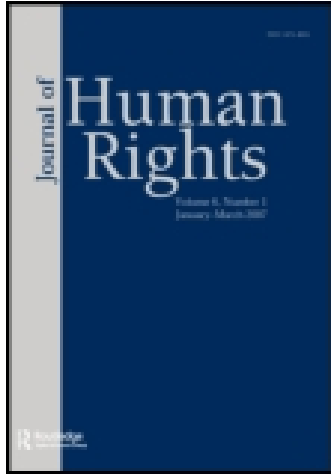


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Human Rights as a Contingent Foundation: The Case of Physicians for Human Rights¹

NEVE GORDON

If one were to compare two human rights organizations, Physicians for Human Rights USA (PHR USA) and its Israeli counterpart, one would expect to find that their activities were similar. Surely the different geographical and political context within which each organization operates influences their work, but because both are doctors' rights groups and because both use international human rights conventions as their point of reference, their mode and sphere of action should presumably be the same. Such a supposition would certainly be plausible, given that human rights organizations frequently describe their activities as impartial, independent, and even beyond politics.² After all, ever since their appearance in the early 1960s, rights groups operating in Western countries have adopted a seemingly *universalistic* strategy, which is frequently portrayed as uninfluenced by national, economic, or regional ideologies.³ Amnesty International, for instance, explained its resolution not to condemn apartheid by asserting that the organization is neutral with respect to opposing political ideologies (Winston 2001: 33).

Human rights nongovernmental organizations (NGOs) tend to promote their cause by appealing to a wide range of international human rights conventions and treaties, which over the years have been continuously developed and, if taken together, comprise an impressive “inventory of rights.” This inventory is used as the legal framework for evaluating the status of human rights within local settings and for demanding social change. Yet, despite the international reference point provided by UN conventions and other legal instruments, which is purportedly universal, in this essay I demonstrate not only that human rights organizations are deeply embedded in the ideological forces circulating in their society, but that human rights themselves are contaminated by ideology.⁴

To investigate how local ideological forces affect the activities of human rights organizations and help determine our conception of human rights, I compare PHR USA with its Israeli equivalent. I show that the ideological differences between the United States (which is intensely neoliberal and free-market oriented) and Israel (whose socialist tradition has yet to fade) influence the activities of each organization, prompting the two groups to privilege certain rights and to deemphasize others. By positioning local human rights activism vis-à-vis the international inventory of

rights, the article's first part reveals that in the domestic sphere the conception of universal human rights is constituted through a series of exclusionary practices. It also demonstrates that frequently rights organizations not only appropriate a limited conception of human rights but actually reinforce this conception within the sphere in which they operate.

Whereas the empirical analysis focuses on two domestic settings, I go on to show that in the international arena human rights are also contaminated by exclusionary ideological forces.⁵ I therefore argue that insofar as human rights are always constituted by and through a series of exclusions, then their universality should be conceived as provisional rather than absolute. This has far-reaching theoretical and practical implications. Human rights, I conclude, are still a vital reference point for judging the morality of political, social, and economic practices, but they cannot be taken for granted and must be continuously subjected to critical assessment, particularly by the rights NGOs themselves. Although human rights should be considered part of the foundation of moral practices, practitioners should keep in mind that this foundation is contingent rather than transcendental.

THEORETICAL FRAMEWORK

Antonio Gramsci was perhaps the first theorist who interrogated at length the political importance of the universal and its ultimate contamination by the particular. The significance of the universal becomes apparent in his discussion of hegemony, for which he is most known. In contradistinction to a political constellation characterized solely by domination, a hegemonic structure does not necessarily attempt to obliterate the space where dissent manifests itself but strives to absorb it by transforming dissent into consent.⁶ This it does also through the employment of the universal.

The state, Gramsci explains, assumes an "educative" role the moment the corporate limits of the purely economic class are transcended and become the interests of other subordinate groups too.⁷ This, he says, is accomplished when the state, which is constituted also by private forces and civil society (1971: 261),⁸ brings "about not only a unison of economic and political aims, but also intellectual and moral unity, posing all questions around which the struggle rages not on a corporate but on a '*universal*' plane, and thus creating the hegemony of a fundamental social group over a series of subordinate groups" (Gramsci 1971: 181–182; italics added). Hegemony accordingly entails a process of mediation, negotiation, and bargaining during which the different sides make concessions. Ultimately, this process culminates in the broadening of the dominant group's agenda whereby it extends beyond its immediate corporate interests so as to include some of the subordinate interests and values, in our case, the interests of human rights organizations. The dominant group presents its world view and agenda as if they were universal, yet it can never be all inclusive, which explains Gramsci's insight that hegemonic universality is always already contaminated by particularity.

During the process of negotiation, the dominant world view is expanded and the conflictual elements inherent in the subordinate group's oppositional interests are tamed, antagonisms are mitigated, and a degree of consent is manufactured. Moreover, once subordinate groups adopt parts of the hegemonic world view, they reinforce the dominant group's leadership and its claim to universalism. This suggests that human rights groups are both influenced by the dominant ideological forces, confining in some way their ostensibly universalistic agenda, while simultaneously becoming vehicles that articulate and disseminate these ideological forces, thus helping to present them as universal.

