

“A Problem of Humanity”: The Human Rights Framework and the Struggle for Racial Justice

Sociology of Race and Ethnicity
1–15

© American Sociological Association 2017

DOI: 10.1177/2332649217708429

sre.sagepub.com



Michael L. Rosino¹

Abstract

While the historical and ongoing symbolic and material inequalities and violence faced by African Americans can be understood as a human rights violation, the efficacy of the human rights framework for addressing racial injustice in the United States remains contested. In this article, I examine the relationship between the emergence and dominance of the geopolitical doctrine of human rights and the struggle for racial justice in the United States. Through historical, legal, and sociological analysis of relevant issues and cases, I discern the benefits and limitations of the human rights framework for achieving racial justice and elucidate dynamics between relevant institutional, political, and social actors. I argue that the human rights framework opens international pathways for information, accountability, and symbolic politics conducive to combating racial injustice, particularly regarding overt manifestations of oppression and violence, but enduring issues such as the role of the state in racial politics and the dehumanization of people of color present hindrances.

Keywords

human rights, racial inequality, social movement, law, organization, practices

Today, racial inequality is in principle a human rights question, as can be seen in United Nations documents and publications. But reality is another matter. (Stokes 2009:xix)

We demand as scholars and advocates of social justice that sociologists attend to the substantive questions of concern in this twenty-first century—questions of how human rights can be attained for racial and ethnic minorities. (Thomas and Brunnsma 2015:46)

INTRODUCTION

From slavery, lynching, and de jure segregation to hyperincarceration, political disenfranchisement, and institutional discrimination (Feagin 2006; Massey & Denton 1993; Pager 2007; Sims 2010; Stamp 1956; Sugrue 2005; Wacquant 2010), the

historical and ongoing symbolic and material inequalities and violence faced by African Americans can be potentially understood and articulated as an issue of human rights. Indeed, public intellectuals and political activists such as W.E.B. Du Bois and Malcolm X and racial justice-oriented social movements have employed the idea and language of human rights for claims-making and mobilization for over 70 years. At the institutional level, the United Nations (UN), nongovernmental organizations, and local and national governmental programs and commissions have approached racial

¹University of Connecticut, Storrs, CT, USA

Corresponding Author:

Michael L. Rosino, Department of Sociology, University of Connecticut, Unit 1068, 344 Mansfield Road, Storrs, CT 06269, USA.

Email: michael.rosino@uconn.edu

issues such as discrimination through a human rights framework, carving out an important “space of political engagement” (cf. Falcón 2009:297). However, the efficacy of the human rights framework (HRF) for addressing the problem of racial inequality and injustice, particularly in the United States, remains contested.

A burgeoning scholarly literature in history, sociology, and legal studies has focused on the alignment of the HRF and the attainment of racial justice. Works within this corpus have predominantly centered on specific historical and contemporary cases (e.g., Anderson 2003; Armaline, Glasberg, and Purkayastha 2011, 2015; Falcón 2009; Lewis 2009) or broader theoretical development, conceptual refinement, and agenda setting (e.g., Elias 2009; Somers and Roberts 2008; Stokes 2009; Thomas and Brunsma 2015). Investigation and synthesis of both theoretical matters and actual cases in practice are needed, in concert and in conversation, to reveal the potential and constraints of the HRF for enabling social and institutional transformations toward racial justice. Toward that end, I draw on legal, historical, and social scientific research and archival and digital documents to analyze the myriad ways in which the HRF has been used in the struggle for racial justice in the United States.¹

Specifically, in this article, I examine the contours of the relationship between human rights and the struggle for racial justice as guided by the following questions: (1) How have historical and contemporary social movements, nongovernmental organizations, and institutions applied the HRF to issues of racial injustice in the United States? (2) In comparison to other frameworks, how do the relevant institutional, discursive, and political features of the HRF limit or enhance possibilities for conceptualizing and contesting issues of racial injustice? and (3) What implications are offered by understanding the HRF for *racial justice praxis*?

HUMAN RIGHTS AND RACIAL JUSTICE IN THE UNITED STATES

The concept and terminology of “rights,” that is, protections, obligations, and entitlements afforded to individuals and groups, can be traced back to European post-monarchist liberal enlightenment political philosophy (Osiatynski 2009), though analogous concepts have existed throughout time and within many different cultures (cf. Santos 2015; Stokes 2009). The bestowing of rights and the conceptualization of the “human” stem from Western

imperialist racialized epistemic and geopolitical projects (Mignolo 2009). Human rights are, in theory, political, civil, social, cultural, and economic rights granted to individuals on the basis of their humanity or the facticity of their being human (Donnelly 1989; Osiatynski 2009). Moreover, the philosophical foundation of human rights remains essentially contested (Freeman 1994), with theories of human rights rooted in a range of concepts including nature, security, and dignity (Osiatynski 2009); freedom and capacity (Sen 2004); consensus (Donnelly 2007); and rationality (Rorty 1993). Yet, human rights are profoundly consequential in that they are, as Michael McCann (1994:5) noted about rights generally, “cultural conventions in social practice.”

Through institutionalization and diffusion, the HRF has come to encompass an essential set of ideas, norms, and codified rules. Since the post-World War II era, the concept of human rights has become a major organizing principle of geopolitical negotiation and compromise with the Universal Declaration of Human Rights and the development of the UN (Mazower 2004; Osiatynski 2009). In producing social logics, discursive resources for claims-making, and laws and institutional doctrines at various levels, the HRF holds unique significance for modern society with manifest and latent consequences.² Drawing on social systems theory, Gert Verschraegen (2002:280) writes, “by institutionalizing fundamental freedoms and human rights, modern society protects its own structure against self-destructive tendencies” and simultaneously “human rights protect the fragile position of the individual within modern society.”³

While much of the power of the HRF resides in its normative emphasis on the universality of humanity, social and political organization is marked by the ongoing production of difference and hierarchy. So it is valuable to consider whether the HRF can be employed to dismantle systems of oppression. The sociopolitically constructed schema of “race,” established by European Americans to (re)produce unequal institutional, interactional, and individual spheres of society, has been a primary organizing principle of U.S. social life (Bonilla-Silva 1997; Coates 2003; Feagin 2000; Omi and Winant 1994). U.S. society can thus be described as a “racialized social system” as its “economic, political, social, and ideological levels are partially structured by the placement of actors in racial categories” (Bonilla-Silva 1997:469). The phenomena of “race” and racial oppression in the United States are dynamic, variable, and shaped by

historical and social forces (Bonilla-Silva 1997; Feagin 2000; Omi and Winant 1994).

The history and present state of the United States are predominantly characterized by two interconnected dynamics. On one hand, the United States is built on and sustains a system of racial oppression via exploitation, violence, and exclusion, which maintains symbolic and material inequalities that benefit individuals racialized as white (Bonilla-Silva 2001; Feagin 2000). On the other, the United States has undergone changes in the racial order via contestation and struggles over social and institutional transformation (Bonilla-Silva 2001; Omi and Winant 1994).⁴ Ray and Seamster (2016:1367) thus note a simultaneous “stability of racial disparities and continual changes in the mechanisms producing inequality.” The rise and dominance of the HRF, in both its aspirational and institutionalized form, has important implications for both of these dynamics.

