF HUMAN RIGHTS EXPERTS

As human rights experts increasingly address matters beyond the scope of law through their creative space, also their systemic agency extends and gains greater societal power. In SCANET activities the creative space of human rights experts gains additional significance due to their observed learning curriculum: both its patterns of flow as well as its conception of knowledge contribute to circumstances where only experts will have the possibility to introduce extra-legal knowledge through their creative space. Many human rights experts are themselves uncomfortable with this characterization, as has been discussed by David Kennedy through his analysis of international humanitarians. He describes how they see themselves as intervening only exceptionally in a technical capacity, instead advising, interpreting, applying or implementing wisdom originating from elsewhere. They are ‘looking for politics everywhere but in the humanitarian vernacular’ (Kennedy 2004, 115). These sentiments are interpreted to apply to SCANET experts particularly through the statement of being ‘only’ a black-letter lawyer. Simultaneously SCANET activities demonstrate a strongly contrasting tendency, namely one where human rights experts, instead of downplaying, expressly emphasize their creative space. This practice is exemplified by the characteristic statement ‘*I am the author of General Comment 6*’, which prominent SCANET experts who acted as treaty body members forwarded, for example in instances where controversy prevailed over things such as the interpretation of a specific treaty provision. However, this practice forms an exception, as SCANET experts more commonly downplay their personal influence. Since the human rights expert community of practice further operates on a sharp distinction between law and politics, it is unlikely that many would welcome suggestions that their professional capacities entail political elements. Instead they emphasize the ‘expert’ nature of their practices, gaining its motivations solely from human rights concerns.

This study, although it does not proceed with the vocabulary of politics, similarly investigates the scope of experts’ personal contributions, but with a more anthropological orientation. As was noted, most SCANET experts hold a background in law, which is their primary source of professional and academic training as well as experience. Yet, due to the extensive scope of the human rights phenomenon, in their professional capacities experts discuss abundant issues falling outside the realm of law. It could be argued that this resembles the professional capacities of judges and lawyers, who in their duties will constantly encounter material from other specialized fields that

they have to process and weigh (Riles 2001b). However, due to the global nature of the human rights regime, for example in treaty body proceedings human rights experts encounter endless circumstances that differ dramatically from any one individual's immediate life experiences. This diversity is exemplified by the topics of SCANET activities, which included events focussing on minority rights, non-discrimination, linguistic rights and indigenous rights. In addition they included such events as 'Muslims and the Other: Pluralism and Human Rights'; 'Muslims and Divorce: Between Sharia and Human Rights' and 'Cultural Constraints to Women's Human Rights'. As these titles indicate, activities also focus on 'Other', non-Western cultures, and their compatibility with human rights provisions. Thus it becomes pivotal to explore, when faced with such circumstances, what kind of sources of knowledge human rights experts rely on to identify the 'morally' necessary, the 'right' extra-legal issues that need to be incorporated through their creative space. From what kind of domains do they derive information regarding the universal human condition?

ELEMENTS OF EXPERT KNOWLEDGE

Chapter 3 demonstrated how characteristic to the community of practice of human rights experts was previous experience from the academia, the legal field, the government as well as different UN domains, with the primary academic backgrounds representing the law, international relations and economics. For this analysis compelling emerges how absent were mentions of both academic and professional experiences that could be read to provide familiarization with ways of life or modes of belief other than those of one's own background. Possible disciplines for this purpose could include, in addition to anthropology, studies in different religions, cultural studies or different area studies, geography, history, philosophy and linguistics among others. These are all disciplines in which few experts have training. Experts also do not highlight such experiences as having lived in a different country for a lengthy period of time, experiences that might have given them in-depth appreciation for previously unfamiliar ways of life. In their professional duties experts certainly travel extensively and possibly spend some months in different countries, seeing life in different places as well as meeting people. Yet such experiences generally remain short in duration as well as become filtered through their professional capacity: experts will commonly live in designated living areas and socialize extensively with individuals belonging to the same professional category. In SCANET activities, when the compatibility of

human rights provisions was discussed in relation to 'Other' cultures, there were no instances in which experts originating from Western societies shared stories of how such ways of life had become familiar to them either through academic endeavours or personal experience.

These findings - paired with the high frequency of legal education and competence - depict the content of human rights expertise as being primarily characterized by the knowledge practices of the human rights expert community of practice. Chapter 4 outlined how one part of these knowledge practices is created by the implicit knowledge of the low status assigned to such official documents as State Reports and the dialogue accompanying their submission. The chapter also demonstrated how the examined State Report of Norway entailed specialized jargon on injections and diseases. As illustrated above, human rights experts do not commonly have significant professional competence in medicine. This examination further demonstrated how the documents entail prevalent use of statistics, another area in which human rights experts do not have extensive expertise. In addition, the topics of SCANET activities suggest that the activities include extensive discussions, for example, on the compatibility of the doctrine of Islam and human rights. Since profound knowledge is not provided by earlier academic or personal experiences, or from documents, both due to the low knowledge status they are assigned as well as the rapid processing that experts engage in, it needs to be addressed what sources provide information for human rights experts on such issues. Two alternatives emerge: either experts consult individuals they consider to hold reliable knowledge, or they utilize some other domains of knowledge. The desirability of the first option was exemplified by the lunch discussions surrounding the submission of China's state report. Treaty body members construed as reliable individuals the NGO representatives producing the 'shadow-reports' as well as the *'people who cannot speak English'*, the real people.

Lay Theories

Although discussions with the 'real people' are a standard feature of human rights expert practices, the high intensity of their work is likely to render such exchanges brief in scope. Difficulties will further be formed by lack of a common language, as the primary language of the human rights expert community of practice is English and experts hold limited training in other languages. In SCANET activities no experts highlighted discussions they had engaged in for example on the compatibility of the Sharia and human rights

with the 'common Islamic people'. Thus such exchanges cannot be construed as the primary source of missing information. A more plausible alternative is offered by lay theories held by experts. Lay theories have been characterized by Adrian Furnham as the informal and commonsense explanations people give for particular social behaviours; these explanations derive from formal 'scientific' explanations of what actually happens (Furnham 1988). Furnham describes them as 'implicit rather than explicit, with tacit, non-specified assumptions or axioms' (Furnham 1988, 3). He continues by noting how they are frequently 'ambiguous, incoherent and inconsistent', translating to the possibility that mutually incompatible or contradictory ideas or beliefs can be simultaneously entertained (Furnham 1988, 3). Lay theories have also been discovered to hold significance for intergroup relations, as they redefine and uphold relations across racial borders (Levi, Chiu & Hong 2006). This study construes them to acquire relevance also for the work of human rights experts who belong to the transnational 'English-speaking, largely secular, universalistic, law-governed culture' holding its 'own norms, values and cultural practices' (Merry 2006a, 37). Since they lack formal training in disciplines that could be construed to have offered them more profound understanding of different cultures and societies, the primary source of information for assessing them becomes the lay theories experts have concerning them.

This finding applies particularly to the assessment of states construed to hold traditions that are detrimental to women. Sally Engle Merry discusses how such conceptions were visible in the proceedings of the CEDAW monitoring Committee in their approach of the Fijian practice called *bulubulu*, a traditional village custom for reconciling differences. Merry describes how the Committee asked the government delegation when they were going to eliminate this custom, and poses the question '[w]hy did the experts assume that the custom itself was the problem rather than its application to court cases?' (Merry 2006a, 4). After observing the proceedings, she came to conclude that this interpretation stemmed from their conception of 'customs' as harmful practices rooted in traditional culture. She notes how '[t]he experts do not have the time to investigate when and how customs such as *bulubulu* are better able to protect women from rape than the courts or how these customs intersect with state legal systems in new ways' (Merry 2006a, 4-5). As treaty body members and scholars lack possibilities to familiarize themselves with such individual traditions - they have, for example, no time to study extensive ethnographic reports or become specialists in numerous disciplines - judgements made and conclusions drawn on specific cases and general issues stem largely from prior knowledge and assumptions (Merry 2006a).

Similar lay theories were visible also among SCANET experts, who could be characterized to hold the notion that ‘primitive’, ‘traditional’ societies are detrimental to the realization of an individual’s rights, whereas ‘modernity’ is desirable; societies organized around the formal principle of equality are preferable to those organized hierarchically, and democracy and liberalism are preferable to all other forms of social organization.

In empirical terms the attributes characterizing societies that SCANET experts construe as desirable apply, of course, only to some societies - although for example Bruno Latour has challenged the notion that modern societies exist at all (Latour 1993). Also many formally egalitarian societies can be characterized as embedded in stark hierarchies based on such features as personal wealth, raising the question whether the notion of an egalitarian society remains ideal in nature. Among the human rights expert community of practice such distinctions are, nevertheless, taken seriously, leading to circumstances in which the work of human rights experts acquires elements of drawing value judgements and hierarchies between different types of societies. This notion traces discussion back to the universalism-relativism debate with which most SCANET experts are highly familiar. Although some dismiss of the entire debate, others demonstrate keen interest in its content and attempt to incorporate greater cultural sensitivity in their scholarship. This has led to fascination with such books as ‘Multicultural Jurisdictions’ by Ayelet Shachar, focussing on women’s rights, attempting to find a middle ground between an absolutist understanding of international human rights norms and cultural difference (Shachar 2001). Yet this book among others similar in kind operates on a fundamental liberal perspective in which people can ‘enter’ and ‘exit’ to and from their ‘particular’ cultures to a universal, liberal ‘non-cultural’ space. Consequently such works, despite greater superficial cultural sensitivity, end up replicating the above hierarchy between types of societal forms, as has also been discussed by Jane Cowan (Cowan 2006).

Another SCANET expert, upon discovering that I was an anthropologist, discussed how she had, in a similar effort to broaden her cross-cultural understanding, experimented with anthropological scholarship. The expert commented: ‘*I read this anthropology book once, thought it was fascinating. But then I discovered it was a hoax and I haven’t bothered with anthropology since.*’ The book the expert referred to was Margaret Mead’s classic work *Coming of Age in Samoa* (1973 [1928]), and her classification of the book as a hoax can be interpreted to refer to the critique its ethnography has in retrospect received for the manner it produced Samoan culture as a one-sided idyll, a discussion in which George Marcus and Michael Fischer identify the

comments of Derek Freeman as particularly influential (Marcus & Fischer 1999, 158-159; Freeman 1983).

This instance introduces another practice SCANET experts engage in while exploring material that might assign them greater appreciation of cultural diversity: they are processed through the same knowledge practices described in the previous chapter, with great speed and rapidly formed conclusions that do not allow challenges to existing ontological assumptions. This element was summarized by the same expert, who characterized how she processed material by stating: *'I go through text very quickly, flicking through the pages. In fact, I can read any book in a day'*. In the described instance the expert read Mead's book quickly, reaching a conclusion that the entity was fascinating. This conclusion was contrasted with labelling the book a hoax, a sentiment possibly influenced by Freeman's critique, even though the expert does not identify him by name. However, also this conclusion was reached with speed, subsequently achieving the status of an uncontested fact - that the book is a hoax, and that anthropology is a discipline not to be bothered with. Human rights expert knowledge practices do not offer room for a careful investigation of Mead's work and its contribution to ongoing anthropological discussion, nor do they offer possibilities to consider its role as a pioneer study of anthropology's possibilities to offer viable cultural critique (Marcus & Fischer 1999, 158). Due to lack of familiarity with anthropological methods, the expert does not have possibilities to contemplate for herself the merits and shortcomings of Mead's ethnography, nor to explore the subsequent discussion challenging its accuracy. Such phases are dismissed as the work is viewed solely through one perspective: as a hoax.

This conclusion ends up confirming existing ontological assumptions, and thus reproducing circumstances in which assessments about empirical data are conducted from the perspective of how well or poorly they correspond with the desired condition of mankind as outlined by international human rights norms. To describe this shift through the terms of theory and empiria, this condition reverses their roles. Instead of being formed on the basis of empirical findings about given contexts, for SCANET experts theory emerges as something already embodied in human rights norms. Thus theory is transformed from a description of *how* humans lead their lives into a normative assessment on how they *should* lead their lives. Empiria, in turn, also acquires differing qualitative elements. Instead of being received as mere description, it is subjected to normative evaluation on how well or poorly it corresponds with the way matters *should* be; empirical data is not neutral, but instead 'good' or 'bad' for mankind. As was described in Chapter 1, this shift

was something that I experienced with puzzlement as I presented my research plan in SCANET activities. The same event featured also another comment embodying this reversal. It was offered by a particularly esteemed expert who soon thereafter retired, to a discussion relating to the compatibility of different religions and human rights. After a while the expert appeared to grow weary of the discussion, and stated with emphasis that '*a time will come when all religions will have to yield to human rights*'. This comment concretizes the relationship of empiria and theory, as well as highlights why SCANET experts refrain from construing it as problematic. Human rights are fundamentally about global social change, and although attempts are made to reach greater cultural sensitivity, this underlying premise remains unchallenged, thus introducing a normative element through which empirical material from social contexts differing drastically from 'modern' societies is interpreted.