Taking Gramsci's framework as a point of reference, we would expect the integral state to adopt a limited conception of rights, presenting it as universal, while excluding those elements that could potentially subvert or challenge the hegemonic world view. From a local perspective, the "comprehensive inventory of rights" found in international conventions is accordingly disciplined and subjected to an ordered procedure; human rights have to pass through, what Gramsci characterized as, "the sieve of academics or cultural institutes of various kinds and only become public after undergoing a process of selection" (1971: 341). He thus suggests that through a process of sifting information, a realm of truth—in our case a view of what constitutes human rights—conducive to the hegemonic world view is fashioned and presented as both universal and commonsensical.

Gramsci uses the term *common sense* to denote those ideas that are taken for granted or unquestioned in society. Each hegemonic system engenders its own conceptions of common sense; namely, a "conception of the world which is uncritically absorbed by the various social and cultural environments in which the moral individuality of the average man is developed" (1971: 419).⁹ For Gramsci common sense is connected to the notion of the universal since the universal implies the "voluntary" abandonment of part of the subordinate group's interests—in our case this would mean the full inventory of health-related rights expressed in international conventions—in favor of some of the dominant group's interests; subordinate groups willingly adopt the hegemonic world view or parts of it and affirm its ostensible universality through their belief system, language, and actions. The reason they do so voluntarily is because the hegemonic world view has become commonsensical—and not because, they have, so to speak, been bought out. For instance, in the United States it is common sense, even among human rights practitioners, that economic and social rights are not as important as political and civil rights. My claim, in other words, is that one can explain the emphasis of certain human rights issues and the deemphasis of others due to the prevailing common sense, suggesting that the reasons an organization chooses to focus on certain issues is not only a conscious strategic decision but also an unconscious one informed by its implication with the dominant ideologies.

According to this theoretical framework human rights NGOs assume a multifaceted role. On the one hand, rights groups operating within the state serve as counter-hegemonic forces that aim to destabilize the state's definition of human rights, attempting, as it were, to expand it so that it coincide with the international

inventory of rights. In Gramscian terms they strive to broaden society's conception of the universal and to provide a critical assessment of its commonsensical conceptions. On the other hand, human rights groups themselves might very well be among those that discipline the international conventions by selecting only those rights that are more likely to be accepted as integral to what society constitutes as its own forms of common sense. That is, the human rights groups themselves help expel from the local setting any surplus of meaning that may subvert or challenge their society's rationality and intelligibility (Laclau and Mouffe 1985: 136–137).

One would accordingly expect to come across two concurrent trends in relation to the discourse of human rights adopted by the government. An attempt of human rights NGOs to underscore that this discourse is narrow and self-serving, alongside a process of self-restriction, whereby rights groups themselves limit their discourse so that it fits, more or less, within the frontiers of the hegemonic world view. Whereas the first tendency is counter-hegemonic, the second one strengthens the hegemonic forces. In this article I concentrate on the second trend, primarily because the counter-hegemonic character of human rights NGOs has already been accentuated within the scholarly literature. The following four sections accordingly examine the correlation between the mandate and activity of human rights organizations and dominant local ideologies. By exposing this correlation I hope to lay bare one of the more intricate ways through which the universal conception of human rights is policed and contaminated by local views and conceptions that are exclusionary. I then go on to show that human rights are always constituted through a series of exclusions, showing that even the international covenants and treaties are not universal in the absolute sense of the term, but rather, as mentioned, their very universality is contingent. Insofar as this is the case, rights practitioners need to continuously rethink human rights in an attempt to make them more inclusive.

PHYSICIANS FOR HUMAN RIGHTS USA

Established in 1986, PHR USA strives “to use the knowledge and skills of the medical and forensic sciences to investigate and prevent violations of international human rights and humanitarian law” (PHR USA 1994; 1995). A report from 2000 summarized fifteen years of activities in the following manner (PHR USA 2000b: iii):

PHR members have worked to stop torture, disappearances, and political killings by governments and opposition groups; to improve health and sanitary conditions in prisons and detention centers; to investigate the physical and psychological consequences of the violation of humanitarian law in internal conflicts; to defend medical neutrality and the right of civilians and combatants to receive medical care during time of war; to protect health professionals who are victims of violations of human rights; and to prevent medical complicity in torture and other abuses.

More concretely, during 2002, PHR USA launched an international “Health Action AIDS” campaign. It helped discover mass graves in Afghanistan and successfully

advocated the UN to press for investigating who the culprits were. It conducted a groundbreaking survey in Afghanistan to draw attention to the thousands of women who die in childbirth and demanded the allocation of resources to save women's lives. Simultaneously, the organization documented the health consequences of child labor in agricultural industries in India and surveyed access to health care among indigenous populations in Chiapas, Mexico to underscore their vulnerability due to the ongoing conflict. PHR USA also offered courses to lawyers and forensic doctors on ways to prevent torture and ensure accountability in Mexico. In Sierra Leone, it provided evidence of sexual violence to the Special Court and advocated for more programs to assist women and girls in that country. In the United States it coordinated the campaign to ban landmines and organized a Week of Action and Education on Global AIDS within dozens of student chapters and 50 medical and nursing schools. It also mobilized health professionals against criminal justice policies that lead to the incarceration of mentally ill youth. And it published the first comprehensive guidelines for addressing the issue of dual loyalty and human rights in the health professional practice (PHR USA 2002).