The enduring problem of racial injustice can logically be articulated as a human rights violation of African Americans, and thus the well-developed framework of human rights is relevant (cf. Armaline et al. 2011, 2015; Falcón 2009; Thomas and Brunnsma 2015).⁵ Yet, there exist both limitations and benefits to the HRF in addressing the operations and effects of racism and racial inequality in the United States. For instance, scholars and activists routinely critique the HRF for its inadequacy to deal with extant racial group-based differences in power and status due to its overreliance on the logics of universality and individualism that obscure these important dimensions of racial inequality (Bonilla-Silva and Mayorga 2009; Elias 2009; Libal and Hertel 2011).⁶

The HRF’s limitations are particularly pronounced in the United States because there exists a “consistent emphasis on individual over collective rights” and “a tendency to blame the victim . . . rather than to consider the state’s role in respecting, protecting, or fulfilling rights” (Libal and Hertel 2008:4). Thus, critics note that the HRF, in its present institutional manifestation, may be unable to address violations that occur at the hands of states and other social formations possessing immense political and economic capital (Armaline et al. 2011; Armaline and Glasberg 2009; Lewis 2009).

The HRF also routinely faces criticism for its limited public resonance and practice toward violations that occur domestically, bolstered by notions of American exceptionalism and national sovereignty (Armaline et al. 2011; Lewis 2009; Libal and Hertel 2011; Somers and Roberts 2008). Yet the

lack of resonance marshalled domestically by the HRF in the United States is not simply a product of Americans thinking of human rights as “out there” rather than “in here” but also an artifact of historical political dynamics. The construction of human rights as a strictly foreign matter emanates from a compromise between influential anticommunist and segregationist groups in the post–World War II period (Anderson 2003). This compromise enabled the United States to participate in emergent geopolitics developing around the HRF without having to substantively address ongoing human rights violations against African Americans (Anderson 2003).

Misalignments and limitations notwithstanding, the HRF has the potential benefits of being embedded within a global web of legal and institutional mechanisms and carrying widespread intelligibility (Libal and Hertel 2011; Somers and Roberts 2008). The HRF enables the cultivation of a legal consciousness for social, political, and legal actors, thereby enabling the recognition of groups and individuals as rights bearing subjects and providing ideals and norms for critiquing the status quo (see McCann 1994). Thus, it has often been implemented to address racial injustice by actors within social movements, institutions, and the nexus between the two (Falcón 2009).

For social movements and nongovernmental organizations, the HRF provides an important frame (Benford and Snow 2000) that can be employed to increase the odds that claims resonate with the public sphere and elites. More specifically, actors within movements and organizations working within internationally salient networks and frameworks such as human rights may be uniquely positioned to engage in practices that enable them to influence organizations, states, and institutions. Essentially, the HRF enables domestic racial justice activists to engage in transnational activism (Falcón 2009). While struggles for racial justice have long been infused with transnational solidarity and related to global social movements (cf. Bush 2009; Fleming and Morris 2015), the HRF presents unique opportunities and boundaries for racialized political action that demand comprehensive and focused investigation.

Keck and Sikkink (1998) write that transnational activism facilitates engagement in four forms of politics: (1) *information politics* by positioning activists as sources of information on a particular issue for states, media outlets, and organizations; (2) *symbolic politics* by “identifying and providing convincing explanations for powerful symbolic events” (Keck and Sikkink 1998:22) and linking

them with an overarching narrative or symbolic canopy; (3) *accountability politics* by calling out states that violate their outwardly taken positions on certain principles or pointing out the difference between a state's rhetoric and actions; and (4) *leverage politics* by connecting issues and goals with the material, political, and moral interests of states and institutions through information and symbolic politics. U.S. racial justice qua human rights activism varies in its employment of external pressure from outside states (cf. Falcón 2009), thus varying from Keck and Sikkink's (1998) conceptualization of transnational activism. However, these modes of politics provide a useful heuristic for examining the social and political praxis enabled by the application of the HRF to the problem of racial injustice.

In terms of institutions, the HRF is both a source of legitimation and codifiable principles that can be translated into laws, doctrines, and texts that shape claims-making and institutional practices. In other words, it is generative of what Charles R. Epp (2009:2) calls "legalized accountability." There is thus the potential, however limited, within the HRF for actors to work within this activist-institutional assemblage to make claims and influence policies and social structures (Falcón 2009). It is therefore prescient to examine historical and contemporary attempts in a number of contexts to align the HRF and the cause of racial justice in the United States.

RACIAL JUSTICE MOBILIZATIONS AND HUMAN RIGHTS IN THE POST-WAR AND CIVIL RIGHTS ERAS

Historical cases wherein activists used the concept of human rights for mobilization and claims-making help reveal the contours of the alignment between human rights and racial justice. The use of the HRF to address the issue of racial injustice in the United States was first performed by political, social, and legal activists in the 1940s. In the post-World War II period, bouts of extreme racial violence enacted against African Americans by white citizens and police, particularly in the south, were not only ongoing but also without recourse from the legal and criminal justice system including the U.S. Department of Justice (Anderson 2003). These waves of violence were even met with celebration and support from white supremacist regional political elites who saw them as mechanisms for maintaining the white-dominated racial order (Anderson 2003).

There was thus a growing sense of the lopsided priorities of the U.S. government in its intervention

in political affairs overseas to manage the post-War fallout and simultaneous indifference to the immense violations of human rights taking place on its own soil. This hypocrisy left open the possibility of international sanction from the UN to which the U.S. government responded by marshaling its immense store of symbolic capital or legitimated imposition of categories and discourses (Bourdieu 1994) via a highly strategic and forceful combination of agenda-setting and legal wrangling (Anderson 2003).

Regardless, this emergent geopolitical situation presented both a discursive and political opportunity for racial justice activists in the United States to engage in accountability and symbolic politics and frame the ongoing problem of racial oppression as an issue of human rights (Anderson 2003; Armaline et al. 2015; Somers and Roberts 2008).⁷ In 1945, the National Association for the Advancement of Colored People gained a position to consult on the development of the Universal Declaration of Human Rights (Somers and Roberts 2008). The introduction to its report, written by W.E.B. Du Bois (1947), eloquently framed the problem of racial inequality as a "problem of humanity" and pointed out the inherent hypocrisy of nations that ostensibly championed democracy yet excluded wide swaths of their populations from accessing full human rights. He further linked the overall hypocrisy of Western nations to global issues of racial oppression manifested in systems of apartheid and colonialism. In perhaps his most damning and critical prose, Du Bois (1947) wrote,

As long as Great Britain and the United States profess democracy with one hand and deny it to millions with the other, they convince none of their sincerity, least of all themselves. Not only that, but they encourage the aggression of smaller nations: so long as the Union of South Africa defends humanity and lets two million whites enslave ten million colored people, its voice spells hypocrisy. So long as Belgium holds in both economic and intellectual bondage, a territory seventy-five times her own size and larger in population, no one can sympathize with her loss of dividends based on serf labor at twenty-five to fifty cents a day. Seven million "white" Australians cannot yell themselves into championship of democracy for seven hundred million Asiatics.

In response, the State Department blocked this report due to the great potential for geopolitical embarrassment and to avoid, if not quell, the

escalating global revolution against colonialism (Somers and Roberts 2008). Despite this setback, the National Negro Congress petitioned the UN on the host of rights violations taking place against black Americans in 1946 (Anderson 2003). The National Negro Congress sought to demonstrate on the world stage that racial inequality constituted a problem significant enough to override national sovereignty but ultimately failed in its efforts due to organizational problems and barriers from the U.S. government (Anderson 2003). Among these barriers were the FBI's efforts, beginning in the early 1940s, to illegally surveil Du Bois and other public figures working for racial justice, human rights, and peace under the guise of anticommunist moral panic (Anderson 2003).