Lay Theories and the Creative Space

However, a constitutive element remains absent from the present discussion: the fact that no one knows exactly what human rights are, or what exactly forms the theory of human rights. As was discussed in Chapter 2, through the expansion of the discourse, all kinds of claims are today forwarded through the human rights discourse by both laymen and scholars. This chapter has discussed how in their argumentation SCANET experts move inside and outside the law, framing human rights as both rules and reasons for rules; they argue the regime of human rights as creating both a closed system as well as one that needs to be 'opened up' for incorporation of additional elements. Importantly, decisions over the kinds of instances that require the human rights regime to be opened up, as well as the kinds of claims that need to be incorporated into it, remain within the discretion of experts' creative space. Combined with the experts' systemic agency in SCANET patterns of flow as sources of knowledge, the creative space becomes an important venue through which additional knowledge is provided on human rights. To borrow the terminology of David Kennedy, it is the primary domain of their 'politics' through which they introduce issues that they construe *should* become integral parts of what are commonly understood as human rights. Through SCANET activities experts socialize the next generation of prospective experts to the necessity of the experts' conceptions, thus expanding and shaping the human rights regime according to both the general conceptions held by the human rights expert community of practice as well as their personal understandings of what constitutes common universal substance for mankind. As has been

noted, although SCANET experts portray occasional ambivalence toward suggestions of such personal impact, in other instances they celebrate the independence accompanying prestigious expert positions. Thus a SCANET expert characterized her work in a treaty body by stating: *'[a]s an expert, I did not represent my government or check my views from any domain. The view I put forth was my own based on my academic and other experience'*.

This chapter has demonstrated that SCANET expert profiles are strongly characterized by legal experience and training, and, further, that they lack the kind of professional, academic and personal experiences that can be assessed to have assigned them profound understanding of societies and ways of life that differ significantly from their cultures of origin, or from the ontological assumptions embedded in the transnational, secular culture of the human rights community of practice. Thus their creative space ends up primarily reflecting the lay theories experts hold of 'primitive' ways of life among others, while simultaneously prevalencing the importance of inside knowledge of the human rights phenomenon, for example a given country's human rights record and its position and activeness in the human rights *dialogue*. Under such conditions, how can a context like SCANET ensure that it is able to represent genuine global diversity instead of forwarding to its students only a certain distinct conception of the human condition? This analysis argues that - due to the observed patterns of flow, conceptions of knowledge and the strong influence of lay theories in the creative space of expert - what becomes paramount for global representation is that individuals holding expert positions represent global diversity through their personas. To conclude this study, the next chapter moves to explore the profile of expertise; it asks who are the individuals forming the SCANET expert community of practice, and how do they represent global diversity.

CHAPTER SIX

PROFILE OF EXPERTISE

The Mandates System was created by the League of Nations in 1919 as a response to the changed circumstances of the post-World War I era. As a consequence of the war, former colonies were no longer under the sovereignty of their colonial rulers. Yet, in the League of Nations, they were not construed as fully independent either.¹⁰⁷ Instead, as is described by the League's Covenant, they were seen as peoples 'not yet able to stand by themselves under the strenuous conditions of the modern world'; they were regarded as 'minors' (Covenant of the League of Nations, Art 22; *The Mandates System*, 1945, 23). This gave rise to the question of how their political organization should be arranged. The solution became the introduction of the Mandates System, in which former colonies were divided into three stages on the basis of their region's perceived development. It was further argued that 'the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographic position, can best undertake this responsibility' (Art. 22, par 2). In the argumentation explaining the system's necessity and purpose, central emerges the rhetoric of development and progress through education.

This is reflected in a book published by the League of Nations in 1945, which describes the System's first three primary aims as '[t]he political and moral education, the improvement of the living conditions and, in general, the protection of the interests of the native population' (*Mandates System* 1945, 50). In addition, education is characterized as a part of the 'moral responsibility towards mankind for the treatment of the natives' (*Mandates System* 1945, 11). Read from the perspective of today's egalitarian spirit of global collaboration, these texts embody an embarrassing and patronizing

¹⁰⁷ Many thanks to Taina Tuori for discussions and references on this topic. See also Anghie 2005.

tone. Yet, in the inter-war period and up until the founding of the UN, this tone and the Mandates System formed the principal means through which relations were organized between former rulers and colonies. The notions embedded in the Mandates System can be seen to reflect the more general ‘civilizing mission’ of international law: the responsibility of the ‘civilized’ world toward the uncivilized, as has been analysed by Martti Koskenniemi (Koskenniemi 2001) - a responsibility that has often also been called the ‘white man’s burden’.

Officially, the founding of the UN overrode this tradition, introducing to international collaboration for the first time the notion of formal equality between independent nations. This notion was accompanied by a revolutionary new discourse founded on the equality of all peoples, articulated by the Universal Declaration; as has been discussed by Risto Wallin, although various initiatives existed around the human rights discourse in the inter-war period, it did not occupy a decisive role in the operations of the League of Nations (Wallin 2005). Yet, despite these changes, the UN era entails significant continuity from the League era. This was explicitly stated by the International Court of Justice in its ruling on the South West Africa Case of 1962,¹⁰⁸ and continuity was, among others, certainly reflected in the personnel of the two organizations. The consequences of this continuity have been discussed through vast scholarship on post-colonial studies, in relation to international law particularly by Anthony Anghie (Anghie 2005). It has often been argued that revolutions, despite their appearance of causing dramatic, all-altering change, even in the most radical of cases induce only minor changes to existing societal structures. These findings pose an important question for the human rights phenomenon: how profoundly have its practices and ideologies changed from those of the League of Nations era embedded in a sharp division of peoples according to their geographic origin? Have they vanished entirely, or become reincarnated in new forms and practices?

PATTERNS OF FLOW THROUGH EDUCATION

The previous chapter concluded by outlining how this chapter would focus on the personas of SCANET experts with the aim of inspecting how, through the experts’ creative space, the knowledge distributed in its activities comes to reflect global diversity. In addition, this chapter will explore the profile of

¹⁰⁸ The continuity of the UN of the ‘sacred trust of civilizations’ established by the League of Nations was repeated in the 1971 Namibia advisory opinion. Both cases are available at the International Court of Justice website (ICJ 2007).

expertise to inspect what kind of patterns of flow SCANET activities - commenced over eight decades after the creation of the Mandates System, and over five decades after the adoption of the Universal Declaration - create through the personas of its faculty and students. This analysis is conducted on two levels: first, by setting the observed patterns in the context of global structures and patterns of flow, and second, by setting them in the context of societal structures in Finland. In this focus this chapter continues the analysis of Chapter 4 on the empowering qualities of human rights education by posing the following question: do SCANET activities demonstrate similarity to existing oppressive structures, and if so, do they entail mechanisms that could be seen to render their participants conscious both of these structures and their capabilities of impacting them, thus empowering the participants? The first part of this analysis focusses on the geographic origin of SCANET participants through the categories *North* and *Other*. The second part explores participant gender. *North* and *Other* are borrowed from categories utilized in different UN contexts, for example in the 2006 election for the new Human Rights Council, where geographic areas were divided into Western Europe & Other States, African States, Asian States, Eastern European States, and Latin American & Caribbean States (Human Rights Council 2006). In this analysis the category North is formed by Western Europe & Other States, whereas all the remaining categories constitute Other. In addition, the category includes members of indigenous peoples originating from the geographic North. As SCANET activities did not feature experts or students from Latin American and Caribbean states, this category does not become relevant.

In addition to UN contexts, these categories are familiar from critical legal scholarship, for example from the analysis of the human rights phenomenon by Makau Mutua (2002). Simultaneously their use awakens reservation in many human rights scholars as well as anthropologists, who construe them as unsophisticated and politically sensitive. Human rights scholars may question their validity as, although in the UN context geographic origin of persons is essential for securing global representation in its differing bodies, for the human rights phenomenon such focus may appear subtly racist. It is as if many human rights scholars construe the universalist ethos of the discourse to have introduced a social space in which such features as geographic origin, religion or race are construed as insignificant, as the only remaining relevant feature of individuals is their shared humanity. Such a notion sounds attractive, yet it ignores the manner in which the human rights phenomenon continues to exist as a part of global and local structures of wealth and social

capital among others. It also overlooks the legacy of the Mandates System in which individuals were classified, according to their geographic origin largely reflecting *North* and *Other*, into 'advanced nations' and 'minors', the latter of whom needed to be educated by the former. By re-introducing these unsophisticated categories, this analysis inquires whether these patterns have vanished through the revolutionary egalitarian discourse of human rights, or whether they find resonance in SCANET activities.

GEOGRAPHIC PROFILE OF EXPERTS AND STUDENTS

Both permanent SCANET experts and doctorate candidates are required to hold some allegiance to universities and human rights institutes within the Nordic region, yet their geographic origin may vary significantly. The geographic origin of SCANET participants has commonly become available from activity programs or informal discussion, and it will be investigated as it has emerged from five SCANET activities. These activities included 148 participants, of whom 42 were experts and 106 students (Table 21). In both groups some participants visited more than one event. Some prominent experts visited all the examined activities, whereas some participated only in one activity. When all SCANET participants are included, the portion of North and Other reproduce the pattern of all participants: 42 represent the category Other while 106 represent the category North. When participants are divided into experts and students, these patterns are altered. For experts the portion of North grows while the portion of Other diminishes, for students the reverse occurs. The most salient difference emerges regarding the category of Other: whereas one third of the 106 SCANET students belong to this category, only one in eight of the 42 SCANET experts belongs to it (Table 21). Of all the 148 SCANET participants, one in four belongs to the category of North expert. Simultaneously only one in 25 participants belongs to the category of Other expert. Of the 106 North participants, one in three belongs to the category of expert compared to one in eight of all the 42 Other participants.

This creates a geographic profile of expertise as predominantly Northern: only six of the 42 expert positions, that is one in eight, are held by individuals from the category Other, whereas the remaining 36 expert positions are held by individuals belonging to the category North (Table 22). Emphasizing the importance of this finding is that in the observed SCANET activities, all Other experts participated in the capacity of visiting experts, as permanent SCANET experts included only Northern individuals. Thus permanent

SCANET faculty did not include, for example, members of the Sami people, the indigenous population residing in the Northern parts of Norway, Sweden and Finland.

Table 20: *Participants in 5 SCANET activities*

	n	% of total
EXPERTS	42	28%
STUDENTS	106	72%
TOTAL	148	100%

Table 21: *Geographic Affiliation*

	EXPERTS	% of total	STUDENTS	% of total	ALL	% of total
NORTH	36	86%	70	66%	106	72%
OTHER	6	14%	36	34%	42	28%
TOTAL	42	100%	106	100%	148	100%

Table 22: *Geographic Profile of Experts*

	N	of all (n=148)	of North/Other (n=106 or 42)	of experts (n=42)
NORTH	36	24%	34%	86%
OTHER	6	4%	14%	14%

To elaborate this analysis, closer attention needs to be invested on the role of Other males in the categories of experts and students. For experts what emerges as paramount is the discrepancy of quantity between North and Other male experts. As is demonstrated by Table 23, of the 42 SCANET participants belonging to the category of Other, only two Other males, in other words under one in twenty, belong to the category of expert. By contrast, of the 106 North participants, 28 Northern males, more than one fourth, belong to the category of experts. Table 23 shows further that whereas 28 individuals of all the 74 SCANET male participants, almost two in five, belong to the category of North male expert, only two individuals, less than one in thirty, belong to the category of Other male expert. Consequently the profile of male experts who participate in SCANET activities almost uniformly represents the North: only one in fourteen male experts belongs to the category of Other.

For male students the patterns are altered. Of the 44 male students, 24 are Other males whereas only 20 are North males; conspicuously, the number of North male experts in the examined activities was 28 (Tables 24a & b). In terms of percentages, males are more prominently represented in the category of Other students than in that of North students. While two thirds of the 36 Other students are male, less than one third of the 70 North students are male.

When the profiles of North and Other males are compared to each other, the most decisive element becomes that while participating in SCANET activities, North males are more likely to belong to the category of expert than student, as almost three in five of the 48 North male participants belong to the category of expert. Other males, by contrast, are by overwhelming majority more likely to belong to the category of student; according to this study, of the 26 Other male participants in SCANET, nine out of ten belong to this category (Table 24 a & b; Table 25).

Table 23: *Male Experts*

	N	of all (n=148)	of own (n=106 or 42)	of all male (n=74)	of male experts (n=30)
NORTH	28	19%	26%	38%	93%
OTHER	2	1%	5%	3%	7%

Table 24a: *Students*

	N	of all (n=148)	of own (n=106 or 42)	of students (n=106)	male	% of N	female	% of N
NORTH	70	47%	66%	66%	20	29%	50	71%
OTHER	36	24%	86%	34%	24	67%	12	33%

Table 24b: *Male Students*

	N	of all (n=148)	of own (n=106 or 42)	of all male (n=74)	of male students (n=44)	of students (n=106)
NORTH	20	14%	19%	27%	45%	19%
OTHER	24	16%	57%	32%	55%	23%

Table 25: *Profile of SCANET male participants*

	TOTAL	EXPERT	% of all males	% of own category	STUDENT	% of all males	% of own category
NORTH	48	28	38%	58%	20	27%	42%
OTHER	26	2	3%	8%	24	32%	92%
TOTAL	74	30	41%	41%	44	59%	59%

African Participants and Patterns of Flow

Despite such clearly identifiable discrepancies between the geographic profile of experts and students, during this research no instances were encountered where this matter was explicitly discussed in SCANET activities. Many experts were likely sensitive to this discrepancy, but saw it to stem rather from developments of past decades, when formal human rights educational

contexts were unavailable particularly in Other countries. Thus they saw SCANET activities as a decisive vehicle for future change where expert profiles would become more diverse. Yet, due to the learning curriculum described in Chapter 4 and the manner in which it separated participants into distinct categories, the potency of SCANET activities to induce such structural changes remains uncertain. This matter is elaborated later in this chapter, and for now it becomes decisive to explore closer who the participants belonging to the category of Other students are. Importantly, when compared to the portion of Other individuals in the general populations of the Nordic countries, the portion of Other students is significantly higher in SCANET activities than the portion of Other in the general populations of the Nordic countries. Table 24a demonstrated how one third of SCANET students belong to the category of Other, whereas the portion of foreigners in the Nordic countries ranges between 2.2% for Finland (HS 14.4.2006; Statistics Finland 2005), 3% in Norway (Statistics Norway, 2004) and 10% for Sweden.¹⁰⁹ How can this high percentage of Other individuals among SCANET students be understood; what kind of factors can be seen to contribute to it? To proceed in this analysis, it is useful to distinguish the two primary groups of Other students identified: participants from African countries and those from the Baltic countries and Russia.