To be sure, PHR USA's decision to focus on certain activities rather than others has to do with political and economic calculations with respect to their likely effectiveness in changing public policy. In its first years, the organization consciously decided to develop its forensic medicine program—at the expense of other programs—because no other rights organization had the capability to do so, while there was a dire need for forensic expertise in assessing violations ranging from massacres to torture. The decision to concentrate on certain issues rather than others was based, according to the organization's deputy director, on “pragmatic calculations” informed by monetary considerations regarding how to use its resources to have the most impact, the need to address issues that other organizations were not addressing, the importance of reacting to egregious violations in real time, and so forth.

Every rights organization must make these kinds of decisions, and this is not only an honorable thing to do, but also the only possible way to remain efficient, that is, to bring about social change. Even though I agree about the necessity of making pragmatic decisions, I also believe—and this is one of the crucial claims I am trying to advance—that such decisions are themselves implicated in the dominant ideologies and are shaped by society's commonsensical conceptions. Thus, the following analysis merely seeks to show that certain ideological forces inform these “pragmatic calculations,” suggesting that one can never exit power's web. Surely, most readers will not be surprised that context affects the rights group's activities in ways that are not always conscious. But not many rights organizations and practitioners conceive their work in this manner. It is therefore extremely important to expose precisely how local ideological forces inform human rights activism, not to disparage or downplay the rights movement's achievements but to raise a certain kind of awareness that is at times lacking.

The brief description of PHR USA's work, which does not detail all of the organization's pursuits, reveals nonetheless that most of its activities take place

outside the United States and fall under the state-centric paradigm, whereby the state is considered the major violator of rights. The organization invests a very small amount of resources to uncover corporate violations of health-related rights. From within the wide spectrum of rights specified in international conventions, PHR USA tends to accentuate the freedoms pertaining to the right to health but frequently fails to underscore health entitlements. It emphasizes the right to “to be free from interference, such as the right to be free from torture” but puts less emphasis on entitlements that include the “right to a system of health protection, which provides *equality of opportunity* for people to enjoy the highest attainable level of health” (Committee on Economic, Social and Cultural Rights [CESCR] 2000: Article 8).

It is important to mention that in May 2000, the Committee on Economic, Social and Cultural Rights published a “General Comment” (No. 14) on the Convention’s Article 12, “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” This Comment provides a very broad interpretation of Article 12, claiming that it is “*not* confined to the right to health care” but rather includes addressing the underlying detriments of health (CESCR 2000: Article 4, italics added).¹⁰ The Committee stresses the link between poverty and health care (or lack thereof) and delineates the formidable structural obstacles impeding the realization of Article 12 while acknowledging that the right to health depends on the actual socioeconomic conditions within the particular state.¹¹ The General Comment is most pertinent to the United States, for as Joseph White from the Brookings Institute claims, “[T]he US has revolutionized its health care delivery system in order to maintain its (private) financing structure, while most of Europe is revising its health financing in order to keep clinical care systems intact” (cited in Goldfield 2000: 2–3). Since the publication of the General Comment, PHR USA has put more emphasis on economic and social rights. Nonetheless, the organization is more likely to underscore the lack of access to health care within a conflict zone—publishing a report on how the conflict in Mexico interferes with the provision of health—but is hesitant to emphasize instances where people do not have equal access to health care due to economic policies (i.e., the United States).

PHR USA’s activities thus echo the liberal idea that freedom inheres in the private sphere and that the role of government is, on the one hand, to protect this sphere and, on the other, to avoid interfering in it. This is also the philosophical basis underlying the different forms of contemporary neoliberal ideology¹² that identify business with the individual and private sphere and emphasize the need to allow it to operate “freely.” This ideology saturates groups like the American Medical Association (AMA), which is known for its longstanding opposition to implementing a universal health care program in the United States, because a national plan would supposedly impede both the physician’s and patient’s freedom of choice (Goldfield 2000: 17, 73). Thus, the AMA appears to ignore the basic right of over 45 million uninsured US citizens who do not have access to health care and has done little to change the infant mortality rate in Harlem (1 in 50), which resembles Sri Lanka

and Thailand, and is more than ten times higher than infant mortality rate just a few miles away on the Upper East Side (1 in 600).¹³

Yet, in contradistinction to the AMA, PHR USA has an obligation to the international rights discourse, and therefore one would expect it to act against the violation of such health-related violations that are taking place in its own backyard. To be sure, PHR USA has not written off all entitlements and is concerned with the provision of health to US citizenry. Its education programs and documentation of nutritional effects resulting from food stamp cuts are two activities that underscore the importance of health entitlements. But such activities are exceptions that confirm the rule—that is, the organization's accentuation of freedoms relating to health. Thus, PHR USA's activities (e.g., its struggle to defend "the right of civilians and combatants to receive medical care during time of war" as compared with its virtual silence regarding the rights of the uninsured population living in the United States) appear to corroborate Gramsci's claim that subordinate groups frequently appropriate parts of the dominant group's conception of the world and act in accordance with the commonsensical views.¹⁴ Frequently, these groups do so unconsciously.