Not only were the normative ideals of the HRF applied in appeals to the UN but also specific conventions. In 1951, the Civil Rights Congress presented their report "We Charge Genocide: The Crime of Government Against the Negro People" to the UN. The Civil Rights Congress's report levied the UN Convention on the Prevention and Punishment of Genocide's definition of genocide to argue that the U.S. state had committed genocide against the black population via systematic marginalization and violence (Anderson 2003; Civil Rights Congress 1951).

The report demonstrated that "the oppressed Negro citizens of the United States, segregated, discriminated against and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government" by presenting evidence of "Killing Members of the Group," "Economic Genocide," and "Emasculation of Democracy" (Civil Rights Congress 1951). For an organization nominally dedicated to civil rights, the HRF provided benefits beyond civil rights discourse. It allowed for appeals to transnational bodies of government and the articulation of much more forceful critiques of racial injustice. There is no corresponding concept to genocide within the symbolic universe of the civil rights framework that focuses narrowly on participation in public and civic life.⁸ The concept of genocide allows for claims-making about the existential effects on groups and individuals of coordinated and intentional violence and subjugation.

These campaigns thus seized on the HRF and its emergent geopolitical instruments for the cause of racial justice. While they employed the tactics of symbolic, information, and accountability politics, they were ultimately unable to engage in strong leverage politics with powerful nations. Activist

movements aimed at producing international accountability through the HRF were declared as "un-American" and crushed under anticommunist politics due to their potential to undermine narratives of American moral supremacy (Anderson 2003; Somers and Roberts 2008). Thus, anticommunist politics became aligned with elite interests in maintaining white supremacist social order through social segregation and material inequalities (Anderson 2003). However, framing racial inequality in the United States as part of the global "problem of humanity" (Du Bois 1947) helped forge solidarity with anticolonial and antiapartheid movements (Bush 2009; Fleming and Morris 2015).

In the 1950s, ongoing and overt domestic racial inequality in the United States was seen by racial liberals as a hindrance to American international relations in the context of Cold War geopolitics. Making this case in the inaugural issue of *Social Problems*, Fox (1953:12) wrote, "In a world where more than half of the inhabitants are colored and are becoming more sensitive to treatment accorded to them by the white peoples . . . our relations with other nations are injured . . . by evidences of racial discrimination." This situation presented an important political opportunity for transnational racial justice activism yet one fraught with limitations.

Social movements and legal organizations were unable to fully unlock the potential leverage politics of demonstrating that it was in the geopolitical interest of the United States to remedy the full range of domestic racialized human rights violations, including violence, structural disadvantage, and material disparities. As noted by Jodi Melamed (2011:25), "African Americans were directed to internalize limits for acceptable antiracist politics that are referred to as the Cold War civil rights compromise." Political and economic elites promoted racial liberalism, which aligned with Cold War and Civil Rights discourses, as the dominant mode of antiracist politics in the United States (Melamed 2011). Unlike many of the uses of the HRF for claims-making about racial justice, racial liberalism held individualism, global free market capitalism, and American exceptionalism as inherently compatible with the goal of racial progress (Melamed 2011).

Efforts at using the HRF in the struggle for racial justice reemerged in the 1960s. These emergent social movements and their leaders were less focused on concrete efforts to place racial grievances and rights claims in front of the UN. Instead, they used the resonant and intelligible concept of human rights and its implied accountability politics

as part of diverse “discursive repertoires” (Steinberg 1998:845) for making “novel rights claims” (Polletta 2000:379) in the domestic sphere.

In gearing up for its part in the Freedom Summer campaign in 1964, the Student Nonviolent Coordinating Committee employed a similar discursive tactic to the Civil Rights Congress in its pamphlet “Genocide in Mississippi” (Student Nonviolent Coordinating Committee 1964). The pamphlet opens with the 1948 definition of genocide developed by the UN Convention on the Prevention and Punishment of Genocide, highlights the section on births, and notes the Mississippi Democratic Party’s opposition of the UN Genocide Convention. It then follows with an argument that legislation proposed by politicians within the party that threatened the sterilization and imprisonment of African Americans who had children out of wedlock constitutes genocide (Student Nonviolent Coordinating Committee 1964). The pamphlet used the Convention to legitimate, amplify, and intensify the urgency for its call for mobilization. In this way, the HRF, even if geopolitical complexities hampered its use for international claims-making, provided a potent discursive resource for domestic claims-making.

The HRF was also employed by two of the major figures in the American struggle for racial justice, Martin Luther King, Jr. and Malcolm X, whom, though separated by almost polar differences in tactical and rhetorical strategies, shared a common goal (Waldschmidt-Nelson 2012). Martin Luther King, Jr. focused much of his activism on advocating for the civil and political rights of African Americans. However, later in his life, King shifted focus to a democratic socialist agenda that included social and economic rights (Jackson 2007).

The Southern Christian Leadership Coalition, led by King, in a 1968 letter to the president and Congress, proposed a bill of economic and social rights including “a decent job,” “a minimum income,” “a decent house and free choice of neighborhood,” “an adequate education,” “participation in the decision making process” of social programs, and “the right to the full benefit of modern science in healthcare.” This more expansive view of rights mirrored both the position of the Universal Declaration of Human Rights that human rights are indivisible and mutually dependent and emerging structural and materialist understandings of racial inequality in American society (Jackson 2007).

Malcolm X, who diverged from King in his rejection of nonviolence and his critical Black Nationalist politics, also began to utilize the

concept of human rights and its related discourses in his later activist career (Waldschmidt-Nelson 2012). Malcolm X began to deploy the HRF, after leaving the Nation of Islam, to emphasize his shared goals with the more mainstream Civil Rights Movement, which he noted was also “fighting for recognition as human beings” (Waldschmidt-Nelson 2012:118). This shift led scholars such as Britta Waldschmidt-Nelson (2012) to note a convergence of X and King over the HRF in the mid-1960s.

Malcolm X began to advocate for racial justice activists to shift from the civil rights framework to the HRF as early as his famed 1964 speech “The Ballot or the Bullet.” Even more clearly, in a 1965 speech, “Not Just an American Problem but a World Problem,” he echoed the previous efforts of Du Bois, the National Negro Congress, and the Civil Rights Congress:

As long as you call it “civil rights” your only allies can be the people in the next community, many of whom are responsible for your grievance. But when you call it “human rights” it becomes international. And then you can take your troubles to the World Court. You can take them before the world. And anybody anywhere on this earth can become your ally.

The uses of the HRF by both leaders demonstrate two advantages. First, framing problematic phenomena as a violation of human rights allows for flexible claims-making about multiple dimensions of oppression and inequality. King’s use highlights its multidimensionality and the ability for making structural or systemic claims about racial inequality. The HRF enables a resonant vocabulary for articulating that racial inequalities in economic, social, political, cultural, and civil spheres of society are both mutually reinforcing and of equal importance. Second, framing a problem in terms of human rights transcends local and national politics to connect it with similar problems faced by all of humanity across the globe. The strategies of the organizations petitioning the UN and Malcolm X’s articulation of the importance of the HRF for enabling global solidarity illustrate this point well.