To begin with African participants, it is compelling to note that there were no instances in which African, or Asian, participants belonged to the category of expert. Thus these continents were totally unrepresented in the SCANET flow of knowledge moving from faculty to students. Simultaneously the higher portion of African participants in SCANET activities compared to the general populations of Nordic countries appears non-coincidental as the Nordic human rights field has a well-established tradition of inviting representatives from developing countries into the various training programs offered in its region. This is exemplified by the operations of the Swedish Raoul Wallenberg Institute. Alongside with its numerous other activities - research, undergraduate and postgraduate courses, technical cooperation, maintaining a human rights library, offering publications - the institute participates in development cooperation through training courses organized in Sweden. These

¹⁰⁹ However, these figures include all foreigners, with no distinction made on the country of origin. When considering foreigners falling in the category Other, the figures are altered: as an example, in Norway this portion of the general population drops to 1.3% (Statistics Norway 2004). However, these figures commonly separate European and Baltic countries from non-European countries. As the categories utilized in this study have discussed these countries jointly, these further distinctions are thus not considered.

programs, funded by the Swedish International Development Cooperation Agency, annually admit around 25 participants from developing countries to its training programs of 3-5 weeks, with the aim of inducing changes in their home countries by promoting new means of ensuring respect for international human rights standards (Raoul Wallenberg 2007). The program lists ideal participants as 'key persons' in their countries of origin: policy and decision makers, representatives of institutions with human rights mandates, government institutions involved in the administration of justice, academic staff and NGO representatives. Although the program description emphasizes the importance of networks between present and former participants to facilitate the exchange of ideas, experiences and best practices regionally, it makes no references that the program's educational curriculum would be collaborative, with knowledge flowing both from the Swedish experts acting as educators to participants from developing countries on how their societies can be improved, and from participants of developing countries to the Swedish experts on how the Swedish society could be improved.

This pattern of flow reproduces the ideology embedded in the Mandates System - although with highly altered terminology - that the Swedish society can and needs to offer such programs for the '[t]he political and moral education, the improvement of the living conditions and, in general, the protection of the interests of the [developing countries'] population' (Mandates System 1945, 50). In addition to international diplomacy, the Nordic countries hold another important legacy entailing similar ethos, namely the missionary work by various organizations related to the Lutheran church. These efforts were commonly started during the 19th century, and they have been cited for example by Paul Lauren as precedents of these countries' later activeness in the human rights phenomenon (Lauren 1998, 46-47). Yet the rhetoric characterizing missionary work, of course, differs significantly from the human rights discourse: whereas the human rights discourse emphasizes the unity of all humanity, the rhetoric accompanying missionary work is founded on the fundamental division of individuals into those who have received knowledge of Christianity, been baptized and thus face the prospect of eternal life, and to those who lack them, instead facing the faith of eternal doom. Despite rhetorical difference, both missionary work as well as the Mandates System introduce patterns of flow that are reproduced as well in SCANET activities as in the Raoul Wallenberg Institute training courses. In them knowledge is distributed, for the general well-being of populations, from the North to the Other; from the white faces of the staff pages of the

Wallenberg Institute to the diverse-raced faces of the developing countries. Occasional similarity also characterizes rhetoric: upon describing the overall purposes of its operations, the Wallenberg Institute home page states that it has a 'mission' to promote universal respect for human rights (Raoul Wallenberg 2006).

These patterns of flow find general commonality with the patterns established by contemporary international development and human rights programs as well as monetary flows. This is exemplified by an expert meeting organized by SCANET. The introduction of the meeting outlined that it was sponsored by the Finnish Ministry of Foreign Affairs, the EU fund ACTE, and the UN High Commissioner for Human Rights as well as SCANET. Thus in this meeting the sponsor domain was predominantly represented by the global North, a finding reflecting commonly established global funding patterns of the human rights phenomenon, discussed for example by Keck and Sikkink (1998). In the SCANET meeting these sponsor countries were distinguished from recipient countries, countries for the benefit of which the expertise provided with the funds of sponsor countries was intended. In the expert meeting recipients consisted primarily of third world or developing countries. A concrete embodiment of the division was provided by a visiting expert who introduced a new human rights project. The project's sponsors were the Norwegian Foreign Ministry along with the FAO, the UN Food and Agriculture Organization, and the project was intended to find ways to guarantee adequate food for vulnerable groups. The expert introduced the case studies of the project in Uganda and Brazil by explaining:

'We are going to work with local partners. In Uganda we are working both with the government and the civil society, in Brazil exclusively the civil society. In Uganda the work is going to be done by the Ugandans themselves, we are going to help them by financing and organizing seminars. The same thing will occur in Brazil.'

This description introduced collaborative patterns in which the North, in this instance Norway, became the sponsor and Uganda and Brazil the recipients. What the North sponsored was both material aid as well as education. However, the project further held the outright purpose of guaranteeing food for recipient populations from which it might otherwise be missing. This assigns the sponsor-recipient relationship more dire undertones: it is construed as one embodying the very survival of the recipients, who are seen as unable to sustain themselves and thus continue to exist independently of their sponsors.

These findings connect such programs to the former imperialistic arguments that Merry identifies in CEDAW treaty body proceedings (Merry

2006a, 17). Merry expands this observation by discussing how non-governmental organizations in poorer nations are pushed to adopt human rights approaches to meet the demands of mostly Northern funders (Merry 2006a, 226). They also resonate with the writings of critical legal scholars (Mutua 2002; Anghie 2005), and are visible in Finland through recent emphasis on such programs as the ‘human rights based approach to development’, in which recipient countries are expected to modify their conduct to meet new demands as articulated through the human rights discourse by the Finnish government. The sponsor-recipient relationship can also be approached from another perspective, namely from anthropological scholarship on gifts and exchanges. This vast scholarship has demonstrated how giving and receiving are never simple actions of transferring goods, but instead connected to elaborate systems of reciprocity, politics, lineage systems and social status among others.¹¹⁰ A gift given initiates an asymmetrical relationship between the donor and recipient, and in order to become normalized again, it needs to be followed by some form of reciprocation, either directly to the donor or to some other domain.

In the Native American practice called ‘potlatch’ in which property is publicly destroyed by its proprietors, discussed by H.G. Barnett in his classic study from the 1930s, what becomes pivotal, instead of gift giving, is the establishing of social status through destruction, thus attempting to demonstrate greater prosperity than rivals (Barnett 1938). The patterns of flow examined in this section introduce and reproduce a continual asymmetrical relationship where the North becomes the donor - of money, food, education and general well-being - and the Other the recipient. Importantly, both SCANET activities as well as the training courses of the Raoul Wallenberg contribute to rather than challenge this relationship. Discussions surrounding the submission of China’s state report demonstrated how in their participation in the human rights phenomenon developing countries are often expected to engage in conduct that reinforces this relationship; China’s excessively large delegation was construed as a sign of arrogance, as if it were a reckless act of property destruction by a domain that was generally construed to lack sufficient wealth for it. These relationships of sponsors and recipients stigmatize and condemn under-privileged global domains, Other countries, to ‘an ambiguous peripheral relation with the existing institutions’ which, Ernesto Laclau argues, ‘can have only paralysing political effects’ (Laclau 1996, 33).

¹¹⁰ See for example the classic works by Branislaw Malinowski (1984[1922]), Marcel Mauss (2006[1950]), and Godelier 1999.

From this perspective the human rights phenomenon as well as SCANET activities can be construed, instead of being a medium of change, as ‘part of the problem’ (Kennedy 2004, 3) that the human rights phenomenon attempts to solve on the level of discourse.

Baltic and Russian Participants and Finland

The other prevalent group of Other students in SCANET activities is formed by participants from the Baltic countries and South-West Russia. Here discrepancy is visible particularly between this group and participants from the Nordic countries - Sweden, Norway, Finland, Iceland and Denmark: as is demonstrated by Table 26, whereas the 27 experts from the Nordic countries constitute almost two thirds of the category of expert - the remaining 9 North experts are visiting experts invited in commonly from European or North American countries - the three Baltic experts account for less than one tenth of the category. Of all the 106 participants in the category North, one fourth are experts from the Nordic countries, whereas only one in fourteen of the 42 Other participants are experts from the Baltic countries. By contrast, although not introduced in a table form, the number of Baltic students constitutes a much larger portion of all students, also accounting for more than half of the total category of Other students.

Table 26: *Scandinavian & Baltic experts*

	EXPERTS	of all (n=148)	of north or other (n=106 or 42)	of experts (n=42)
NORTH	36	24%	34%	86%
OTHER	6	4%	14%	14%
SCANDINAVIAN	27	18%	25% (n=106)	64%
BALTIC	3	2%	7% (n=42)	7%

These findings repeat the discrepancy in the profiles of expert and student regarding the categories of North and Other. How can this be understood concerning Baltic participants? This section connects this discrepancy to the application guidelines of SCANET as well as the funding guidelines set forth by ScaFund. As was mentioned, in order to gain inclusion in SCANET activities, students require affiliation to the participating Scandinavian and Nordic human rights institutions or universities. Alternately they can hold affiliation to an institution located in the ‘adjacent’ area of the ‘Nordic Region’, an expression referring to the Baltic countries and South-West Russia.

Particularly the latter inclusion illustrates an expansionistic understanding of the term Nordic, as these domains are not commonly understood to fall under it. Why has this definition been selected and what is its relevance for the present discussion? An answer highlights patterns of flow emerging from ScaFund activities, which rely on the financial support of the Nordic countries. This establishes again an asymmetrical relationship between Nordic countries and adjacent areas: in activities funded by ScaFund, patterns of flow, in this instance a monetary one, move from the Nordic countries to adjacent areas, establishing a donor-recipient relationship. This asymmetry emerges directly from ScaFund application guidelines, which mention that '[m]any ScaFund activities are open to the adjacent areas, Estonia, Latvia, Lithuania and North-Western Russia', yet for any given activity, 'at least 3 Nordic countries (or 2 Nordic + 1 adjacent country) should be represented', emphasizing the prevalence of Nordic countries in the activities funded by it. Description of ScaFund mobility scholarships reproduces the pattern identified of the Raoul Wallenberg Institute training programs by stating that for 'young researchers... from the adjacent areas (the Baltic States and North-Western Russia)' ScaFund offers possibilities for research stays from three up to 12 months in 'a Nordic institution associated with a ScaFund network'. Thus this reproduces the pattern of flow where participants from Other countries are invited in to the Nordic countries to benefit from the education offered by them.

Also this emphasis has earlier precedents. This is illustrated by a glimpse into the early UN years and the actions of Alva Myrdal, a Swedish pioneer in the field of social reform and one of the first women representatives in UN circles, as is discussed by Doris Linder. Linder describes how, as the UN and its specialized agencies took form, Myrdal, the head of a teacher training and educational research institute in Stockholm who sat on the government's school commission, made known her particular interest in the role UNESCO could play in rebuilding and improving school systems around the world. Linder recounts how at the first general conference of UNESCO in the fall 1946, Myrdal gave a speech explaining that 'Sweden wanted to move beyond extending material aid to liberated areas by giving attention to their cultural needs, for example, by printing academic textbooks for Poland and by inviting scholars and adult education leaders to study in Sweden' (Linder 2001, 8; Bok 1991). This instance demonstrates an identical pattern of flow to the one encouraged by ScaFund: a pattern in which a Nordic country - in this instance Sweden - provides both material as well as immaterial aid to a developing Eastern Bloc neighbour - in this instance Poland. In SCANET this

pattern of flow gains additional importance from the end of the Cold War, as the consequence of which post-socialist states have rushed to participate in the global human rights regime. Due to their geographic proximity, this has assigned Nordic individuals unique possibilities of acting as educators: to teach what human rights are, and to guide how they should be realized in the post-socialist countries. In terms of the global human rights phenomenon, such a relationship can be seen to have increased the status of Nordic countries, and at a local level, to have expanded the systemic agency of human rights experts into social architects who instruct post-socialist states on how they should be organized to ensure a prosperous future.

This development is not restricted to the relationship of Nordic and Baltic countries, as human rights education has become a pivotal element more generally in the relationship of post-socialist and particularly Western European countries, as is visible for example in the discussions of new EU membership countries. For Finland these developments create a novel relationship with Russia. As has been discussed, until the end of the Cold War the relationship between the two countries was greatly asymmetrical, with the Soviet Union acting as the donor and Finland as the recipient - of information, cultural impact as well as political influence. The patterns of flow established by SCANET activities reverse this relationship as the representatives of the Nordic countries, including Finnish individuals, act as educators - the donors of knowledge - while Russian participants become its recipients. Other similar examples related particularly to monetary patterns of flow have emerged in the Finnish context in the post-Soviet era. One example of this are the programs initiated by Sitra, an impartial, legally regulated funding agency operating under the Finnish Parliament in association with the European bank of reconstruction and development (EBRD). The programs intend to develop capital investments in Russia with funds originating from Finland, Sweden and Norway, with the aim of helping 'privatized healthy corporations to develop, to build international contacts and to survive through the period of economic transition while other corporate funding is nonexistent in Russia' (Norum 2002). These patterns of flow, both of money and knowledge, embody a new spirit in the collaboration between Finland and Russia. For the first time in history, instead of being a continual and, at times, reluctant recipient, Finland has gained a hierarchically superior, even if occasional, position in an unequal relationship of giving and receiving between the two countries, thus also increasing its status in the new post-Cold War political and ideological order in relation to its former ruler.