Although I discuss in greater length one of the ways in which the abandonment of economic rights is organized below, here I note that even in those instances in which PHR USA emphasizes economic and social violations, its activities are exclusionary because the organization has appropriated elements of the American common sense. For instance, in its attempt to provide evidence of hunger in the United States, the rights group investigated the effect food stamp cuts had on the legal immigrant population in three states after the passage of the Work Opportunity Reconciliation Act of 1996. It found that legal immigrants were subjected to increased food insecurity and that forty-one percent of them suffered from hunger (PHR USA 2000b: 2). By taking on this issue, the organization clearly used the right to health care in a very broad sense, because its underlying assumption was that nutritional deficiency violates Article 12. Moreover, the organization's position challenged the policies enacted by the Clinton administration and in this way also engaged in a counter-hegemonic act. A closer examination of the *Hungry at Home* report reveals, however, that simultaneously the rights organization reinforced many of the underlying assumptions of the dominant ideologies, assumptions that do not sit well with the international rights discourse. Because of lack of space I offer only two examples.

First, while trying to convince its audience that the legal immigrant population's rights had been violated, PHR USA noted that the "average immigrant contributes \$1,800 more per year in federal, state and local taxes than s/he receives in benefits; over a lifetime, this individual contribution equals \$80,000. In fact, immigrants as a whole make a net annual contribution of \$25-30 billion to the US economy" (2000b: 6). On the one hand, this passage and others like it are counter-hegemonic in the sense that they challenge the commonsensical belief that immigrants are a burden on the economy and that they do not contribute to society. It is ostensibly for this reason that the rights organization chose to include them in the report. On the other hand, this passage is deeply embedded in local ideologies—one

is reminded of the revolution's slogan no taxation without representation, as if tax is the criterion for representation—and intimates that immigrants deserve to have food because they pay taxes; a position that is antithetical to the very conception of human rights as an entitlement that one should enjoy merely by being human. In other words, why is it relevant, from a human rights point of view, that hungry migrant workers pay taxes?

Second, and intricately related to my first observation, the organization restricted the report to *legal* migrant workers and did not deal with the migrant population as a whole. This was consciously done, according to the organization, because legislation involving the food stamp program and welfare reform was pending and the report was targeted to influence this legislation. PHR USA also intended to publish another report—at a later point — about undocumented children in New York and in this way to expose some of the violations to which illegal migrants are subjected. These kind of pragmatic decisions are a necessary component of human rights work and surely have concrete strategic advantages. Simultaneously, though, the *Hungry at Home* report helps sustain a system that renders illegal immigrants *invisible* vis-à-vis rights, neglecting to expose perhaps the most blatant structures of repressive power. A critical analysis of the report uncovers how a rights organization, through its pragmatic decisions, activities, and discourse, can be truly counter-hegemonic. Concurrently, rights groups can shore up abuses to make the existing system more consistent with itself and can act as a vehicle that helps uphold hegemonic power relations that are detrimental to human rights—all at the same time.

Although PHR USA addresses in a very limited way the violation of rights in the United States, it has succeeded in highlighting some of the most egregious violations taking place around the globe. However, in its international activities for many years it turned a blind eye to economic and social rights, failing to make demands on transnational corporations and international financial institutions, notably the International Monetary Fund and World Bank (CESCR 2000: Articles 39, 51). All in all, one notices that there has been a correlation between neoliberal ideology and the kind of activities on which PHR USA has focused. The crux of the matter is that the demand for civil liberties and formal political rights are generally consistent with the demands of the neoliberal market system; economic and social rights often contradict neoliberal principles and are therefore denigrated.

Ironically, the so-called victory of free market ideology after the demise of the Soviet Union seems to have loosened up the hegemonic control over human rights organizations and has allowed them to expand the conception of universal human rights. Thus, rights that, due to ideological restraints, were repressed and unacknowledged for many years are beginning to gain currency among Western rights NGOs and are now included in the dominant rights discourse. It is this change, I believe, that led PHR USA to add an opening sentence to their mission statement a number of years ago; human rights, the organization now avers, are essential preconditions for the health and well-being of all people. Surely, in the context of globalization and the dominance of neoliberal ideology this must mean, *inter alia*,

emphasizing the importance of economic and social entitlements as well as rights to development and including them in the dominant conception of human rights. It is clear that in the past few years, PHR USA's activities have been expanding in that direction.

PHYSICIANS FOR HUMAN RIGHTS ISRAEL

PHR Israel was founded in the wake of the first Palestinian *Intifada* in early 1988, and it seeks "to secure the right of all individuals to equal access to health care services regardless of political, national, religious, gender or socio-economic considerations" (PHR Israel 1998). The Israeli organization's mission statement correlates with its activities during 1999.¹⁵ It struggled against the systematic and official denial of equal access to medical care to all members of society; led a coalition of organizations that lobbied against the erosion of Israel's national health program; exposed the poverty in the occupied territories and linked it to the substandard medical services offered in the West Bank, Gaza Strip, and East Jerusalem; provided free medical treatment to Palestinians residing in the territories and to migrant workers in Israel; exposed and struggled against Israel's practice of torture during interrogations; demanded reducing the period a prisoner can be held in prolonged solitary confinement and insisted that the government improve the medical services provided to prisoners; and protested the obstruction of freedom of movement for medical staff and patients in the Occupied Territories (PHR Israel 2000a, 2000b).