At the same time, uses of the HRF to address racial injustice entail substantial risks. They threaten entrenched interests in the status quo distribution of material goods and the legitimacy and sovereignty of the state. They are thereby generative of intensified state repression and interference especially in the context of a global power such as

the United States. In the 1950s and 1960s, the U.S. COINTELPRO program's surveillance and repression tactics generated a general "repressive climate" (Cunningham 2003:64) that impeded social movement activism, including those employing the HRF. The struggle against racial injustice through the HRF is in many ways a struggle against the state itself. Yet, it is simultaneously the very fact that the use of the HRF does have the potential of eliciting a response from the state that provides the potential for opening up channels of accountability. Along with social movements and their leaders, the HRF has also been employed in international and domestic governance toward the ostensive end of addressing racial discrimination.

THE CODIFICATION OF RACIAL DISCRIMINATION AS A HUMAN RIGHTS VIOLATION

Activists in the post-war and Civil Rights era articulated that racial discrimination and racial inequality constitute violations of the human rights of people of color. Due to mounting international political pressure to address the issues of racism, apartheid, and colonialism, the UN General Assembly adopted the Convention on the Elimination of All Forms of Racial Discrimination in 1965, and it was put into enforcement in 1969 (Dixon 2010). The Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as:

any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origins which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. (United Nations Office of the High Commissioner on Human Rights 1965)

The Convention established the Committee on the Elimination of All Forms of Racial Discrimination, which oversees "a monitoring system, which is composed of 18 members and they are elected by the State Parties and serve in their individual capacities" and "administers a comprehensive reporting system, which requires all State Parties to submit detailed data on their legislative, judicial, and administrative efforts which they have adopted

regarding compliance of the Covenant" (Dixon 2010:793). These reports are supplemented with shadow reports from nongovernmental organizations (Dixon 2010).

In 1994, almost 30 years after it was adopted by the UN, the United States ratified the Convention on the Elimination of All Forms of Racial Discrimination, yet with reservations, understandings, and declarations that substantively nullified its enforceability (Felice 2002; U.S. Department of State 2000). The Convention on the Elimination of All Forms of Racial Discrimination sets an internationally recognized universal standard and legal definition for racial discrimination (Dixon 2010). It also set in place normative ideals of racial equality in practice and the elimination of racial barriers to accessing full political, civil, economic, cultural, and social rights (Dixon 2010). Moreover, it allowed states and nongovernmental organizations to monitor racial discrimination and report to the UN (Felice 2002).

This reporting process opens up the potential for activists to engage in information and symbolic politics. It enables efforts for data collection on racial discrimination with the potential for influencing legal contestations and policy formation at various levels. However, the Convention relies on self-reporting and contains no power of enforcement. The United States did not even submit its first report until 2000 (Felice 2002). The accountability politics enabled by the United States' ratification are hampered by its reservations and declarations. The state retains the ability to frame its accountability and engage in strategic agenda setting. The U.S. government only accepts accountability for the civil and political rights of Americans according to domestic legal codes, thereby approaching economic, cultural, and social dimensions of structural racism with a largely *laissez-faire* orientation (U.S. Department of State 2000).⁹

Pointing to antisemitism in criticisms of Israel levied within the organization of this event and fears over pressure to provide reparations for slavery, the United States boycotted the 2001 and 2009 Durban Review Conferences on the progress of states in upholding the Convention on the Elimination of All Forms of Racial Discrimination (*The American Journal of International Law* 2009; Purkayastha, Purkayastha, and Waring 2011). It thereby avoided an opportunity to showcase accountability to racial justice via the HRF. Yet such conferences provided racial justice activists a venue for international solidarity and advocacy (Falcón 2009).

Since 2002, there has been renewed effort within the UN to address racial discrimination as symbolized by the Declaration of 2015–2024 as the International Decade for People of African Descent (United Nations Department of Public Information 2016). The UN Working Group of Experts on People of African Descent, established in 2002, tracks and reports human rights violations against “people of African descent living in the diaspora,” including African Americans (United Nations Office of the High Commissioner of Human Rights 2016b). The group conducted fact-finding visits to Baltimore, Washington, D.C., Chicago, New York City, and Jackson, Mississippi. Its preliminary findings applaud policy reforms and the growth of a domestic human rights movement advocating for racial justice in the United States (United Nations Office of the High Commissioner of Human Rights 2016a).

The report also voices concern for “the human rights situation of African Americans” and the unaddressed historical legacy of colonialism, slavery, segregation, white supremacist ideology, and lynchings (United Nations Office of the High Commissioner of Human Rights 2016a). It details a host of issues: police killings, incarceration, terrorism by white supremacist organizations, policy enforcement disparities, racial profiling, the criminalization of poverty, the War on Drugs, voter ID laws, food deserts, the school-to-prison pipeline, educational inequality, predatory lending, the housing crisis, gentrification, environmental racism, and violence against African American trans women (United Nations Office of the High Commissioner of Human Rights 2016a).

The report thus articulates that racial discrimination has had the cumulative effect of denying African Americans their human rights via reference to “the persistent gap in almost all the human development indicators, such as life expectancy, income and wealth, level of education and even food security, among African Americans that creates de facto barriers for people of African descent to fully exercise their human rights” (United Nations Office of the High Commissioner of Human Rights 2016a). These statements place the various manifestations of racial oppression against African Americans in the United States within the language and purview of the HRF. However, the preliminary report does not represent official sanctions from the UN or the international community but rather offers facts and recommendations.

The Committee set a precedent by making decisions against the United States and condemning U.S. policy in an “Early Warning and Urgent Action

Procedure Decision” over the treatment of the Western Shoshone Peoples of the Western Shoshone Nation (United Nations Committee for the Elimination of Racial Discrimination 2006). However, as of January 2017, there has been no such decision from the UNCERD over the treatment of African Americans. While the working group does not have much ability to enforce accountability beyond symbolic and information politics, its report highlights that the loopholes that undermine the United States’ obligations to the Convention on the Elimination of Racial Discrimination themselves facilitate racial injustice:

African Americans do not have the possibility to bring their cases or individual complaints to regional and international bodies when they have exhausted all domestic remedies at the state and federal level as they’re not party to the protocols which would allow them to bring complaints. Furthermore, international human rights treaties cannot be invoked in national courts as there is no enabling legislation and they have been declared non-self-executing. (United Nations Office of the High Commissioner of Human Rights 2016b)

The politico-legal institutional dimensions of the HRF do not simply reside within the international and nondomestic sphere. The United States has a myriad of domestic commissions and institutions bearing the name or ostensive goal of human rights.¹⁰ While they are mechanisms for addressing intentional acts of discrimination or bias, such commissions are limited by domestic definitions of discrimination and comprise a loose patchwork serving certain regions of the United States. Thus, the contemporary struggle for racial justice through the HRF operates largely through organizations and social movements.

CONTEMPORARY STRUGGLES FOR RACIAL JUSTICE QUAA HUMAN RIGHTS

The HRF is currently used by a number of organizations to bring to light racial inequality and injustice in the United States with varying levels of institutionalization and backing from either elites or grassroots activists. As Libal and Hertel (2011:34) note, “The tide appears to be turning slowly but surely—with a widening set of actors exploring the application of international human

rights law and discourse within the United States.” The legal consciousness (McCann 1994) generated by the aspirational quality of the HRF combined with critical understandings of states and institutions continues to nurture contemporary struggles for racial justice.