REPRESENTING UNIVERSALITY

The finding that SCANET faculty is predominantly Northern induces important consequences for the creative space of human rights experts: its content becomes largely determined by individuals whose understanding of what constitutes universal substance matter originates primarily from their own life experiences from the Northern countries. This empirical finding forms a troubling contrast to arguments that, although the human rights discourse may have a Western origin, today, due to its expansive following, its practices embody global diversity. Simultaneously this finding gives rise to the question: from what domains does such a context gain legitimacy? How can it uphold the claim that, despite overt Northern emphasis of expertise, the knowledge distributed in its scope also empirically represents the universal mankind? This issue has been addressed by Immanuel Kant already in the 18th century in his classic piece 'The Idea of a Universal History with a Cosmopolitan Purpose'. In the essay Kant discusses the tendency of the North, or in his writings rather Europe, to see itself as embodying the universal essence of mankind that it then, with both legitimation as well as responsibility, distributes to others (Kant 1991[1784]). This notion has been since discussed by abundant scholars, of which a recent contribution relating to the argumentation of the European Court of Human Rights has been forwarded by Päivi Leino-Sandberg (Leino-Sandberg 2005). Similar ideas were visible in the already discussed instance in which a visiting SCANET expert compared human rights to the facts of natural sciences, asking '*so what if they are of Western origin?*'

As has been mentioned, in discussion SCANET experts often agree with the idea that human rights forms a secular religion founded on Enlightenment thought, another origin emphasizing Western background. Thus many human rights scholars do not dispute the existence of such empirically observable Western actors and influences around the human rights discourse and phenomenon. Yet, they invest them differing significance: as human rights are in their *essential* significance construed to form an absolute truth, such external, empirically observable factors are not seen as constitutive to the legitimacy of the human rights phenomenon but instead as coincidental - as if Western actors had simply, through the various developments of history, stumbled across this truth first, and as a consequence it has become natural for them to distribute it to those still lacking it. Simultaneously instances can be observed from SCANET activities that suggest a tendency to view the North as capable of embodying the universal in the Kantian spirit. This is reflected in the

following example of SCANET student papers produced for one SCANET activity on the manner they addressed the geographic Other. For this analysis a sample of 15 papers, discussed already in Chapter 4 for their use of acronyms, was further studied to explore whether correlation emerged between the geographic origin of authors and the geographic area in which they focussed their inquiry. Overall surprisingly high correlation was found, with the most visible exception of four papers by Nordic authors discussing the problematic human rights conditions of the geographic, Non-European Other. The papers featured no instances where students originating from the geographic, Non-European Other focussed on the problematic human rights conditions of the geographic North.

Instead two of the papers making most frequent reference to the geographic Other were both contributed by students originating from the same geographic area. Although this sample of six papers is small in quantity, these findings gain additional weight from the fact that as they were based on research conducted under the supervision of SCANET experts, they can thus be assessed to reflect the implicit assumptions about universal representativeness held by the supervisors. This analysis suggests that the supervising experts construed students originating from the geographic North to have greater possibilities to argue from the perspective of the universal, thus rendering them also well suited to discuss human rights conditions in the geographic Other. As students originating from the geographic Other were viewed to lack similar access to the universal, instead holding greater affinity to their geographic origin, the supervisors guided them to focus their research on their contexts of origin. It should, however, be noted that the ideology of the North as representing the universal is not necessarily exclusive to the field of human rights; Akhil Gupta and James Ferguson claim that they have discovered similar tendencies in the field of anthropology (Gupta and Ferguson 1997).

Searching for Internal Actors

SCANET expert reactions to the above analysis on the geographic profile of expertise are likely twofold. On the one hand they might refrain from seeing its Northern emphasis as problematic, as they might construe experts' extensive knowledge of the international human right framework - assessed to entail universal assertions of universal human substance - to ascertain sufficient access to universal representation. Simultaneously they might see the Northern profile as problematic, as it challenges the notion of the human rights phenomenon as a forum of cross-cultural dialogue, thus potentially

undermining the phenomenon's legitimacy. Concern over universal representation can be treated as a recurring feature of the human rights field, and it has given rise to ongoing efforts to find 'internal actors' from Other cultures and geographic regions to diversify the views of Northern actors. The term 'internal actor' derives from the works of Abdullahi Ahmed An-Na'im, who uses it to discuss the compatibility of the Islamic Sharia and international human rights norms. In these discussions he highlights the importance of 'internal actors' who are both insiders of different cultures worldwide as well as have access to the expert discourse of human rights (An-Na'im 1994, 184). Although this notion sounds attractive, when applied to reality it becomes greatly more challenging. As has been phrased by Sally Engle Merry, since cultural boundaries are always porous, it becomes often greatly difficult to determine who is an inside, who an outside actor (Merry 2006a, 17). She exemplifies this with a discussion from the UN Human Rights Commission in which a Nigerian woman discussed Nigerian widowhood rituals in a tenor Merry describes as 'broad condemnation of rituals and cultural practices' (Merry 2006a, 17). This led Merry to ask who the woman spoke for - did all the women in the villages condemn these practices - and to inquire into her work. Merry discovered that the woman was an educated urban woman, a lawyer fluent in English, living in a major urban centre and employed by a US-based human rights NGO. The widowhood rituals she described were a particular concern to women with her profile, who faced such rituals after their husband's death carried out by relatives who may have disliked the women's life choices or how the urban women had treated the rural relatives while the husband had been alive (Merry 2006a, 18). Merry adds that in private discussion the Nigerian woman stated that village women do not really mind these rituals (Merry 2006a, 18).

Such factors problematise the concept of internal actor. Although a person may represent a certain geography, this does not necessarily translate to representation of an ideology or culture commonly held by people by a particular geographic area - a matter intensified by the fact that ideology and culture are seldom homogenous entities. This issue finds another illustration from the drafting of the Universal Declaration and the writings of Charles Malik, an individual originating from Lebanon and commonly celebrated as representing the 'Middle-Eastern' voice in the negotiations (Waltz 2004). He also holds a key role in narratives of the drafting efforts emphasizing that 'participants came from all parts of the world' (Alfredsson & Eide 1999, 11). Scrutiny of Malik's background and writings, however, challenges the notion that he represents an ideology reflecting the geographic Other of his origins:

as has been mentioned, Malik was Harvard educated, and he lived extensively both in Europe and the US. Biographic sketches point out that he was a devoted Thomist, who during negotiations for the Universal Declaration made vigorous attempts to incorporate references to God in the Christian significance into the text (Malik 2003). His thinking is more generally illustrated by the 1982 book titled 'A Christian Critique of the University' (Malik 1982). In the book Malik discusses the merits of the Western civilization, which he describes as being '*defined* by total fearlessness of and openness to the truth' (Malik 1982, 19). He celebrates the institution of the university as 'more distinctive of Western civilization than any other' (Malik 1982, 15). Malik continues by noting how all non-Western universities have modelled themselves after Western universities while the reverse is not true (Malik 1982, 16). Malik traces the origins of the University to the ancient Greeks, who to Malik 'more than any other people, displayed an irrepressible and unbounded passion for the exercise of reason and an incredible curiosity to investigate and know anything.' Consequently 'the university is nothing if it is not the home of free inquiry and unfettered curiosity' (Malik 1982, 16-17).

Malik wonders why non-Western universities may model themselves after Western universities, but not the reverse. To him, '[t]he reason is that these non-Western universities (and therefore their own native cultures which they themselves reflect) have not yet sufficiently caught the insatiable original Greek curiosity about all being: they are interested in others only to a degree; for the most part only utilitarianly, only to use them, only to learn from them', but 'they are not interested in knowing their essence, their being; they are for the most part wrapped up in themselves; the others are perhaps too strange, too forbidding for them; their original, natural, wholesome curiosity is somehow inhibited' (Malik 1982, 18-19). Written at a time of Communism, Malik compares Western and non-western societies by stating that 'Western scientific curiosity is so unquenchable [...] that the West is always complaining against the restrictions the communist and many noncommunist realms impose upon Western scholars and thinkers in their vicarious search for the truth of the histories of those countries and the contemporary conditions of their societies' (Malik 1982, 19). Malik discusses the link between Western societies and the truth by stating that '[t]o the extent this civilization begins to harbor reservations about this fearlessness and this openness, it ceases to be itself; i.e., Western; and to the extent a society, any society, has developed fearlessness of and openness to the truth, it has become Westernized' (Malik 1982, 19). He equates Christianity to the truth, discussing how '[a]n inhibition of original curiosity has blunted Soviet universities, for instance, the

knowledge of Christianity'. To summarize, Malik feels that 'this blunting, inhibiting virus has infected Western universities themselves with respect to the knowledge of Christianity' with the consequence that '[t]he non-West is gradually overpowering the West!' (Malik 1982, 19). These writings are disturbing, as they reflect notions of unilinear evolution found in early anthropological writings (Maine 1861; Morgan 1964 [1877]). They also demonstrate idealization of Westernness that would cause discomfort if presented by a drafter of the Universal Declaration originating from the geographic West. Both these features challenge the notion that in his thinking Malik represents the geographic Other of his origins. Rather they resonate with the characterization of Frantz Fanon of a person with a 'Black Skin, White Masks', an expression he utilizes to describe particularly socially upwardly mobile and educated individuals of former colonies who have lost their native cultural originality and embraced the culture of the former colonizer (Fanon 1967[1952]). Malik's writings suggest that instead of geographic origin, he views Westernness above all as an ideology. Such a definition has prominent consequences on the quest of internal actors in the human rights phenomenon: it portrays attention placed on geographic origin as misplaced, as focus appears more appropriately invested on the exploration of lifestyle choices and ideology held by individuals originating from diverse geographies.

SCANET Indigenous Expert

Also SCANET activities reflect efforts to include 'internal actors' of particularly indigenous peoples. As was mentioned, the observed SCANET activities featured six instances where Other participants belonged to the category of expert. Of these, three originated from Eastern Europe while the remaining three belonged to indigenous peoples: two to the Sami people of the Nordic region and one to indigenous peoples of North America. To explore how Other experts represent global diversity in SCANET activities - to inspect whether they can be held as legitimate 'internal actors' of their Other origins - emphasis is invested on issues of lifestyle and ideology. To begin with educational background, the SCANET Other expert backgrounds reproduce the pattern of Charles Malik of being educated in the geographic North; they have also all pursued their careers in settings that could be characterized as Northern, although some hold strong ties to their geographic place of origin. To explore lifestyle choices, an expert originating from an indigenous group and invited to SCANET activity as an expert on indigenous laws and ways of life merits closer attention. In personal discussion the expert shared details

of her life that suggested it had not followed a typically 'indigenous' path:¹¹¹ after leaving her community of origin to attend a university located thousands of kilometres away, she had served in numerous consulting positions representing both her community of origin as well as indigenous communities more generally, but made no indication of having lived among her community of origin. Instead her present life was located at a distance of thousands of kilometres from that community, and she had joined a religious sect that was characterized by a specific lifestyle and distinct culture stemming from white Anglo-American heritage. Indigenous members of the sect are highly uncommon. The expert had married another person belonging to the sect and they were raising their children into this religion instead of socializing them into the beliefs of the expert's indigenous background. While these lifestyle choices do not mean that the expert no longer holds an indigenous identity, they do give rise to questions of whether the people of her community of origin would accept her as an internal actor capable of representing their ways. The issue of representativeness, particularly by 'subaltern subjects', has been the topic of vast scholarship asking whether such participation by genuine 'others' is even plausible. Scholars have suggested that the very discourses utilized in such exchanges render real dialogue impossible.¹¹² In SCANET activities such discussions were not carried out, as the indigenous expert was unequivocally treated as representative of the ideology and customs of her indigenous community of origin.

GENDER OF EXPERTISE

The remainder of this chapter will explore the gender of SCANET expertise as well as how this can be connected to existing societal structures in Finland. For this examination the same five SCANET activities are analysed, showing equal gender division: both males and females are represented by 74 individuals. When participants are divided into experts and students, similar distinctions emerge to those identified in relation to geographic origin.

¹¹¹ This analysis includes personal information that was not included in formal SCANET activities but instead derived from private discussions. As such discussions did not emerge with all Other experts, the following account presents a sketch from the background of one expert rather than a detailed analysis of the profile of all Other experts. As the purpose of this section is to illuminate features relevant for the present analysis, discussions on what indigenous lifestyle or indigenous identity could constitute of will not be pursued here.

¹¹² For an introduction into these debates, see the writings of Gayatri Chakravorty Spivak edited by Landry and Maclean (1996).

The majority of experts, two thirds of 42, are male, whereas the majority of students, three in five of 106, are female (Table 27). When variables are connected to geographic categories, conspicuous becomes the asymmetry among Nordic experts originating from Finland, Sweden, Norway, Iceland or Denmark: whereas the 26 Nordic males account for three fifths of the 42 experts, the observed activities featured only one Nordic female expert. Also, whereas of all the 30 male experts almost nine of ten are Nordic, only one of the 12 female experts is Nordic (Tables 28 & 29).