Unlike its counterpart in the United States, the Israeli organization's activities are restricted to the local domain, thus privileging the national context over the international. It does not struggle against violations in neighboring countries or in any other region, thus forfeiting the seemingly universalistic strategy. Within the national context, however, the organization's mission statement and its activities disclose that PHR Israel conceives the right to health in much broader terms than its US counterpart. The Israeli group interrogates gross violations of economic and social rights and thus assumes a more holistic conception of health, similar to the one advocated by the committee who drafted General Comment No. 14. The states' lack of intervention to secure equal access to health to all members of society is considered to be a violation of a basic right, not unlike torture or summary executions. The employment of a more comprehensive rights discourse thus enables the Israeli organization to "make visible" structures of power that oppress and exploit groups in society—like illegal immigrants—structures that might otherwise remain concealed. From a Gramscian perspective, the Israeli group's effort to expose repressive power relations and making them, as it were, perceptible to the population helps to undermine submission and intellectual subordination. Indeed, it questions the Israeli common sense.

Similar to PHR USA, though, the Israeli group is state-centric and does not emphasize the role of transnational corporations and international financial institutions in violating human rights. For instance, it has never examined the health-related

conditions of employees working for Israeli subsidiaries at the Karni border, located between Israel and Gaza. It has also failed to examine the conditions of World Bank loans offered to the Palestinian authority and the Israeli government and to analyze their effect on the population's health. In this sense it too has appropriated the ideological position that center stages the state.

Wittingly or unwittingly, this approach appears to be informed by two assumptions, one correct and the other mistaken. The accurate assumption is that democratic governments, due to a range of formal procedures, can still be made accountable to their citizens, whereas there are no internal formal procedures that can ensure the accountability of transnational corporations and international financial institutions; politically, the institutional structure of corporations resembles a dictatorship. Perhaps this is the reason that PHR Israel concentrates on making demands on the Israeli government and PHR USA offers its recommendations to governmental bodies. The mistaken supposition is that governments control the political, social, and economic conditions within their countries. This assumption is false insofar as it does not take into account the influence of transnational corporations, whose revenues are often many times larger than domestic economies. Grouped together in trade associations, transnational corporations, not unlike international financial institutions, manage to influence local legislation and policies.¹⁶ The so-called statist approach of human rights organizations is not only a result of their failing to take into account the ongoing changes in power relations, but is also due to the influence of prevailing ideological forces.

Whereas neoliberal ideology is quickly gaining ground in Israel, as of yet the socialist tradition has not totally disappeared, as made plain by the fairly recent establishment of a national health program. Thus, according to a Gramscian analysis it is much easier for the Israeli rights group to emphasize economic and social rights because by so doing the organization is accentuating an existing local ideology (common sense), albeit one that is in retreat and therefore increasingly becoming counter-hegemonic. The Israeli Medical Association (IMA), for example, was in favor of instituting a national health program and currently opposes the government's attempt to collect additional payments for such services as doctor examinations. IMA claims that this expense should not be passed on to the patient, noting that such a policy will disproportionately affect the weaker segments in society (IMA 2001).

Ironically, PHR Israel's struggle against torture is more controversial, because in Israel national security has consistently trumped human rights (Gordon and Marton 1995). Using the "ticking bomb" argument, the Israeli government for years disregarded international conventions that it had signed and argued that torture should be sanctioned as a legitimate practice for extracting information during interrogation. Until 1999 this view was upheld by the Supreme Court and had a clear majority in the Israeli Knesset (B'tselem 2000). PHR Israel's willingness to take on issues like torture, prolonged solitary confinement, and the brutal occupation of the Palestinians has situated it on the margins of Israeli society, much more so, I believe, than its counterpart in the United States.

Examining the Israeli scene more closely, one notices that the emphasis on national security is at times at odds with liberal democratic values and also with the local move toward neoliberalism. The fact that the hegemonic system is not homogeneous and is constituted by a multiplicity of forces corresponds with Raymond Williams (1977) persuasive assessment that hegemony is not, except analytically, a system or structure. The tensions between the different ideologies create a space that enables the Israeli rights group to assume a counter-hegemonic role by using discourses that are accepted in one sphere of Israeli life and using them to challenge the “national security” discourse at those sites where it clashes with basic human rights. Thus, the rights organization exploits the somewhat heterogeneous character of the hegemonic system, which is constituted by opposing and often incoherent ideologies, by displacing dominant ideological beliefs. It takes, for example, the right to free movement, which is a political right par excellence and is frequently used in the context of neo-liberal trade discourse, and uses it in the context of access to medical care in the besieged Occupied Territories. Thus, PHR Israel both displaces this right and underscores the firm connection between political and economic rights; in this case free movement is the condition of possibility of health rights.

In sum, the US group until recently defined its mission in a narrow manner and did not invoke the broad spectrum of health-related rights outlined by international conventions. By working in the international arena, it promotes a strategy that has universalistic pretensions, but because its conception of the right to health is blinkered, the exclusionary character of its universalism is evident for all to see. The Israeli organization’s activities are limited to the local arena and are state-centric, and it is apparent that its universalism is also constituted through a series of exclusions. Yet the Israeli rights group has adopted a much more comprehensive view vis-à-vis international conventions. This allows it to embrace a wide spectrum of activities within Israel and the Occupied Territories, indicating that within the limited geographical area its strategy has a more inclusive character than the strategy used by PHR USA.