Contemporary racial injustices qua human rights violations are addressed by activists and organizations using the HRF especially for issues of institutional discrimination and state violence (Falcón 2009; Libal and Hertel 2011). The nongovernmental organization Human Rights Watch makes claims and releases reports to the UN and the public on issues of racial inequality like the War on Drugs and mass incarceration in terms of accountability to and the violation of human rights accords (Human Rights Watch 2000, 2014). Major events also serve as flashpoints for claims-making and legal and political mobilization. For instance, activists, scholars, and organizations utilized the HRF to condemn the aftermath of Hurricane Katrina, the U.S. government’s response, and the racially disparate levels of consequences and support for New Orleans residents (Falcón 2009; Katuna 2011; Lewis 2009).

Yet scholars and activists warn of the limitations of nongovernmental organizations as the dominant instruments of racial justice qua human rights praxis. Andrea Smith (2008:215) points out that because “social-justice work at the UN level tends to promote the proliferation of NGOs funded by foundations . . . much of the UN work stays at the level of paid experts and does not filter to broad-based social movements and their constituents.” Moreover, when activist groups and other social movements depend on nongovernmental organizations for funding and support, they are often beholden in terms of the strategies and tactics deemed appropriate by that organization (Smith 2008).

Domestic grassroots organizations provide an important case of contemporary uses of the HRF in the struggle against racial injustice. One such organization, We Charge Genocide, has taken up the potent discourse developed by the Civil Rights Congress to address the Chicago Police Department’s use of violence and torture against African American and Latinx youth. Their primary strategies for achieving change have been reporting and education, thus positioning themselves as a source of information about incidences of police brutality in Chicago. We Charge Genocide (2014a:13) submitted a shadow report to the UN to admonish the Committee Against Torture “to recognize the life-threatening struggles that young people of color in

Chicago are enduring at the hands of the CPD and to support their organizing efforts to end police violence.” They thereby used the HRF to engage in information, symbolic, and accountability politics.

We Charge Genocide delegates walked out of the state’s responding report to the Committee Against Torture and found that the Committee actually took up many of their concerns the next day in questioning the state delegates (We Charge Genocide 2014c). The organization’s strategic use of symbolic and information politics, including protest within the halls of the UN as a mode of symbolic politics, helped place pressure on the state. This pressure translated to leverage and helped catalyze an investigation of the Chicago Police Department by the Department of Justice (Horwitz, Nakashima, and Lowery 2015) and the passing of groundbreaking legislation guaranteeing reparations to the victims of police torture in Chicago (Gwynne 2015). We Charge Genocide draws on radical, even anti-capitalist and anarchist, politics¹¹ in its critiques of state violence. Yet its ability to translate these modes of politics into claims of torture and genocide and the need for accountability demonstrates the potential of the HRF as a flexible set of concepts and norms that can be deployed for counterhegemonic ends by grassroots organizations.

For instance, the U.S. Department of Justice (2017:147) report on the Chicago Police Department noted “a recurring portrayal by some CPD officers of the residents of challenged neighborhoods—who are mostly black—as animals or subhuman.” We Charge Genocide’s campaign provides an important example of the power of framing state violence as “a problem of humanity” (Du Bois 1947) through symbolic and information politics by collecting and disseminating the stories of the victims of state violence. A statement released by We Charge Genocide (2014c) noted the power of personal narratives above and beyond statistical data. The HRF aids the struggle for racial justice by facilitating modes of *symbolic and information politics of humanization* for those who face symbolic and physical dehumanization.

Ironically, it was not the Convention on the Elimination of All Forms of Racial Discrimination, an instrument expressly tasked with addressing racial discrimination, that opened this accountability but rather conventions focused on the broader responsibilities that the state has to its citizens, such as protecting them from violence, but routinely denies to people of color, that have been effectively employed. The recent growth of domestic and transnational activism using the HRF to

address racial injustice, despite its limitations, does have the potential to help bring light to the most egregious examples of human rights violations against African Americans and thereby place pressure on the state to address them.

CONCLUSIONS

I have drawn on historical and contemporary cases and a transdisciplinary body of theory and research to analyze how the HRF enables and constrains the struggle for racial injustice in the United States. The HRF enables a wider set of claims to be made about racial injustices that manifest in different domains than the previously dominant civil rights framework, including structural arrangements and coordinated state violence. It also provides a shared vocabulary with legal and political instruments that other frameworks for articulating claims of injustice such as radical politics may lack. Yet employing the HRF is a strategy rather than an end (Smith 2008). Reconceptualizing issues of racial injustice as human rights violations does not by itself create social and political transformations without strategic collective actions that translate that reconceptualization into institutional accountability and logics of everyday practice.

The HRF enables activists and organizations to engage in accountability politics by pointing to the state's tacit responsibility to uphold human rights norms and codes. It also enables the use of symbolic politics to frame and articulate events and issues such as racialized police violence as human rights violations. By documenting racial inequality qua human rights violations, organizations engage in symbolic politics and position themselves as sources of information that can be strategically framed to influence public discourse, political pressure, and policy formation. The ability of organizations and activists to utilize these forms of politics to leverage influence over the state and other institutions, however, remains highly dependent on both extant political and discursive opportunities and the ability of movement and organization leaders in particular to strategically perceive and seize those opportunities (see Anderson 2003; A. Morris 2000).

Social movements and nongovernmental organizations employing the HRF to make claims and engage in mobilization tactics are able to tap into a globally intelligible discursive and political reservoir embedded in normative, legal, and institutional meanings. Domestic organizations fighting for racial justice can therefore operate on the scale

of transnational advocacy and marshal further resources and network positions. Seizing this political opportunity is especially crucial for grassroots organizations led by activists from affected communities that claim human rights "from below" (Armeline et al. 2015). Support for such organizations and movements is imperative. They provide mechanisms of social change that avoid the pitfalls of restrictive influence from elites but may be limited in their access to resources.

Reliance on the state to enact changes and submit to geopolitical and domestic pressure is a major limitation of the HRF in terms of its ability to enable activists to engage with institutions (Armeline et al. 2015; Armeline and Glasberg 2009).¹² The U.S. maintains distinct domestic and geopolitical interests that align with both active and passive modes of (re)producing racial classifications and stratification.¹³ Throughout the cases explored in this article, the state, acting as a vehicle for dominant racial interests, has engaged in repression and the construction of barriers to accountability.

Yet at the same time, eliciting a response from the state and the potential for international attention may provide opportunities for leverage politics. The HRF has the potential to challenge the notion of American exceptionalism in regard to ongoing racialized human rights abuses (Smith 2008). But the contexts of international relations and the character and level of domestic repression against racial justice activism influence the utility of the HRF. Future scholarship should thus seek to further understand how geopolitical, legal, and social processes facilitate and delimit pathways for accountability and institutional transformation.

On an international level, the HRF has become hegemonic. But as many of the cases demonstrate, it can be utilized to cultivate a counterhegemonic human rights praxis as part of a larger "struggle against unjust human suffering" (Santos 2015:63). The symbolic distinction between human and "other" is a crucial element of oppression, violence, and inequality (Schwalbe 2008). It is not simply state discourses of sovereignty and exceptionalism that limit the resonance of the HRF. It also loses resonance in everyday life when prominent controlling images exist (Collins 2009) that deny groups of human beings their humanity and naturalize their suffering.