Table 27: *Gender*

	MALE	% of category	FEMALE	% of category	TOTAL	% of category
EXPERTS	30	71%	12	29%	42	100%
STUDENTS	44	42%	62	58%	106	100%
TOTAL	74	50%	74	50%	148	100%

Table 28: *Gender & Geographic Affiliation of SCANET PARTICIPANTS (n=148)*

	NORTH	% of all (n=148)	OTHER	% of all (n=148)	TOTAL	% of all (n=148)
MALE	48	32%	26	18%	74	50%
FEMALE	58	39%	16	11%	74	50%
TOTAL	106	72%	42	29%	148	100%

Table 29: *Gender & Geographic Affiliation of SCANET EXPERTS*

	N	of all (n=148)	of category (n=106 or 42)	of experts (n=42)	male	% of male	female	% of female
NORTH	36	24%	34%	86%	28	78%	8	22%
OTHER	6	4%	14%	14%	2	33%	4	67%
Nordic	27	18%	25% (n = 106)	64%	26	96%	1	4%

These findings differ significantly from those of SCANET students. To begin with all participants, the portions of North males and females in SCANET activities resemble each other, as the 48 North males constitute one third of all the 148 SCANET participants and the 58 North females slightly more (Table 28). When only SCANET students are analysed, the portions again alter: whereas two thirds of the 74 female participants belong to the category of North students, only slightly more than one in four of the 74 males belong to the same category.¹¹³ The 50 North females who participated in the ana-

¹¹³ Students are here not divided into North and Nordic, as the categories are primarily identical. This is due to the fact that most Northern students come from Nordic countries whereas experts

lysed events constitute almost half of all the 106 students, whereas the 20 North males account for less than one fifth (Tables 30 & 31).

Table 30: *Male Students*

	N	of all (n=148)	of category (n=106 or 42)	of all male (n=74)	of male students (n=44)	of students (n=106)
NORTH	20	14%	19%	27%	45%	19%
OTHER	24	16%	57%	32%	55%	23%

Table 31: *Female Students*

	N	of all (n=148)	of category (n=106 or 42)	of all female (n=74)	of female students (n=62)	of students (n=106)
NORTH	50	34%	47%	68%	81%	47%
OTHER	12	8%	29%	16%	19%	11%

'NORDIC FEMALE EXPERTS DON'T EXIST'

The finding of the SCANET profile of expertise as distinctly masculine, with particular emphasis on Nordic males, is disturbing and requires closer investigation; how can the observed patterns be understood? I inquired about the scarcity of Nordic female experts in discussion with prominent SCANET experts in two separate instances. In both of them the reason given was identical: *'Nordic female human rights experts do not exist'*. This statement is surprising, as examination of both early phases of the human rights phenomenon as well as its current operations suggest Nordic women to be active participants. Early involvement is demonstrated by the already mentioned analysis of Doris Linder, who emphasizes the role of Nordic women by focussing attention on the contributions of Bodil Begtrup of Denmark, Aase Lionaes of Norway, Ulla Lindström and Alva Myrdal of Sweden, and later the contributions of Helvi Sipilä of Finland. Of these Linder construes Bodil Begtrup to have held particular influence over the creation of the United Nations Commission on the Status of Women in 1946, as well as impacting the content of the Universal Declaration on behalf of the interests of women (Linder 2001, 5, 8; see also Bok 1991). Prior to the UN era, Paul Lauren highlights the strong involvement of many Nordic women in efforts to develop the social welfare state at the turn of the century (Lauren 1998). These efforts reflect the active participation of women in the social reform efforts of the 1910s and 1920s in Northeast US. Among others, they held key roles in the

are also invited from other locations.

emergence of the feminist movement (Cott 1987) as well as the settlement movement; Mina Carson recounts how at least half of the prominent US settlement houses were headed by women (Carson 1990).¹¹⁴

A brief overview of the current human rights phenomenon in Finland suggests that women participate actively in it also today. To offer merely a few examples, the current head of the division of human rights affairs at Finland's Foreign Ministry is a female, as is the head of the Finnish Red Cross. Of the board for the Finnish NGO foundation for human rights, only two out of eleven members are male while the remaining nine are female. Of the staff of the Finnish Amnesty International, 14 are female, including its acting executive secretary and the leader of human rights work, while only 4 are male; also the executive secretary of the Finnish League for Human Rights is female. In March 2006 a Finnish woman was nominated as the Deputy Executive Director for the United Nations Population Fund, a position mentioned by a Finnish newspaper as the highest position currently held by a Finn at the UN (UNFPA News 2006; HS 6.9.2006), and in June 2006 another was chosen as a judge for the European Court of Human Rights by the European Council (HS 27.6.2006). Also the Finnish press features numerous instances in which females are denoted 'human rights experts'. This brief elaboration contrasts with the statements of prominent SCANET experts of the non-existence of Nordic female human rights experts. The statement was also contrasted in numerous discussions. Upon being told that SCANET experts presented the lack of female experts in SCANET activities as stemming from their non-existence, two NAIL scholars commented in separate discussions that *'that is simply not true'*. This sentiment was shared by a high-ranking former employer of the Finnish Foreign Ministry. In May 2007 when the topic came up in a discussion for a conference program addressing the relationship of women's human rights and 'particularism', the high-profile female NGO representative organizing the event was surprised by the statement, instead commenting that in the planning, she had great difficulty to think of male experts who could hold presentations in the conference.

These findings suggest that instead of there being a lack of Nordic women in the field of human rights, their scarcity in SCANET activities stems from collaborational patterns as well as a conception of expertise that does

¹¹⁴ The same years also saw more general active participation of women in different domains of the society. According to Ross Wetzsteon, in the US over eight percent of physicians of the time were women, and over fifteen percent of PhDs obtained by the end of the 1910s were by a woman. Both of these figures as well as the percentage of women college students and professors declined in later decades, the last figure being greater in the 1920 than in 1960.

not correspond to the respective knowledge and competence of the women who participate in the human rights phenomenon in Finland. As was discussed in Chapter 3, in SCANET operations NGO employees and activists, for example, are primarily not construed as experts. In discussion, a prominent SCANET expert professed not to be familiar with the discussed Nordic female human rights actors participating in the early decades of the human rights phenomenon, instead viewing Nordic female pioneers to remain absent. When explicitly asked about the contribution of Helvi Sipilä, the expert stated that she did not view Sipilä primarily as a human rights expert, but instead placed her in the same category as the former UN Secretary General Dag Hammarsköld of UN officials. This formulation differs notably from the assessment of numerous other sources such as Doris Lindner who, as has been discussed, commonly highlight Sipilä's contributions. It appears as unconventional not to regard her as a human rights expert, as such a characterization is otherwise commonly acceptable. To connect this characterization to the profile of expertise, it offers further illumination on the criteria by which a person gains expert status in SCANET; criteria that occasionally also exclude individuals whose competences might in other contexts be construed to translate to expert status.

GENDER OF EXPERTISE IN THE FINNISH CONTEXT

To explore why female human rights expertise recognizable in SCANET activities has not emerged, it is useful to place SCANET activities in the wider scope of the Finnish society and the role of women in the labour market as well as the academia. Inspection reveals that despite Finland's high international profile as a leader in gender equality and women's rights, reality is more nuanced. The topic was visibly featured in the Finnish press in 2006 due to the 100-year celebration of women's suffrage in the country. In March 2006 the magazine of the University of Helsinki devoted the matter six pages, noting in the ingress how '[l]ong ago Finland was a pioneer of gender equality. Since then we have run out of steam'. The article goes on to discuss how the leaders of the three largest political parties are all men, and to note how gender equality rests largely on 'myths [...] referring to [...] first female ministers and other heroic women' (Yliopisto 2006, 14-19). Although the election of Tarja Halonen as Finland's first female president in 2000 has been celebrated as a significant step toward even greater gender equality, various domains concur that during her two terms, power has increasingly shifted from the president to the prime minister, a position which, with the exception

of a few months, has in the new millennium been held exclusively by men. An article in Finland's largest newspaper from November 2006 continues the theme with a full-page story focussing on the public sector, listing hospitals, courts, the police, banks and numerous ministries among others that are by great majority led by males. To highlight the prevalence of male leadership, the article features a large photo of three women with the headline 'May we introduce Finland's only female hospital district leader' (HS 20.11.2006). The privileged position of males is emphasized in the private sector, as for example the boards of a hundred largest Finnish corporations have in total 622 positions, of which less than one fifth are occupied by women (HS 30.12.2005). Women continue to earn around 20 percent less than men for the same work in Finland, a gap that, contrary to most European countries, has not decreased over the past decade. Consequently, although spring 2007 saw the introduction of a greatly new egalitarian government with approximately half of the ministers female, in autumn 2007 close to 15 000 nurses, the vast majority women, threatened to resign from their jobs as a protest to their low wages and the continued unfulfilled promises by the public sector employer to upgrade their salary level.

These findings also characterize the Finnish academia, a domain a prominent SCANET expert characterizes as 'traditionally quite masculine'. In December 2006 a daily newspaper reported, based on the 'She Figures' study requested by the European Commission, that the proportion of women as professors in Finland is still low, accounting for only one fifth of all (Uutislehti 100 5.12.2006, She Figures 2006). Another article from the University of Helsinki personnel magazine featured a four-page article titled 'Unwanted doctorates?', discussing the discrimination experienced by females while applying for university positions. The article notes how women are far more likely to hold temporary positions in universities than men (Yliopistolainen 2006), and offers statistics to support these claims: although in 2005 a total of 59% of all doctorates were obtained by women, only 25% of professors are women (Yliopistolainen 2006). The article continues by noting how today many female researchers despair even from applying for permanent positions, as they have lost all hope of securing them. As one reflection of how wide these sentiments have spread was the December 2006 founding of an association called the Research Women of Helsinki, holding as its specific goal to remove gender inequality in scholarship. Remarkable in the association's founding was that instead of being a new creation, an association with the same name had existed also before, but its operations had been terminated as superfluous in the progressive spirit of the 1990s. Under the current

circumstances its revival was perceived as essential - a correct conclusion if judged by the 250 membership applications the organization received during its first months of existence (Helsingin tutkijanaiset 2007).

Officially gender inequality has emerged as a paramount concern of Finnish academic life, as practically all academic funders require proposals for joint research ventures to entail explicit address on how the research careers of female scholars are to be assisted. Yet daily experiences within university life reinforce the notion that in practice, it continually forms a masculine domain where women are marginalised. This is exemplified by the following personal encounter from the auditing process at the University of Helsinki in autumn 2007 - a dreaded and cryptic procedure, the outcome of which remains unknown to most personnel but which, it is feared, will find some reflection in funding patterns. I was invited to participate in the auditing session as a member of a three-person team, the two other members of which were male, to represent our research unit; we shared the hour-long session with another three-person, all male team. The auditing team was formed of four individuals, two males and two females. During the session, only the two male members of the auditing team spoke, one of them acting as the session's chair, whereas the two women made no vocal interventions. Instead one of them acted as a secretary and the other as a silent observer. Thus the hour-long session was predominated by the exchanges of the seven participating male members, none of whom had been assigned the role of silent observers, while my own comments became the sole contributions from females. Compared particularly to my earlier mass lecture experiences as a student at the same university where the vast majority of participants were females, this male dominance was striking: somehow, through the complex processes governing advancement in research careers, instead of transforming the silent mass of female students into active participants in later academic proceedings, women were still denoted, although in far fewer quantities, the position of silent observers while patterns of vocal exchanges continued to be governed by men - in the lecture room by professors, in the auditing session by representatives of research units and members of the auditing team.

Why does gender inequality continue to exist in the Finnish academia? Various domains have been identified as responsible. Many commentators mention persistent attitudes and stereotypes of males as naturally prone to logical thought and thus well equipped for expert positions, and females as instinctive and less inclined for rational thinking. Another commonly identified source is the school system, which Finnish newspapers claim to 'still pushes girls into a narrow women's mould' (Uutislehti 100, 25.8.2006).

Childhood experiences more generally have been highlighted by a recent polemic Swedish book by Liza Marklund and Lotta Snickare, who describe how Western mothers differentiate according to gender in the treatment they give to their children already in infancy, spoiling their sons rotten. They point a finger also at women themselves, namely their failure to assist each other - a mistake reflected in the book's title, borrowed from Madeleine Albright: 'There is a special place in Hell for women who don't help each other' (Marklund & Snickare 2005). Additionally blame is commonly invested on men and their discrimination of women from their positions of power. This is mentioned in the discussed newspaper article describing 'unwanted doctorates': men create 'old boy' networks and favour their friends unashamedly (Yliopistolainen 2006). This finding was supported by a 2005 study of certain departments at the University of Helsinki, which discovered that female researchers held frequent sentiments of being marginalised while they felt that male researchers commonly received favouritism from male supervisors. This was reflected among others in opportunities to teach - a manifest expert function, as has been discussed in relation to SCANET. In her study Johanna Kantola found that whereas male researchers were encouraged to teach, female researchers had failed to receive similar encouragement (Kantola 2005; see also Faust 2006).

Although empirical material is unavailable from the years leading up to the official formation of SCANET, numerous domains suggest that 'old boy' networks - likely formed on implicit collaboration instead of a premeditated design to exclude females - can be associated with SCANET conceptions of expertise. This can be construed as verified by the prominent SCANET expert who explained SCANET's origins by noting:

'It is primarily a question of new names and forms depending on the funding that is currently available. The funding proposals and outlines have in recent years favoured the formation of these kinds of academic networks through the Nordic region, and it is natural that this is the form the SCANET.'