THE EDUCATIVE ROLE: HEALTH CARE IN THE UNITED STATES

Gramsci’s account of how a hegemonic system operates suggests that the circumscription of the human rights discourse and its subsequent presentation as universal demarcates on the one hand the boundaries of “legitimate” action, whereas on the other hand it helps constitute preferences and commonsensical views, within the framework of the dominant ideologies. Insofar as the existing ideological forces inform the doctors’ rights groups’ activities and that they adopt the commonsensical views, we would expect to detect within the mainstream media a conception of human rights similar to the one held by the rights organization, because the media is one of the sites through which the dominant world view is produced and disseminated. The media in the United State should accordingly deemphasize the state’s obligation to provide all members of society equal access to health care and

dissociate health care from human rights, presenting the two as separate issues. In other words, human rights in the United States are constituted through the exclusion of health care. In Israel, by contrast, we would expect the media to underscore the government's responsibility to provide health care to all members of society while also drawing a connection between health care and human rights. Thus, in Israel human rights are constituted through other exclusions, not equal access to health care.

A scrutiny of the pertinent articles in the *New York Times* during a one-year period suggests that health and human rights are still considered separate issues.¹⁷ For the most part, articles reporting on social matters list health, poverty, work, education, and economic status as distinct from human rights (e.g., *NYT* June 7, 2000: 1; June 10, 2000: 1; July 7, 2000: 1). Of the one thousand one hundred and two news articles and editorials mentioning the term "human rights" only one hundred and four cases (nine and one-half percent) dealt with abuses in the United States, and those articles did not refer to the basic right of equal access to health care but referred almost always to the violation of political and civil rights.¹⁸

During the 2000 presidential debates, the issue of the (at the time) forty-three million uninsured citizens was discussed a number of times. Whereas Al Gore did advocate "some form" of universal health care, both candidates claimed that government intervention to ensure universal health services does not coincide with the "American way." George W. Bush announced that he is against medical decisions being made by the government because, "I trust people. I don't trust the federal government" (*NYT*, October 18, 2000: 6); Gore stated that he is "not for a government-run system. In fact, I'm for shrinking the size of government" (*NYT*, October 12, 2000: 18).¹⁹

Government is not considered responsible for providing each citizen equal access to health care not only because government intervention is often conceived to be an invasion of individual freedom, but also because health care is not perceived as a basic right—and insofar as it is not a right it does not take part in the universal as other rights do. The dissociation of health care and human rights serves the belief that an act of government intervention to ensure universal health care constitutes some form of violation of universal individual rights—if only because it amounts to increasing taxes, a move that is considered to be an unnecessary infringement on individual property (i.e., on rights).

The irony is that PHR USA is not only influenced by the exclusion of equal access to health care from human rights—as seen through the correlation between its activities and the ideas promulgated in the press—but, unwittingly, it has also helped reinforce this exclusion. Of the forty-four *New York Times* articles in which the US doctor's group is mentioned, only two focus on issues in the United States.²⁰ In the first, PHR USA condemns the maltreatment of inmates in Onondaga County Jail, New York and the substandard conditions in the refugee centers located in Florida (*NYT* April 27, 1993), whereas the second article discusses a study conducted by PHR USA and other human rights organizations about doctor participation in the death penalty (*NYT*, March 20, 1994). The remaining articles focused on abuses

occurring outside the United States, mentioning the Taliban, mass graves in Rwanda, and violations in the Kashmir Valley, Bosnia and the Balkans, and in the occupied Palestinian territories. None of them mentions anything about equal access to health care.

These articles were published after the distribution of press releases by the rights organization, indicating that it plays an active role in *reproducing* the dominant ideologies and thus helping to sustain a particular conception of the universal that sits well with the existing structures of power. Unwittingly, the organization becomes complicit with the commonsensical conception—human rights abuses occur elsewhere and equal access to health care is not a basic right. Having said this, it is important to also look at the other side of the same coin. PHR USA is one of those all too few organizations that have helped transform the categories of perception through which society perceives the world. The rights group has redefined familiar phenomena as violations and thus has helped expand the prevalent view of universal human rights, inserting issues that had previously been excluded. Indeed, it is in large part due to its work and the work of groups like Amnesty International and Human Rights Watch that the *New York Times* uses the term human rights and describes many of the incidents it is covering as violations. Moreover, by focusing on violations that occur outside the United States and putting them, as it were, under the limelight, PHR USA has also attempted to overcome a certain strain of parochialism that characterizes American society. Undoubtedly, these moves that in one sense may appear to be somewhat complacent are at the same time counter-hegemonic and have succeeded in expanding the notion of the universal in certain respects.

PHR USA's partial appropriation of the common sense world view suggests that rights groups are always within, rather than external to, a historic bloc and that resistance, as mentioned, is always already implicated by the hegemonic world view. Moreover, it corroborates Neil Stammers's (1999: 997) claim that rights are not necessarily an instrument for political change and might even be utilized or manipulated by the forces striving to impede change.

THE EDUCATIVE ROLE: HEALTH CARE IN ISRAEL

In the Israeli press, government intervention to ensure society's welfare is still posed as a national interest. A survey of relevant articles in the *Jerusalem Post* during a one-year period suggests that the government is considered responsible for the population's health and has an obligation to ensure equal access to health care.²¹ For instance, one article suggests that five years after the implementation of the National Health Insurance Law, "Israeli Arabs" have better "access to medical services," which reduces, in turn, their dependency on private physicians. Yet despite these improvements the article goes on to state that "known gaps between Arabs and Jews persist" and underscores "the importance of continued monitoring of equity in the health and health care of Arabs and Jews" (*JP*, December 2, 1999). Another article states that the national health program "did not reduce the gaps in the level of health care between the center of the country and the Negev," a peripheral

region considered economically disadvantaged. The reporter stresses that due to lower social-economic conditions, patients residing in the Negev do not have equal access to health care and quotes a health care specialist who avers, “the National Health Insurance Law has only partially reduced this inequality” (*JP*, June 11, 2000: 2). Thus, the government is not only responsible for providing health care for all but is expected to ensure that the different ethnic groups, as well as socioeconomically weak populations, receive equal services.