The HRF matters as a cultural/symbolic form as much as a litigative device or set of institutional rules and regulations.¹⁴ The HRF, as a praxis for racial justice, needs to be further cultivated as a

social logic or even set of norms applicable to everyday life and collective representations. Understanding this dimension requires a focus on not just outcomes and major events but also social processes of “everyday dramaturgy” (Hughey 2015:147). Alongside activist engagement with political and legal institutions, development of the HRF qua racial justice praxis should be grounded in reshaping micropolitical boundaries over the recognition of oneself and others as human rights bearing and upholding the humanity, dignity, and security of people of color in cultural production and daily life.

As Thomas and Brunnsma (2015:37) argue, the sociological study of the struggle for racial justice must be conceptualized “not simply as a struggle for civil rights and social recognition but fundamentally as a struggle for human rights.” Understanding how social movements have not only used the HRF but pushed for racial justice beyond the political and civil sphere is a crucial task for sociologists. And as demonstrated in this article, theoretical engagement and empirical inquiry into the history and politics of rights can reveal further insights about their social dimensions. Future research should thus seek to empirically uncover the implications of the ideological and structural dimensions of society for the prevalence and severity of racialized human rights violations and advance *everyday human rights praxis*.

ACKNOWLEDGMENTS

Many thanks to Richard Ashby Wilson, Judith Blau, Keri Iyall Smith, and Matthew W. Hughey for their support and feedback on drafts of this manuscript as well as the anonymous reviewers and editors David L. Brunnsma and David G. Embrick at *Sociology of Race and Ethnicity*.

NOTES

1. In part, this article attempts to address, extend, and complicate Thomas and Brunnsma’s (2015:46) clarion call for sociological studies of racial justice movements to “examine the ways in which rhetoric that advocated for these various groups’ rights was actually a product of a larger human rights paradigm shift in international political movements and legal actions.”
2. See Giddens (1993) on how unintended consequences of social and institutional practices structure society.
3. Turner (2006) also makes a case for human rights focusing on their potential for providing protection from the unique vulnerability of individuals in modern society to violence and harm and the fragility of institutions.
4. Bonilla-Silva (2001:41) writes, “The meaning and the position assigned to races in the racial structure are *always contested* [italics added]” and “the *global effects* [italics added] of these struggles can change the meaning of racial categories as well as the position of a racialized group in a social formation.”
5. While beyond the scope of this article, human rights violations relating to racial oppression and injustice have occurred and continue to occur to a multitude of groups in the United States. This analysis hopefully helps clear pathways for understanding racialized human rights violations and mobilizations in the United States beyond the “black/white” binary.
6. Du Bois’s conceptualization of universal and race-based human rights struggles provides an important insight into this disconnect (Elias 2009).
7. See Meyer (2004) on the importance of political opportunities for mobilization and McCammon (2013) on the relationship between framing processes and discursive opportunities.
8. I thank one of the anonymous reviewers for this insight.
9. Yet even civil and political rights violations (e.g., racial profiling or voter disenfranchisement) remain ongoing and without punishment from the international legal system (Epp, Maynard-Moody, and Haider-Markel 2013; M. V. Morris 2001).
10. For instance, the New York City Commission on Human Rights, one of the largest and most influential human rights commissions, emerged from its predecessor, the New York City Commission on Intergroup Relations, in 1961 (Benjamin 1972). The Connecticut Commission on Human Rights and Opportunities provides another example of an institution working at the state level to “eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education” (Commission on Human Rights and Opportunities 2015). Such commissions enable residents to file discrimination claims, enforce affirmative action laws, and track racial discrimination and profiling through reporting systems.
11. I thank one of the anonymous reviewers for this suggestion.
12. Armaline and Glasberg (2009:431) write,

The irony is that HR instruments’ content are intended to protect individuals and groups from abuses by (for instance) the state, yet require states to both implement these instruments and monitor their own compliance. That is, HR instruments formally expect and depend on states to choose the protection and provision of human rights over all other interests in the face of their conflict.
13. Omi and Winant (1994) define the U.S. state as a “racial state” or a site of contestation over the production and legitimation of racial categories. Goldberg (2001) distinguishes between: (1) the

“racial state” wherein such categories are produced and (2) the “racist state” wherein the state overtly allocates power and resources accordingly (see Garner 2016). Scholars in critical race theory and systemic racism paradigms define the U.S. state as a “racist state” (e.g. Bracey 2015; Feagin and Elias 2013), posing an instrumental approach to the state’s role in white racial domination. Though beyond the scope of this article, both theories provide fertile grounds for further understanding the HRF, national sovereignty, and racial justice (see Rosino 2016 on the relationship between racial inequality, power, and the state).

14. Scheingold (2004:213) writes, “Under the right circumstances rights can be used as a catalytic agent of mobilization . . . useful for articulating demands and forging those demands into viable political options.” However, “fundamental change in its most profound form has to do with a transformation of culture” (Scheingold 2004:218).

REFERENCES

- The American Journal of International Law*. 2009. “United States Boycotts Durban Review Conference, Will Seek Election to Human Rights Council.” *The American Journal of International Law* 103(2):355–58.
- Anderson, Carol. 2003. *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944–1955*. New York: Cambridge University Press.
- Armaline, William T., and Davita Silfen Glasberg. 2009. “What Will States Really Do for Us? The Human Rights Enterprise and Pressure from Below.” *Societies without Borders* 4(1):430–51.
- Armaline, William T., Davita Silfen Glasberg, and Bandana Purkayastha. 2011. *Human Rights in Our Own Backyard: Injustice and Resistance in the United States*. Philadelphia: University of Pennsylvania Press.
- Armaline, William T., Davita Silfen Glasberg, and Bandana Purkayastha. 2015. *The Human Rights Enterprise: Political Sociology, State Power, and Social Movements*. New York: Polity Press.
- Benford, Robert D., and David A. Snow. 2000. “Framing Processes and Social Movements: An Overview and Assessment.” *Annual Review of Sociology* 26:611–39.
- Benjamin, Gerald. 1972. *Race Relations and the New York City Commission on Human Rights*. Ithaca, NY: Cornell University Press.
- Bonilla-Silva, Eduardo. 1997. “Rethinking Racism: Toward a Structural Interpretation.” *American Sociological Review* 62(3):465–80.
- Bonilla-Silva, Eduardo. 2001. *White Supremacy & Racism in the Post-Civil Rights Era*. Boulder, CO: Lynne Reiner Publishers.
- Bonilla-Silva, Eduardo, and Sarah Mayorga. 2009. “Si Me Permiten Hablar: Limitations of the Human Rights Tradition to Address Racial Inequality.” *Societies without Borders* 4:366–82.
- Bourdieu, Pierre. 1994. “Rethinking the State: Genesis and Structure of the Bureaucratic Field.” *Sociological Theory* 12(1):1–18.
- Bracey, Glenn E. 2015. “Toward a Critical Race Theory of State.” *Critical Sociology* 41(3): 553–72.
- Bush, Roderick. 2009. *The End of White World Supremacy: Black Internationalism and the Problem of the Color Line*. Philadelphia: Temple University Press.
- Coates, Rodney D. 2003. “Law and the Cultural Production of Race and Racialized Systems of Oppression: Early American Court Cases.” *American Behavioral Scientist* 47(3):329–51.
- Civil Rights Congress. 1951. *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People*. New York: Civil Rights Congress.
- Collins, Patricia Hill. 2009. *Black Feminist Thought*. New York: Routledge.
- Commission on Human Rights and Opportunities. 2015. “CHRO: Our Purpose.” Retrieved April 28, 2017 (<http://www.ct.gov/chro/cwp/view.asp?a=2523&Q=315854&chroPNavCtr=#45670>).
- Cunningham, David. 2003. “State Versus Social Movements: FBI Counterintelligence against the New Left.” Pp. 45–77 in *States, Parties, and Social Movements*, edited by J. A. Goldstone. New York, NY: Cambridge University Press.
- Donnelly, Jack. 1989. *Universal Human Rights in Theory and Practice*. Ithaca, NY: Cornell University Press.
- Donnelly, Jack. 2007. “The Relative Universality of Human Rights.” *Human Rights Quarterly* 29(2):281–306.
- Dixon, Kwame. 2010. “Racial Discrimination and Human Rights in the Global Context: The International Convention on the Elimination of All Forms of Discrimination.” *Sociology Compass* 4(9):789–99.
- Du Bois, W.E.B. 1947. “An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress.” W.E.B. Du Bois Papers (MS 312). Special Collections and University Archives, W.E.B. Du Bois Library, University of Massachusetts Amherst.
- Elias, Sean. 2009. “W.E.B. Du Bois, Race, and Human Rights.” *Societies without Borders* 4:273–94.
- Epp, Charles R. 2009. *Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State*. Chicago, IL: University of Chicago Press.
- Epp, Charles R., Steven Maynard-Moody, and Donald P. Haider-Merkel. 2013. *Pulled Over: How Police Stops Define Race and Citizenship*. Chicago, IL: University of Chicago Press.
- Falcón, Sylvanna M. 2009. “Invoking Human Rights and Transnational Activism in Racial Justice Struggles at Home: US Antiracist Activists and the UN Committee to Eliminate Racial Discrimination.” *Societies without Borders* 4:295–316.
- Feagin, Joe. 2000. *Racist America: Roots, Current Realities, and Future Reparations*. New York, NY: Routledge.