Thus, although the official structure of SCANET dates to the year 2000, the collaborational roots behind it are significantly longer, going back to the early 1990s. As is recalled, when describing the emergence of the human rights phenomenon in the Nordic countries, all the pioneers a prominent SCANET expert identified were male, whereas she omitted to mention female experts other sources had highlighted. This can be seen to have contributed to the emergence of a masculine profile of SCANET expertise which has been 'inherited' by the present generation of SCANET male experts from the earlier generation of pioneers. The conclusion on the importance of 'old boy'

networks is also supported by an examination of an edited book from 1992 featuring numerous Nordic human rights scholars: although the list of contributors is highly masculine, with only four females among 27 authors, compellingly many contributing male authors have since assumed expert positions in SCANET while the same applies to none of the involved female authors (Eide et al 1992). Without empirical data it remains, of course, impossible to ascertain the other probable impacts contributing to this outcome - such conclusion would require additional examination of the career paths of the female authors who contributed to the book in question - yet this finding cannot be dismissed, as it provides yet another example of the male predominance of SCANET expertise.

‘THE NEXT GENERATION WILL BE DIFFERENT’

In discussion with SCANET experts the scarcity of North female experts was commonly accompanied with the statement that *‘the next generation will be different’*. The ethos of this statement can be connected to the discussed desires that human rights education function as a potent tool for challenging existing oppressive structures. SCANET experts emphasize that they have made distinct efforts to recruit young female researchers and doctorate candidates, thus aiding their research careers. Yet these factors remain insufficient if not accompanied by mechanisms through which the current expert profile would change. Thus the mere increase of doctorates obtained by women fails to ensure that they come to occupy positions equivalent of SCANET expert in the future; as the above figures demonstrated, despite obtaining the majority of PhDs, women still form a significant minority of professors in Finland. These findings are compelling particularly due to the observed patterns of flow of Chapter 4, demonstrating how the SCANET learning curriculum also entails disempowering elements. To proceed in the analysis, it thus becomes vital to observe whether SCANET activities entail points of access that offer potential for change for the next generation of human rights experts. To explore this question through the concept of a community of practice, it becomes pivotal to investigate whether SCANET socializing processes, instead of reproducing the human rights expert community of practice as it is, embody elements that would cause the next generation to differ from the present one.

To find answers to these questions, patterns of flow observable at SCANET activities will be revisited. This analysis continues the study of Chapter 4 on speech acts, namely questions and answers, by inspecting the gender-specific patterns they give rise to, asking particularly whether they repro-

duce or alter the gender-specific profile of expertise as a masculine domain. The events analysed are constituted of five lectures which occurred in three sessions held during two days of a week-long SCANET activity. Based on the number, gender and status of participants, as well as the number of speech acts, the analysed sessions can be assessed as representative of the general speech patterns of SCANET activities, with the exception that three out of five lectures were held by female experts, a slightly higher than average portion.¹¹⁵ The discussions accompanied lectures that were intended for all SCANET activity participants. In addition to students, they were participated by the experts who were present in the SCANET activity at the time.¹¹⁶ In total the discussions included 113 speech acts, of which 44 are questions, 56 answers and 13 comments (Table 32). The greater number of answers stems from instances where questions are provided for with more than one answer from different speakers; additional answers are marked as 'answer+'. As is expected, students have been more active in asking questions, accounting for four of five questions, while experts have offered more than nine of ten of answers. Comments, on the other hand, are more evenly divided, with students accounting for almost half of them. In all, experts have occupied a greater role in the discussion, accounting for three fifths of all speech acts (Table 32).

To assess speech acts in terms of gender, male experts come forth as more active, accounting for almost two fifths of all speech acts, while female experts account for one fourth (Table 32).¹¹⁷ When the categories are explored closer, differences again emerge, as male experts portray a greater readiness in providing answers, offering more than three in five answers while female experts offer one in three. The patterns for asking questions reverses this, with female members asking one question in eight while male experts pose only one question in twenty, translating to two questions of the total of 44 (Table 32). Of these, one was made explicitly in the form '*I have a question to clarify*'. To summarize, male experts offer answers twice as often as female experts, who in turn ask questions three times more often than males. The category of 'answer+' shows four instances for both male and female experts occurring in Lectures 1 and 2. Thus both male and female experts show activeness in substituting answers perceived as needing clarification.

¹¹⁵ I was a participant in the analysed activities, but did not join in the discussions. Thus my input is not reflected in the observed frequencies.

¹¹⁶ For longer, 5-7 day activities, it is common for experts to stay only a part of the time, during which they mostly attend all sessions.

¹¹⁷ The reviewed session included close to identical numbers of male and female experts present.

Table 32: *Summary*

	N	students	% of category	experts	% of category	male experts	% of category	female experts	% of category
questions	44	36	82%	8	18%	2	5%	6	14%
answer	56	2	4%	54	96%	35	63%	19	34%
		(9 in answer+)	(11% in answer+)	(8 in answer+)	(89% in answer+)	(4 in answer+)	(44% in answer+)	(4 in answer+)	
comments	13	6	46%	7	54%	5	38%	2	15%
total	113	44	39%	69	61%	42	37%	27	24%

During Lecture 2, featuring both male and female lecturers, female experts have been particularly active, accounting for three fourths of ‘answer+’. In Lecture 1, held by a female expert, there are three additional answers provided by male experts. This is conspicuous, as questions relate primarily to topics covered in the preceding lecture held by the female expert. In these instances additional answers have been offered by male experts to questions stemming from the lecture of female expert; an act that could be interpreted to signal that the answers provided by the female expert were not regarded by the male expert as sufficient. This could also be seen to undermine - intentionally or unintentionally - the authority of the female expert.¹¹⁸

Two noteworthy instances in the relationship of male and female experts can be added. The first concluded one of the analysed discussions. A female expert began to answer a question stemming from her lecture. The male expert chairing the session cut the female expert off by saying ‘*Don’t go there, we will cover this topic in the afternoon session*’. When this comment was made, the ongoing discussion had neared its finishing time and a great number of questions and answers had already ensued. Thus the intervention could be interpreted merely to stem from a desire to keep up with the desired schedule. Significantly, this intervention was not made in terms of time but rather of substance. Consequently it became an instance where the

¹¹⁸ Here, reactions I received while presenting this point in a speech to the board of the Finnish Women Lawyers’ association are noteworthy: the reactions from the audience suggested that this finding was not surprising but rather concurred with their everyday experiences with male colleagues. Of the male expert complementing the answers of a female expert, one audience member stated ‘*typical*’.

male expert established a hierarchy between himself and the female expert by setting limits on the authority of the female expert. As the female expert was not scheduled to lecture in the afternoon session, she would not be the one eventually answering the posed question. To assess the impact of this exchange for the role model of human rights expertise promoted by SCANET activities, decisive was the public nature of this intervention. It conveyed an impression of hierarchy over expertise, with a male expert setting the limits on the realm of the female faculty member's expertise. The second noteworthy instance emerged in a different SCANET activity, following a session in which a female expert had been commenting on student presentations. In a private exchange after the session, the female expert asked if she had talked too much. I said I did not think so. The female expert said that a male expert had told her during the session not to talk so much; her demeanour conveyed a sentiment of displeasure at the incident.

As an isolated incident the latter occurrence is insignificant. However, due to its unusual nature between mutually respecting experts in the prevailing academic climate of politeness, it gains noteworthy nuances, as the occurrence repeats the pattern where a male expert establishes a hierarchy between himself and a female expert, effectively setting limits on the latter's sphere of expertise and participation to the SCANET activity in question.¹¹⁹ To summarize this analysis on the profile of expertise observable in SCANET activities, the following conclusion can be drawn: an analysis of speech acts emphasizes the profile of expertise as a male domain. This is reflected in the greater portion of answers offered by males, that being more than three fifths of all answers (Table 32) - more than four fifths of all speech acts forwarded by male experts in the examined sessions (Table 33). This promotes an image of male experts as assuming positions of authority in SCANET activities to emphasize their role as experts. The image of expertise as a male domain is strengthened by the reluctance of male experts to assume a 'student' role by seeking additional information in the form of asking questions. Female experts in their turn contribute to this impression primarily by their lesser activeness in overall participation in speech acts. Although more than two thirds of all speech acts by female experts are in the form of answer

¹¹⁹ Another interpretation of the incident is to place focus not on the gender but on expertise itself. In other words, that the male expert did not wish to limit the position of authority assumed by the female expert because of her gender but because of the *type* of her expertise. This interpretation emerges as plausible, as the male expert represented 'mainstream' human rights expertise while the female belonged to the group of NAIL experts; a difference that was reflected - in addition to their writings - in their lectures and comments.

(Table 34), these answers constitute only one third of all answers (Table 32). Noteworthy is also the greater tendency of women to engage in speech acts constituted as questions, which account in total for slightly more than one fifth of all female expert speech acts (Table 34), while the same category for men accounts for only one twentieth (Table 33). To summarize, these findings could be interpreted to signal greater hesitancy by female experts to assume positions of authority.¹²⁰

Table 33: *Male Experts*

	total	%
questions	2	5%
answer	35 (4 in answer+)	83% (10% in answer+)
comments	5	12%
total	42	100%

Table 34: *Female Experts*

	total	%
questions	6	22%
answer	19 (4 in answer+)	70% (15% answer+)
comments	2	7%
total	27	100%

However, this model acquires additional nuances through the analysis of student speech acts, simultaneously offering new material for investigating the possibilities of SCANET activities to yield generational change. As has been mentioned, the great majority of student speech acts are in the form of questions, accounting for more than four fifths of both all student speech acts and all questions (Tables 32 & 35). For answers the portion of student speech acts is far smaller, constituting only one twentieth of all student speech acts and even less of all answers (Tables 32 & 35). However, of all the forwarded comments the portion of students is significant, accounting for almost half of them (Table 33). Although the weight of this category is somewhat diminished by the fact that it accounts only for one eighth of all student speech acts (Table 35), its inspection is nevertheless crucial. When all comments are

¹²⁰ An ironic parallel to this pattern emerged at the Finnish Women Lawyers' association: after my presentation, a chair was needed for the subsequent meeting. This proved significantly challenging, as both of the two candidates suggested demonstrated great reluctance to act as chairs, indicating that '*I have never been a chair; I don't know how I should act*' - a surprising sentiment coming from two professional women with decades of experts as lawyers. In the end a third person was selected.

analysed, what arises as distinct is the great activeness with which female students have engaged in making them: they account for more than two fifths of all comments, while female experts and male students account for less than one fifth each, and male experts for the remaining third (Table 36). To connect this finding to the earlier offered characterization of comments as occupying a liminal position between student and expert status, the activeness of female students suggests readiness to experiment with expert positions, a tendency which has potential to translate into more concrete assumption of expert roles in the future. The temporal limits of this research allow no possibilities to follow this matter and to inspect whether the tendency to offer comments will later translate to a more expertly practice of providing answers. Yet this finding exemplifies one significant point of access through which patterns of flow could change as a consequence of SCANET activities.

Table 35: *Students*

	total	%
questions	36	84%
answer	2 (1 in answer+)	5% (2% in answer+)
comments	5	12%
TOTAL	43	100%

Table 36: *Comments (n = 13)*

	expert	% of n	student	% of n	total	% of n
MALE	4	31%	2	15%	6	46%
FEMALE	2	15%	5	38%	7	54%
TOTAL	6	46%	7	54%	13	100%

Subjective Accounts on Human Rights Expertise

The last analysed element are subjective accounts on human rights expertise emerging in SCANET activities. During one of the examined SCANET activities, the topic of gender equality and the treatment of male and female students in their respective research environments came up in an informal discussion among female students. Upon being asked how they viewed gender relations and equality in SCANET, some discussion participants forwarded sentiments of inequality. One female student characterised this by stating that certain male students are selected as apprentices by their supervising male experts, which in practice offered them possibilities for advancement to expert status not offered in equal degree for female students: a sentiment reflecting the study mentioned earlier conducted at the University of Helsinki. Although

no starkly contrasting sentiments emerged from the other participants in this discussion, many female students probably had differing experiences - after all, they had voluntarily chosen to pursue their studies in their respective settings, which would have been unlikely had they been entirely unsatisfied with the treatment they received from supervisors. Analysis of SCANET activities, nevertheless, offers subtle support for this subjective sentiment of gender inequality. Three examples illuminate this. In two of these, a student was promoted to expert status and in one, a scholar fulfilling the formal criteria set for SCANET experts assigned student status. The first example relates to a researcher who was invited into a SCANET activity as an expert despite of not having completed a PhD which, as has been discussed, is a customary prerequisite for expert status. Increasing the importance of this invitation was that the researcher was assigned the task of commenting on a number of student presentations based on PhD projects in different stages. Despite the researcher not having completed a PhD, the exchange accompanying student presentations followed the earlier discussed pattern of flow where knowledge moved in the form of comments from the commenting expert to the presenting student with no time allotted for dialogue. Thus, despite the lower formal academic merit of the visiting expert, the predetermined expert-student relationship was upheld.¹²¹

The second example derives from the already discussed expert meeting organized by SCANET featuring, in addition to SCANET experts, scholars and bureaucrats from different UN human rights offices, research institutes and government representatives. Although the academic and personal profiles of speakers varied - some had just concluded a master's degree and were beginning their professional careers while others had a doctorate degree and decades of professional and academic experience - for the present analysis relevant emerges that all participants were denoted experts status, reflected in unstructured patterns of flow and seating during the activity, as well as lack of predetermined terms accompanying speech acts. Thus instead of being 'raw data', all the presentations held at the meeting are construed as being received as entailing knowledge. Importantly for the present analysis, speakers included one SCANET member who was currently working on a PhD and who on the SCANET website was enlisted in the category of students. Yet in this meeting,

¹²¹ Despite not having a PhD, the researcher was highly accomplished in other respects measured, for example in the number of publications in international journals. However, that such merits were judged to outweigh the lack of the customary formal requirement of a doctorate degree reinforces the importance of non-identifiable factors in determining who is and who is not perceived as a human rights expert.

reflecting the status assigned to other participants, the student was assigned expert status. The third example depicts an instance where a person listed in the category of senior researchers on the SCANET website was assigned student status in SCANET educational activities. The researcher held a senior researcher position at the respective academic institution, had extensive teaching experience and had co-edited a book with one of SCANET experts. As the researcher had already obtained a doctorate degree, the SCANET presentation focussed on an ongoing post-doctorate research venture. This fact notwithstanding, the presentation was processed identically with PhD presentations: it was appointed two expert commentators, who took the customary time to offer comments without inviting the researcher to join in the discussion. Compared to average students the researcher was more active in offering comments in response, but nevertheless the overall framework established by SCANET experts for the presentation of the paper remained identical with the PhD ventures.