Articles found under the search containing the term “human rights” dealt almost solely with rights abuses in Israel and the occupied territories, and some of these also referred to equal access to health care as a human rights issue.²² One gets a sense that equal access to health care and human rights are connected primarily in the articles that mention PHR Israel, thus suggesting that the rights group itself is one of the political forces that has helped constitute human rights through the inclusion of health care.

Several articles that refer to PHR Israel deal with the lack of health care and the inadequate health services in the Gaza Strip and West Bank, stating clearly that this constitutes a human rights violation.²³ One reads that once a month the doctors, group travels to remote villages in the territories to offer health care and medicine to those who cannot afford it and/or who have no access to clinics or hospitals (*JP*, September 10, 1993). The organization decries the lack of universal health insurance in the occupied territories, stating that about twenty-five percent of the Palestinian population is uninsured (*JP*, September 10, 1993; October 31, 1993). In another article on migrant workers, a PHR doctor is quoted, “the state cannot regard 250,000 foreign workers [both “legal” and “illegal”] merely as creatures who have muscles, and not owe them anything” (*JP*, June 14, 1998). In a different context, another PHR Israel doctor emphasizes the effect of economics on medical treatment (*JP*, June 9, 1996). Similar to its counterpart in the United States, the Israeli rights group also condemns the violation of political and civil rights including the practice of torture (*JP*, January 3, 1989; October 16, 1992; December 2, 1993), freedom of movement for patients and medical staff (*JP*, June 17, 1993; March 20, 1996), and the conditions of prisoners (*JP*, July 14, 1994).

The Israeli rights group reproduces the hegemonic ideology’s focus on the local, but within the geographical limitations it reinforces dominant ideologies only insofar as they are consistent with the inventory of rights as they appear in international conventions. On the one hand, PHR Israel strives to entrench certain values and norms that already exist and some of them that are currently under attack, whereas on the other it disseminates a rights discourse that counters the hegemonic world view demanding, as it were, that it be incorporated into the prevalent conception of the universal.

In sum, the ideas promulgated in the local media correlate with the activities of both PHR groups, indicating a link between dominant ideologies or commonsensical conceptions and the operation of human rights organizations. The preceding discussion illustrates how rights NGOs themselves may play an active part in reproducing the hegemonic world views and help entrench the pervasive notion of

what constitutes the “universal.” Keeping in mind, however, that hegemony “is a realized complex of experiences, relationships, and activities, with specific changing pressures and limits” (Williams 1977: 112), then there is always also room for political resistance. This, I believe, is evident in the actions of *both* organizations.

HUMAN RIGHTS AS CONTINGENT FOUNDATIONS

The preceding analysis lays bare that in the national sphere both human rights discourse and activism is never totally universal. The comparison of the two rights groups uncovers how local ideological forces and commonsensical conceptions help constitute human rights in each society through intricate processes of exclusion, censorship, accentuation and restriction of issues, emphasis and deemphasis of strategies, and confinement of geographical areas. In this sense it corroborates Gramsci’s claim that the only universality that society can achieve is a hegemonic universality, by which I understand him to mean a universality contaminated by particularity. Although this may seem obvious to some people, what makes the human rights field unique is its pretension to be informed by a pure or formal universalism—which is, after all, one of the fictions promulgated by the field’s practitioners to advance their altruistic endeavors.

As a way of further complicating the preceding discussion, I argue, using some of Judith Butler’s insights, that although the infiltration of the particular into the universal is more apparent in the national context, the comprehensive inventory of rights that constitutes the so-called international reference point is also always already infected by exclusionary practices. Indeed, the very conception of universal human rights has been constituted through a series of exclusionary practices. Consequently, human rights should be considered not as some kind of absolute transcendental reference point or set of categories but rather as a contingent foundation—a site where critical struggles over the frontiers of the field and its makeup are constantly taking place. On the one hand, this kind of analysis suggests that the implication of human rights organizations within the dominant ideologies and commonsensical conceptions, which I described above, is actually integral to the very operation of human rights and is not something that can ever be entirely surmounted. On the other hand, it underscores how crucial it is for rights practitioners to maintain a critical perspective not only in relation to ongoing political events and processes that they confront, but also toward the strategies, issues, and assumptions of their organization. Before turning to discuss how rights groups can maintain such a perspective, it is important to explain exactly what I mean by the claim that human rights are a contingent foundation.

Human rights are not part of a world view that comes from nowhere and are variously applied to concrete situations. Although the universal conception of human rights is constituted by separating itself from the concrete, by suggesting, for example, that it is uninfluenced by ideological forces, these forces, nonetheless, help constitute human rights and become, as Butler would have it, their necessary contamination. The trace or remainder of this separation, Butler cogently observes in a

slightly different context, is in the very working of human rights themselves (Butler *et al.* 2001: 18–19). It follows that human rights are fundamentally dependent on particular relations and the “universality” of human rights is in fact a manifestation of these relations. The reason this is not immediately apparent is because the contamination of the universality of human rights is systematically elided.