- Feagin, Joe. 2006. *Systemic Racism: A Theory of Oppression*. New York, NY: Routledge.
- Feagin, Joe, and Sean Elias. 2013. "Rethinking Racial Formation Theory: A Systemic Racism Critique." *Ethnic and Racial Studies* 36(6):931–60.
- Felice, William F. 2002. "The UN Committee on the Elimination of All Forms of Racial Discrimination: Race and Economic and Social Human Rights." *Human Rights Quarterly* 24(1):205–36.
- Fleming, Crystal M., and Aldon D. Morris. 2015. "Theorizing Ethnic and Racial Movements in the Global Age: Lessons from the Civil Rights Movement." *Sociology of Race and Ethnicity* 1(1):105–26.
- Fox, Brian L. 1953. "The Cold War and American Domestic Problems." *Social Problems* 1(1):10–12.
- Freeman, Michael. 1994. "The Philosophical Foundation of Human Rights." *Human Rights Quarterly* 16(3):491–514.
- Garner, Steve. 2016. *A Moral Economy of Whiteness: Four Frames of Racializing Discourse*. New York: Routledge.
- Giddens, Anthony. 1993. "Problems of Action and Structure." Pp. 88–175 in *The Giddens Reader*, edited by P. Cassell. Stanford, CA: Stanford University Press.
- Goldberg, David Theo. 2001. *The Racial State*. London: Wiley-Blackwell.
- Gwynne, Kristen. 2015. "Chicago to Pay \$5.5 Million in Reparations for Police Torture Victims." *Rolling Stone*. Retrieved April 28, 2017 (<http://www.rollingstone.com/politics/news/chicago-to-pay-5-5-million-in-reparations-for-police-torture-victims-20150506>).
- Horwitz, Sari, Ellen Nakashima, and Wesley Lowery. 2015. "Justice Department Will Investigate Practices of Chicago Police." *Washington Post*. Retrieved April 28, 2017 (<https://www.washingtonpost.com/news/post-nation/wp/2015/12/06/justice-department-will-launch-investigation-into-practices-of-chicago-police/>).
- Hughey, Matthew W. 2015. "We've Been Framed! A Focus on Identity and Interaction for a Better Vision of Racialized Social Movements." *Sociology of Race and Ethnicity* 1(1):137–52.
- Human Rights Watch. 2000. "United States: Punishment and Prejudice: Racial Disparities in the War on Drugs." Retrieved April 28, 2017 (<https://www.hrw.org/reports/2000/usa/>).
- Human Rights Watch. 2014. *Nation Behind Bars: A Human Rights Solution*. New York: Human Rights Watch.
- Jackson, Thomas F. 2007. *From Civil Rights to Human Rights: Martin Luther King, Jr., and the Struggle for Economic Justice*. Philadelphia: University of Pennsylvania Press.
- Katuna, Barret. 2011. "Hurricane Katrina and the Right to Food and Shelter." Pp. 68–77 in *Human Rights in Our Own Backyards: Injustice and Resistance in the United States*, edited by W. T. Armaline, B. Purkayastha, and D. S. Glasberg. Philadelphia: University of Pennsylvania Press.
- Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.
- Lewis, Hope. 2009. "Race, Class, and Katrina Human Rights and (Un) Natural Disaster." Pp. 233–52 in *Environmental Justice in the New Millennium: Global Perspectives on Race, Ethnicity, and Human Rights*, edited by F. C. Steady. London: Palgrave MacMillan Publishing.
- Libal, Kathryn, and Shareen Hertel. 2011. "Paradoxes and Possibilities: Domestic Human Rights Policy in Context". Pp. 1–22 in *Human Rights in the United States: Beyond Exceptionalism*, edited by S. Hertel and K. Libal. New York, NY: Cambridge University Press.
- Massey, Douglass, and Nancy Denton. 1993. *American Apartheid: Segregation and the Making of the Underclass*. Cambridge, MA: Harvard University Press.
- Mazower, Mark. 2004. "The Strange Triumph of Human Rights, 1933–1950." *The Historical Journal* 47(2):379–98.
- McCammon, Holly. 2013. "Discursive Opportunity Structure." In *The Wiley-Blackwell Encyclopedia of Social and Political Movements*, edited by D. A. Snow, D. D. Porta, B. Klandermans, and D. McAdam. New York, NY: Wiley-Blackwell.
- McCann, Michael W. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press.
- Melamed, Jodi. 2011. *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism*. Minneapolis: University of Minnesota Press.
- Meyer, David S. 2004. "Protest and Political Opportunity." *Annual Review of Sociology* 30:125–45.
- Mignolo, Walter D. 2009. "Who Speaks for the 'Human' in Human Rights?" *Hispanic Issues On Line* 5(1): 7–24.
- Morris, Aldon. 2000. "Reflections on Social Movement Theory: Criticisms and Proposals." *Contemporary Sociology* 29(3):445–54.
- Morris, Maria V. 2001. "Racial Profiling and International Human Rights Law: Illegal Discrimination in the United States." *Emory International Law Review* 15:207–65.
- Omi, Michael, and Howard Winant. 1994. *Racial Formation in the United States: From the 1960s to the 1990s*. 2nd ed. New York: Routledge.
- Osiatynski, Wiktor. 2009. *Human Rights and Their Limits*. Cambridge, UK: Cambridge University Press.
- Pager, Devah. 2007. *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.
- Polletta, Francesca. 2000. "The Structural Context of Novel Rights Claims: Southern Civil Rights Organizing, 1961–1966." *Law & Society Review* 34(2):367–406.