In the above examples the first two instances discuss male researchers while the last concerns a female. Although these incidents offer only glimpses of SCANET activities, they nevertheless support the subjective sentiments of some female students that male students are offered avenues for expert positions not available to females. However, to complete this analysis, an auxiliary subjective element requires attention, namely the hesitance of females to assume expert positions which was already indicated by the analysis of speech acts. In the last of these three instances also the role of the female researcher was significant - after all, she chose to participate in the SCANET activity in the assigned position. This finding reinforces the earlier conclusion that the male profile of human rights expertise in SCANET activities is reproduced by both participating males and females. It is further probable that both genders are impacted by the stereotypical images of expertise and gender which Sally Engle Merry identifies to have been noted by the CEDAW Committee. She discusses how a treaty body expert noted that gender stereotypes in different countries 'including the apparently most progressive Nordic ones' had proved extremely resistant to change (Merry 2006a, 75).

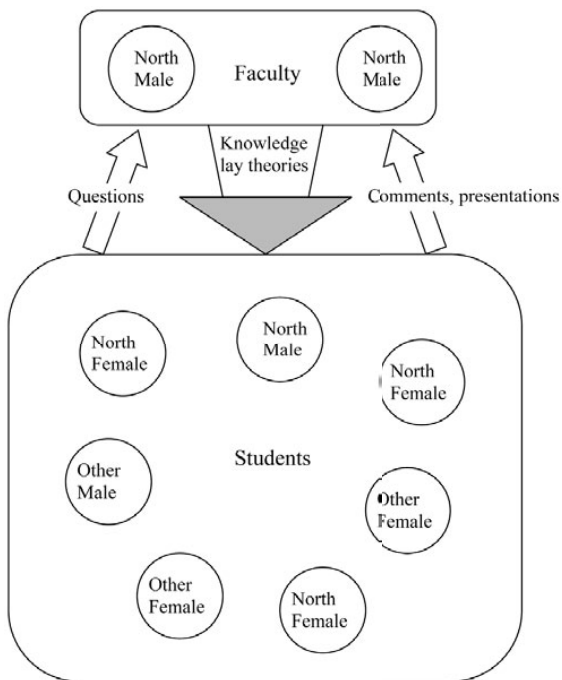
CONCLUSION

This examination of five SCANET activities has depicted the SCANET profile of expertise as predominantly Northern and masculine, whereas the profile of its students is characterized by Other males and Northern, particularly Nordic females (Table 37). Consequently SCANET activities emerge as a

context where human rights knowledge - both ‘ready’ knowledge on the content of human rights documents as well as conceptions of instances where human rights knowledge is not ready and needs to be ‘opened up’ - flows from Northern males to Nordic females and Other males (Graph 14).

Table 37: *SCANET PARTICIPANTS (n = 148)*

	NORTH	% of n	OTHER	% of n	TOTAL	% of n
MALE STUDENTS	20	14%	24	16%	44	30%
FEMALE STUDENTS	50	34%	12	8%	62	42%
MALE EXPERTS	28	19%	2	1%	30	20%
FEMALE EXPERTS	8	5%	4	3%	12	8%
TOTAL	106	72%	42	28%	148	100%



Graph 14: *SCANET Participants & Patterns of Flow*

This finding reproduces models observable from other contexts where the white male is construed as having greater access to the position of universality from which to assess the condition and conduct of other minorities. Here the analysis of Marianne Valverde of 'law's dream of a common knowledge' is illustrative (Valverde 2003). Valverde discusses an instance from a Canadian court in which homosexual indecent acts were addressed in courts, highlighting how sexual norms in the homosexual community differed from those of the predominant heterosexual community. She notes that the fact that 'the investigating officers were all heterosexual was a fact brought out in cross-examination, but this was not interpreted as biasing the officers against gay men despite Greenspan's strenuous efforts to demonstrate that they did not understand gay male sexual culture' (Valverde 2003, 69). She further elaborates how in the court proceedings these heterosexual witnesses 'had no trouble discussing female and gay male sexual acts, and interpreting homosexual gestures for the court, with great authority'. By contrast, the gay male community leaders 'like any other representatives of exoticized minorities, had to take a more humble epistemological standpoint. They could only speak about themselves and their own community' (Valverde 2003, 69). This brought forth a circumstance where 'the heterosexual male officers were able to testify from a universal position about gay men, women strippers, and sexual difference in general', whereas 'the defence had no possibility of challenging such universal statements by counter-universals; it could only offer the particularistic minority view of gay community members' (Valverde 2003, 70).

SCANET activities entail similar features, illustrated by the manner in which the already discussed indigenous expert was incorporated into informal SCANET activities, more specifically a dinner following a day of formal activities organized in the regular seminar room setting. By contrast, the dinner was organized in a teepee-like construction erected in the middle of a mountainous scenery about half a kilometre outside the regular activity venue. The dinner was casual, with participants enjoying bowls of soup around a fire, seated on long benches covered in fur. During dinner the expert was invited to share ancestral stories for participants, an activity that resonated with familiar romanticized stereotypes of indigenous past-time activity. No other experts in SCANET activities were requested to share knowledge of the traditional ways of the people from which they originated by engaging in practices reflecting similar stereotypes. Although the stories of ancestral ways were received with interest by other participants, they simultaneously produced puzzlement and reservation; questions were raised concerning their purpose. Certainly they

served to emphasize the difference between this expert of the geographic Other and those representing the geographic North. It could be argued that they made the indigenesness of the expert more tangential to SCANET participants by depicting her as more 'exotic'.¹²² Whatever the motivations, this instance served to strengthen the 'particular' identity of the expert: instead of participating in SCANET as a representative of universal mankind alongside other experts, such treatment suggested that her indigenous origin rendered her unsuited for such a position, reducing her realm of expertise instead to the domain of her particular background. This finding is reinforced by the fact that during lectures, numerous prominent SCANET experts held also lectures relating to the position of indigenous peoples whereas the indigenous expert was not invited in to hold lectures on general human rights issues. This contrast reinforced the impression that whereas the experts originating from the North held the kind of competence that allowed them possibilities to move between the 'particular' issues of indigenous groups and the 'general' issues of universal mankind, the indigenous expert lacked insight on universal mankind and instead for SCANET activities only the expertise she held of her particular context was construed as relevant.

Radical feminists have contested the idea that the physical body has an automatic link to ideological representativeness; they have challenged the idea that representation of feminist perspectives requires the participation of biological female bodies. Instead they argue that ideology is disengaged from the physical body and focus on such physicalities is misdirected (see for example Butler 1993). These findings could be forwarded to challenge the significance of this chapter's findings - why should it be relevant if the SCANET conception of expertise represents particularly Northern males? Why would this automatically mean that the knowledge distributed in the scope of SCANET would not be representative of universal mankind according to the ideal of the human rights discourse? This analysis does not contest or confirm such claims, as its intent is differently guided. Instead of focussing on issues of representation - perhaps it is plausible that the Northern male experts of SCANET have access to feminist as well as 'Other' epistemologies - it focusses on the structures formed by the patterns of flow identified in SCANET activities. The primary conclusion of this analysis is the manner in which the SCANET conceptions of learning, knowledge and expertise

¹²² This is reminiscent of the criticism Thomas Hylland Eriksen has forwarded on the concept of culture utilized by UNESCO, noting how 'being exotic or different in the eyes of "we" of *our* creative diversity does not qualify for being "cultural" in an analytic sense'(Hylland Eriksen 2001, 131).

reproduce, rather than provide a radical break from, the very structures of inequality of geographic origin and gender that the human rights discourse attempts to challenge. What becomes salient is how somehow over the past decades, through mechanisms that remain beyond the reach of this analysis, as the systemic agency of human rights experts has become increasingly societally influential and prestigious as well as the subject of professionalization, this position has ended up being occupied by the identical demographic group that is also globally most privileged. This finding forms a stark contrast between human rights in the abstract and in action: whereas in the abstract the discourse is a potent tool of societal change, in the SCANET context they are on the level of action transformed into a tool for reproducing and maintaining the status quo.

It could, of course, be argued that the patterns of flow identified here are not grave enough to warrant cause for such dramatic interpretations; the SCANET profile of expertise will hardly become the source of such massive human rights violations as genocide and thus these patterns could be viewed as insignificant in the global mission to advance human rights. While this is true, these findings cannot be dismissed lightly for, as was discussed, for example the gender bias of the Finnish academia continues to provide a source of upset and real life consequences as large quantities of female researchers repeatedly fail to reach their desired career objectives. Six decades after the adoption of the Universal Declaration also the profile of human rights expertise in such an educational context as SCANET has become masculine, with hopes that the next generation 'will be different'. The matter is aggravated by the desires commonly invested in international collaboration that they could transgress such 'particular' features as prejudice and stereotypes, and thus induce for example greater gender equality. Unaccompanied by empirical research testing such optimistic notions, these hopes glorify the domain of international collaboration as a space realizing abstract ideals unburdened by the inequalities, personal biases and prejudices which prevent their realization in 'local' circumstances. This analysis has demonstrated that although the transnational SCANET activities are organized with the intent to contribute to the greater realization of the emancipatory potential of the abstract human rights discourse, in action its operations have refrained from realizing it. Instead the activities have come to embody the structural biases and inequalities observable in its participant countries, thus reproducing also elements of the civilizing mission.

CONCLUSIONS

Since World War II, the human rights discourse has captured the attention of people around the world as perhaps no other discourse has done. It has become synonymous with global good will and promises of a brighter tomorrow. The adoption of the Universal Declaration of Human Rights has come to symbolize a moment when political differences were laid aside and the interests of humanity given centre stage. Against the horrors of World War II, this moment has become a source of assurance that no similar atrocities could ever occur; that as long as people revere the equal value of others, the world will become a better place. These sentiments are vitally important, and no researcher focussing on human rights should allow herself to overlook them. Also, when research chooses to depart from the fact that the human rights discourse originates from a specific ideological and cultural background, or that the conception of dignified human existence articulated by the discourse is highly distinct, reflecting particular conceptions of the individual and her relationship to others, it likewise remains a fact that today an enormous global phenomenon has emerged on human rights. Very rarely does a researcher come by a topic that arouses as much good will and devotion around the world as human rights do, and particularly when commencing a research venture, this realization may induce a positive sense of overwhelming. Yet, for a researcher to gain empirical access into the field, it remains vital to distinguish between the different levels the human rights phenomenon embodies: the discourse and reverence for it in the abstract, and the practices and patterns of flow accompanying human rights in action.

This study has explored human rights in action in the Scandinavian Network of Human Rights Experts, SCANET, a loose network of human rights experts and scholars from the Nordic and Scandinavian region. Through exploration of SCANET educational activities, this study has examined the conceptions of expertise, learning and knowledge created by its patterns of flow. The wider context of this study has been provided by the transforma-

tion of values in the Finnish society in the post-World War II era through the diminishment or alteration of religious sentiment; the same era has seen the continual increase of adherence to the human rights discourse. This has led the discourse to move from the *periphery* of the Finnish society to its *centre*. These changes have been described as characteristic of the entire modern era, particularly the Northern hemisphere, yet the Finnish context also entails specific features. These relate to the position of the Lutheran church as the state church, and the traditionally high allegiance to it by the general population, a feature that is increasingly challenged by young urban adults who lead the statistics in leaving the church. Whether assessed in terms of memberships in human rights NGOs or the personal sentiments outlined by those leaving the church, allegiance to human rights among the same demographic is continually increasing. Adherence to the human rights discourse has come to mark the abandoning of old ideologies and embracing of new ways of thinking. This likewise applies to the state level as human rights are emphasized in policy-making and international relations. Combined with the other political changes particularly after the end of the Cold War, the increased centrality of the human rights discourse coincides with a phase of Finnish history where its desired ideological proximity to the West has continually gained strength over its former connections to the East.

One of the decisive cultural accelerators of the human rights phenomenon pulling people into its incipient community is the radical and transformative potential of the human rights discourse. Through its devotion to the equal worth of all, the discourse promises to challenge old structures of oppression and to liberate the individual from them. The paramount tool to realize these desires is commonly construed as human rights education, rendering individuals conscious of the oppression they face and thus empowering them. This promise acquires a distinct meaning in Finland against the legacy of Lutheran ministers acting as educators for the general population; a tradition that embodied a strongly engraved notion of learning as the adoption of ready knowledge, as well as a strict separation of individuals into those holding divine knowledge and those lacking it. This established a predetermined and rigidly upheld structure between the two groups, subjecting laymen to the authority of the experts. The legacy of Lutheran ministers as common educators has moved to the past, yet research has demonstrated how schools utilizing the class-room learning format, in Finland and elsewhere, end up reproducing a similar conception of learning. Through it knowledge becomes conceptualized as 'ready', as a gift bestowed from those holding it to those lacking it. Simultaneously expertise is defined as the individual mastering

of skill and knowledge, instead of the result of collaborative activity by a community of practice.