- Purkayastha, Bandana, Aheli Purkayastha, and Chandra Waring. 2011. "From International Platforms to Local Yards: Standing Up for the Elimination of Racial Discrimination in the United States." Pp. 175–88 in *Human Rights in Our Own Backyard: Injustice and Resistance in the United States*, edited by W. T. Armaline, D. S. Glasberg, and B. Purkayastha. Philadelphia: University of Pennsylvania Press.
- Ray, Victor, and Louise Seamster. 2016. "Rethinking Racial Progress: A Response to Wimmer." *Ethnic and Racial Studies* 39(8):1361–69.
- Rorty, Richard. 1993. "Human Rights, Rationality, and Sentimentality." Pp. 111–34 in *On Human Rights*, edited by S. Shute and S. Hurley. New York: Basic Books.
- Rosino, Michael L. 2016. "Boundaries and Barriers: Racialized Dynamics of Political Power." *Sociology Compass* 10:939–51.
- Santos, Boaventura de Sousa. 2015. *If God Were a Human Rights Activist*. Stanford, CA: Stanford University Press.
- Scheingold, Stuart A. 2004. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. 2nd ed. Ann Arbor, MI: University of Michigan Press.
- Schwalbe, Michael. 2008. *Rigging the Game: How Inequality Is Reproduced in Everyday Life*. New York: Oxford University Press.
- Sen, Amartya. 2004. "Elements of a Theory of Human Rights." *Philosophy and Public Affairs* 32(4):315–56.
- Sims, Angela D. 2010. *Ethical Complications of Lynching: Ida B. Wells' Interrogation of American Terror*. New York, NY: Palgrave MacMillan.
- Smith, Andrea. 2008. "Human Rights and Social-Justice Organizing in the United States." *Radical History Review* 101:211–19.
- Somers, Margaret, and Christopher N. J. Roberts. 2008. "Toward a New Sociology of Rights: A Genealogy of 'Buried Bodies' of Citizenship and Human Rights." *Annual Review of Law and Social Science* 4:385–425.
- Southern Christian Leadership Coalition. 1968. "Economic and Social Bill of Rights." Retrieved April 28, 2017 (<http://www.thekingcenter.org/archive/document/economic-and-social-bill-rights>).
- Stampp, Kenneth. 1956. *The Peculiar Institution: Slavery in the Ante-bellum South*. New York: Vintage.
- Steinberg, Marc W. 1998. "Tilting the Frame: Considerations on Collective Action Framing from a Discursive Turn." *Theory and Society* 27(6):845–72.
- Stokes, Curtis, ed. 2009. *Race and Human Rights*. Lansing, MI: Michigan State University.
- Student Nonviolent Coordinating Committee. 1964. *Genocide in Mississippi*. Atlanta, GA: Student Nonviolent Coordinating Committee.
- Sugrue, Thomas J. 2005. *The Origins of Urban Crisis: Race and Inequality in Postwar Detroit*. Princeton, NJ: Princeton University Press.
- Thomas, James M., and David L. Brunsma. 2015. "Racial and Ethnic Minorities." Pp. 37–46 in *Expanding the Human in Human Rights: Toward a Sociology of Human Rights*, edited by D. L. Brunsma, K. E. I. Smith, and B. K. Gran. New York: Routledge.
- Turner, Bryan S. 2006. *Vulnerability and Human Rights*. University Park, PA: Penn State University Press.
- United Nations Committee for the Elimination of Racial Discrimination. 2006. "Early Warning and Urgent Action Procedure, Decision 1 (68), United States of America." Sixty-eighth session of the Committee for the Elimination of Racial Discrimination, Geneva, Switzerland.
- United Nations Department of Public Information. 2016. "2015–2024 International Decade for People of African Descent." Retrieved April 28, 2017 (<http://www.un.org/en/events/africandescentdecade/index.shtml>).
- United Nations Office of the High Commissioner of Human Rights. 1965. "International Convention on the Elimination of All Forms of Racial Discrimination." Retrieved April 28, 2017 (<http://www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf>).
- United Nations Office of the High Commissioner of Human Rights. 2016a. "Statement to the Media by the United Nations' Working Group of Experts on People of African Descent, on the Conclusion of Its Official Visit to USA, 19–29 January 2016." Retrieved April 28, 2017 (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17000&LangID=D>).
- United Nations Office of the High Commissioner of Human Rights. 2016b. "Working Group of Experts on People of African Descent." Retrieved April 28, 2017 (<http://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/WGEPADIndex.aspx>).
- U.S. Department of Justice. 2017. "Investigation of the Chicago Police Department." Retrieved April 28, 2017 (<https://www.justice.gov/opa/file/925846/download>).
- U.S. Department of State. 2000. "Initial Report of the United States of America to the United Nations Committee on the Elimination of Racial Discrimination, September 2000." Retrieved April 28, 2017 (http://1997-2001.state.gov/www/global/human_rights/cerd_report/cerd_part2a.html).
- Verschraegen, Gert. 2002. "Human Rights and Modern Society: A Sociological Analysis from the Perspective of Systems Theory." *Journal of Law and Society* 29(2):258–81.
- Wacquant, Loïc. 2010. "Class, Race, and Hyperincarceration in Revanchist America." *Daedalus* 139(3):74–146.
- Waldschmidt-Nelson, Britta. 2012. *Dreams and Nightmares: Martin Luther King Jr., Malcolm X, and the Struggle for Black Equality in America*. Gainesville, FL: University Press of Florida.
- We Charge Genocide. 2014a. *Police Violence against Chicago's Youth of Color: A Report Prepared for the United Nations Committee against Torture on the Occasion of Its Review of the United States of*

America's Third Periodic Report to the Committee Against Torture, September 2014. Chicago: We Charge Genocide.

- We Charge Genocide. 2014b. "Statement on Day 5: 'In Case Anything Gets Violent': We Charge Genocide's Final Day at the UN." Retrieved April 28, 2017 (<http://wechargegenocide.org/statement-on-day-5-in-case-anything-gets-violent-we-charge-genocides-final-day-at-the-un/>).
- We Charge Genocide. 2014c. "Statement: WCG Walks Out on US Gov't Representatives at the UN." Retrieved April 28, 2017 (<http://wechargegenocide.org/statement-wcg-walks-out-on-us-govt-representatives-at-the-un/>).
- X, Malcolm. 1964. "The Ballot or the Bullet." Speech given in Detroit, MI.
- X, Malcolm. 1965. "Not Just an American Problem but a World Problem." Speech given in Rochester, NY. Transcript archived in the National Humanities Center's *The Making of African American Identity*:

Volume III, 1917–1968 collection. Research Triangle Park, NC.

AUTHOR BIOGRAPHY

Michael L. Rosino is a PhD candidate in sociology at the University of Connecticut. His research and teaching interests include race and ethnicity, political sociology, media, social movements, and human rights. His work has been published in outlets such as *Social Currents*, *Sociological Inquiry*, *Ethnic and Racial Studies*, and *Deviant Behavior*. His first book, under contract with Routledge Press, titled *Debating the Drug War: Race, Politics, and Media in the "War on Drugs" Debate*, examines the role of racial discourse and identity construction in debates over drug policy within mass media. He is currently working on his dissertation, which examines how participants in progressive grassroots political parties form collective identities and strategies while engaging with political barriers, racialized boundaries, and social inequalities.