Such conceptions of expertise and learning have been described as particularly ill-suited for human rights education as they stigmatize participants into predetermined positions, rendering the outcome of the learning process static instead of empowering. Yet, this analysis has identified these conceptions as applicable to SCANET educational activities, characterized by predetermined patterns of flow and the separation of participants into faculty who hold 'knowledge' and students for the benefit of whom knowledge is to be distributed. This finding becomes decisive in assessing whether SCANET activities provide a successful medium for reproducing the community of practice of human rights experts. Whereas the SCANET learning curriculum teaches its students how to utilize the human rights discourse in their texts, the activities delimit student possibilities to learn to talk as experts, thus restricting the emergence of new identities of mastery. Although SCANET activities render parts of the central knowledge practices of the expert community of practice transparent, they also leave elements opaque. Consequently the activities entail aspects of socializing their students to become 'expert learners' instead of full members in the expert community. Simultaneously the activities function as a medium for creating expert positions for the present generation of SCANET faculty members.

The importance of these findings was emphasized by the analysis of the SCANET expert profile: examination of who hold the structurally allotted positions as members of faculty. The analysis sought first to explore how the SCANET faculty represents global diversity, and whether the profiles of faculty and students correspond to each other. This inquiry depicted SCANET expertise as characterized by the global North, whereas its students portrayed more diverse alignment. Second, analysis inspected the gender of expertise, concluding that whereas SCANET faculty is by majority male, SCANET students are by majority female. Further, whereas the majority of SCANET faculty members are Nordic males, Nordic females are virtually absent. By contrast, Nordic females form the majority of SCANET students whereas Nordic males account for a minority; in their association with SCANET, Nordic males are more likely to participate as faculty members than students. These findings become problematic when connected to oppressive patterns on the global as well as the local level. On the global level what emerges as troubling is the legacy, articulated by the Mandates Commission of the League of Nations, where the 'civilized' world needs to educate the 'uncivilized' world in order to ensure the devel-

opment and the general well-being of its population, the ‘minors not yet able to stand by themselves’.

As was discussed, the Nordic countries have an additional legacy for providing education through missionary work by the Lutheran church, again primarily in the geographic areas of the category ‘Other’ utilized here. At the end of World War II, Nordic UN representatives expressed desires to provide aid through education to the Soviet bloc countries; this legacy is likewise reflected in SCANET activities. For Finland, however, such a tradition is absent, and instead SCANET and similar contexts provide opportunities for Finns to act as the faculty whereas the participants from South-East Russia are the students. This is a novel relationship again symbolizing the new era in the relations of the two countries. Although terminology has changed, SCANET activities entail commonality with these practices. This becomes accessible through anthropological scholarship on gifts and exchanges: the transfer of knowledge in SCANET activities moves from faculty to students, forming an asymmetrical donor-recipient relationship. Scholars have discussed how on the global level such relationships condemn under-privileged global domains, Other countries, to an ambiguous peripheral relation with existing institutions, an outcome inducing paralysing effects. This depicts the result of SCANET educational activities again as static instead of empowering. From this perspective the SCANET profile of expertise and the patterns of flow of its activities form ‘part of the problem’ the human rights discourse attempts to combat in the abstract.

The second level of analysis related to the gender of expertise. Male emphasis again gains significance from the wider context of gender relations in Finland. Decisive emerge the claims that Finland is a country governed by a poorly realized myth of gender equality. The reality of current gender relations is evidenced by male dominance of the public and the private sectors as well as the lower wage levels of women. Gender discrimination labels the experiences of many women in the Finnish academia, and despite women obtaining the majority of doctorate degrees, professors are continually predominantly men. Instead of forming a radical challenge to this structure, SCANET activities reproduce it, forming another contrast to the egalitarian ethos of the abstract human rights discourse. Prominent SCANET experts argue that Nordic female experts do not exist, and emphasize that ‘the next generation will be different’. Examination of human rights action in Finland suggests women, by contrast, to be highly active in it. Thus their exclusion from SCANET faculty stems from a distinct conception of expertise held by prominent SCANET experts as well as the collaborational relations formed

by its male experts. The argument that the next generation will bring change becomes problematic due to the static elements of the SCANET learning curriculum, rendering dramatic structural change unlikely. The argument is troubling also from another perspective: why, six decades after the Universal Declaration, should change occur only with the next generation? Why has the male profile of Nordic human rights experts emerged in the first place? These questions become aggravated by the early Nordic female pioneers around the adoption of the Universal Declaration, as well as the strong participation of women in social reform efforts at the beginning of the 20th century. Why has this failed to translate into a well-established legacy of Nordic female human rights experts recognized by SCANET, a context organized around the discourse emphasizing equal worth and emancipation of oppressed groups? This analysis has outlined as possible sources for this outcome persistent gender stereotypes, the failure of women to assist each other, their subjective reluctance to assume positions of authority, as well as discrimination and the 'old-boy' networks formed by men.

Yet comprehensive analysis of the mechanisms contributing to the present situation remains outside the reach of this analysis. Instead a different approach can be utilized by connecting the observed SCANET profile of expertise to ones found in other domains. Here decisive emerges how the pattern of knowledge flowing primarily from Northern males to Northern females and Other males finds parallels in the predominant visual imagery of Christianity: in its centre stage is likewise occupied by a white male, whereas the periphery is occupied by women, children, the elderly and the representatives of 'the Others': members of different races as well as hideous heathen figures and the gloomy shadows of doomed souls. Instead of being altered, this visual image has become reproduced in SCANET activities. Most SCANET experts are probably unconscious of this pattern, and may question its relevance, as faculty members likely include individuals who hold no allegiance to the Lutheran church and are instead secularists, or belong to different faiths. For this study the patterns created by Christianity gain significance not from their religious alignment, but from their role as central cultural features in the Finnish society. The legacy of Lutheran ministers acting as educators is further construed as giving rise to another relevant cultural feature: the conception that the knowledge disseminated by experts represents *the truth*. In the past the most influential systemic agency of expertise was largely occupied by Lutheran ministers, who were among the most revered and influential members of the Finnish society. During the previous decades their position has altered, as instead of reverence, the private lives of

ministers have emerged as a central sources of 'scandals' sought after by the Finnish tabloid papers. This development has resulted in a vacuum of public role models.

Although it is overstated to claim this position to be unequivocally filled by human rights experts, in the Finnish media human rights experts are portrayed, in addition to individuals knowledgeable on human rights, as persons of high moral integrity and a commitment to reform the world; as individuals to whom others could and perhaps should look up to. Simultaneously the systemic agency of human rights experts has gained greater influence. They are consulted by representatives of the Lutheran church as well as free-thinkers; by interest groups, policy-makers and laymen. Instead of providing 'points of view', human rights experts are treated as arbiters of *truth*. This position stems from the continual expansion of the human rights discourse which has transformed human rights into 'free-floating signifiers', concepts that can be filled with any meanings a speaker wishes. This expansion has assigned the systemic agency of experts pivotal importance. To prevent the discourse from becoming synonymous with everything and nothing, the conceptions of experts have become trumps, as offering the truth of what human rights *really* are. However, as has been discussed through the complex relationship of human rights and law, in reality, no one - not even experts - knows exactly what human rights are: on the one hand, they are law, on the other, they are the reason for law. As was demonstrated by arguments of legality and legitimacy in SCANET activities, human rights knowledge is introduced as being both 'ready' and as unfinished, in need of being 'opened up' so that the missing elements can be incorporated into it.

These latter instances introduce what has been described as the *creative space* of human rights experts. Through it individuals holding the systemic agency position of human rights experts, in SCANET activities members of faculty, incorporate into the body of human rights knowledge elements that they construe vital, yet missing from it. Through these micro-processes they move from the position of expert into that of an activist, an advocate. This shift is decisive, as in the Finnish context the status of experts is commonly higher than that of advocates: whereas the latter are construed as biased by their particular interests, experts are construed as representing solely the interests of universal mankind. Consequently it becomes paramount to explore from what domains the individuals holding the systemic agency positions acquire their understandings of what the truth about human rights is. This study has demonstrated SCANET expert backgrounds to be strongly characterized by professional and academic experience in law. By contrast,

absent were mentions of academic and professional backgrounds that could be interpreted to provide familiarization with other cultures and ideologies: training in anthropology, studies in different religions, cultural studies or different area studies, geography, history, philosophy and linguistics among others, or experiences of having lived in countries different from one's origin for lengthy periods of time. As the SCANET expert profile represents particularly the global North, this introduces the question of where they derive knowledge on ways of life differing radically from their own.

This analysis concluded a pivotal source of information to be the lay theories held by experts, the informal and commonsense explanations people give for particular social behaviours. This finding assigns the position of human rights experts an additional attribute: whereas they are experts of the knowledge practices and the body of human rights documents, they remain laymen in relation to their understanding of unfamiliar ways of life. This fact is importantly overlooked in instances where human rights experts are called upon as arbiters of truth. Yet it inserts vital consequences on the transparency of the human rights phenomenon, as the existence of the creative space is seldom acknowledged; it has been noted how human rights experts themselves are 'looking for politics everywhere but in the humanitarian vernacular'. Instead of subjecting the beliefs and knowledge practices of experts to empirical analysis, also most anthropologists treat them in their research as informants providing *knowledge* rather than *data*.

This study has approached the human rights phenomenon in Finland as, above all, forming an ideology: a secular religion entailing the aspiration to emancipate the individual inquisitive mind from oppressive structures and religious authority. This analysis has discovered how in action, SCANET educational activities end up reproducing structures and cultural features which are construed as troubling for example in the operations of the Finnish Lutheran church. These findings introduce a challenge to the notion that the action generated by the abstract human rights discourse could realize its radical transformative potential in practice. Such a finding may appear to pose a serious challenge to the legitimacy of the human rights phenomenon. This study wishes to emphasize that this need not be the final conclusion. Even if action remains unable to fully realize the promises of the abstract discourse, this outcome need not belittle the function that the human rights discourse's existence holds as a source of inspiration for people around the world, also resulting in mobilization that has induced important positive consequences for people around the world. However, these observed discontinuities are vital for the manner in which human rights in action is assessed. Thus

this study hopes to contribute to an outcome where human rights action is increasingly subjected to empirical analysis starting from the level of actual practice - from the ground up - instead of from the perspective of reverence for the human rights discourse and the assumption that this automatically renders action motivated by it different in quality from action motivated by discourses holding lower ideological content. This likewise applies to human rights experts, who are today increasingly elevated as occupying a moral high ground over laymen. To avoid such elevation from translating into 'the dictatorship of the virtuous', continued critical research is required by scholars who respect the human rights discourse and the devotion invested in it by the human rights community, yet do not personally view the discourse as 'sacred'. Although this should be self-evident, examples abound on how such research is not welcomed in Finland; not far removed is an instance where a kind-hearted professor, in an attempt to introduce alternative viewpoints to human rights approaches, was called a Nazi and a fascist by an audience member in a seminar.

The human rights discourse is undoubtedly the most popular secular discourse articulating what dignified human rights could constitute of, yet it remains only one possible discourse among many. In Finland adherence to the human rights discourse has come to signal emancipation of the individual inquisitive mind from external authority: a shift from ideological homogeneity to pluralism and openness. If the premise that the human rights discourse forms *one* conception of a possible truth among many is not accepted, and common conceptions - particularly of young urban adults - insist that the discourse forms *the truth*, trumping all other conceptualizations, the peril emerges that the former religious hegemony will be replaced by the liberal fundamentalism of human rights. This study has demonstrated how cultural features permeate through action motivated by the abstract discourse of human rights. In Finland an undoubted resonance exists for ideological homogeneity, and if adherents of the human rights discourse do not open also their own beliefs to critical inquiry, liberal fundamentalism becomes a real possibility. Yet this cannot be a sustainable road: if history or anthropology have taught us anything, it should be that diversity is one of the most characteristic features of human existence. To be serious about attempts to improve the human condition requires both real diversity as well as respect for contexts that do not utilize the human rights discourse in their articulations of a dignified human existence.

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APPENDIX: ABBREVIATIONS IN SCANET STUDENT PAPERS

UN	United Nations
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Program
UNICEF	United Nations International Children's Educational Fund
UNESCO	United Nations Educational, Scientific and Cultural Organization
SC	Security Council
GA	General Assembly
SG	Secretary General
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ILC	International Law Commission
ICJ	International Court of Justice
PCIJ	Permanent Court of International Justice
ECHR	European Court of Human Rights
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
EU/EC	European Union/European Community/European Commission
TEC	Treaty of the European Commission
EC	European Constitution
EUCFR	European Union Charter of Fundamental Rights
CPT	The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
WTO	The World Trade Organization
ILO	The International Labor Organization
WHO	World Health Organization
WIPO	World Intellectual Property Organization
IPR	Intellectual Property Rights
GATT	General Agreement on Tariffs and Trade
ICRC	International Committee of the Red Cross
NAFTA	North-Atlantic Free Trade Agreement
NAALC	North American Agreement on Labor Cooperation
NATO	North-Atlantic Treaty Organization
MNC	Multinational Corporation
IO	International Organization
NGO	Non-Governmental Organization

DK	Denmark
TRNC	Turkish Republic of Northern Cyprus
MRT	Moldovan Republic of Transdniestria
FRY	Federal Republic of Yugoslavia
EU-ACP	European Union and countries of the Africa, the Caribbean and the Pacific Group
AU	African Union
AOU	Organization of African Unity
MS	Member State
WG	working group
IGC	inter-governmental conference
GSP	generalized tariff preferences
GSP	Generalised Sytem of Preferences
NHRI	National Human Rights Institution
POW	Prisoner of War
GWT	Great Western Transmutation
DRC	not explained
ASEAN	countries not explained
TEU	not explained
AFSJ	not explained

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