Consider, for a moment, Article 16 of the Universal Declaration of Human Rights. The Article is divided into three clauses, which state the following:

- 1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- 2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- 3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

The constitution of the universal family was accomplished through a series of exclusions, some of which were carried out wittingly, whereas others were not. For the purpose of my argument it suffices to examine only this Article’s first clause, while bearing in mind that, according to the *Declaration*, not only the foundation of a family is conceived to be a right but that the family itself also constitutes and guarantees a series of additional rights as clearly stated in the Article’s third clause. Thus, the act of exclusion upon which the universal family is based is not simply undermining the rights of certain groups to establish a family, it also undermines their right to receive the protection they are “entitled” to from society and the state. In other words, each exclusion necessarily engenders a series of further exclusions.

The first words “Men and women of full age” wittingly exclude those who are not of “full age”—12? 14? 16? 18? 20?—to enable those who create a family to decide for themselves whether they actually want to establish a family. The presumption appears to be that often others make decisions for those who have not reached “full age”—as if when they reach “full age” others do not make decisions for them—and perhaps also that those who have not reached “full age” are not mature enough to decide whether to create a family. In any case, according to the universal conception of the family, all those who have not reached “full age” must be excluded from taking part in the re-creation of this institution. Along the same lines, the founding act has to be performed by a man and a woman—the exclusion of all those who are not heterosexual as well as the assumption that a family is created by a couple—and is achieved through a marriage ceremony: a man and a woman who have reached full age “have the right to marry and to found a family.” Consciously or not, these words exclude all those who would like to found a family without going through the marriage ceremony, all those who live together “informally,” extended families, and so on. There are, after all, numerous circumstances—religious, race and ethnicity, nationality and citizenship, sexual orientation, etc.—that do not allow “couples” to take part in the marriage ritual,

whereas there are also those who choose not to marry because the ceremony itself (e.g., the orthodox Jewish one) discriminates against women.

Although the universal family is based on still other exclusions, these examples already reveal how the formalism that characterizes the universal family is marred with a trace that underscores the lie to its formalism (Butler *et al.* 2001: 137). Indeed, this Article discloses, in a manner that is clearer than most other Articles, how abstractions emerge from the concrete, which are then signified as universal. But the concrete, on which the universal is based, is never simply a set of particular normative prescriptions, because these normative prescriptions themselves are always a product of a whole set of ideological forces. The ideas that the universal family should be created by a couple, a man and a woman who can procreate and who have reached “full age,” and that the constitutive act should be approved by society through a marriage ceremony were certainly conditioned by a series of ideological forces, just as current challenges to the conception of the universal family are also conditioned by different ideological forces. Put differently, the constitution of the universal family in the *Declaration* served certain power relations circulating in society at that time, whereas the current contestation of the universal family signifies a change in these power relations and an alteration in the commonsensical conceptions.

The Article itself helps elide its own contamination in the third clause by stating that *this* family is “the natural and fundamental group unit of society.” It then entitles *this* family to a series of rights, not least “the protection by society and the State.” Thus, the ideological forces that helped constitute the universal family through a series of exclusionary practices are now protected by a contaminated notion of the universal which is guarded by the state and civil society.

It follows theoretically that universal human rights are fundamentally dependent on exclusionary practices and therefore never encompass the whole. As I showed in the analysis of both PHR groups, certain exclusionary perceptions and modes of action are not only appropriated by human rights organizations but are also reinforced and perpetuated by them. The idea that universal human rights are exclusionary does not, however, abolish their foundational character, that is, their claim to be a reference point for judging the morality of political, social, and economic practices. It does, though, suggest that their foundation, using once again a Butlerian phrase, is contingent. The fact that universal human rights can serve only as a contingent foundation rather than an absolute or transcendental one has far-reaching implications for rights theory and activism. Because of space limitations, in the final pages I concentrate on how the theoretical observations discussed in this article can be used as operational guidelines for organizations like PHR USA and Israel.

MAINTAINING A CRITICAL EDGE

Because universal human rights will always have a trace of the concrete within themselves, our role as practitioners and scholars is not to try to erase this trace,

a task that is ultimately impossible, but rather to uncover the trace and understand how it affects the very conception of human rights as well as human rights activism. We should constantly be aware that human rights are, and will always be, informed by exclusionary practices that need to be challenged and transformed. This does not mean that one should do away with the universal, if only because no politics can exist without it. Rather, the essence of the argument—and this is what I understand Butler to be saying—is that the meaning we ascribe to the universal needs to be constantly rethought and altered.

As mentioned, Gramsci's notion of the hegemonic system actually depends on the constant tension between, on the one hand, forces that promulgate and reinforce the universality of the dominant ideologies by creating a "collective will" and commonsensical conceptions and, on the other hand, resisting forces that ensure pluralism and diversity by highlighting the particularity of the hegemonic world view and by questioning the commonsensical conceptions. These conflicting processes suggest that rights can play different roles in different contexts. They are at times an integral part of the dominant world view, and therefore human rights organizations that fight for certain rights actually replicate prevalent conceptions of the universal, thus strengthening existing power structures. This, one might add, is not always a flaw, because human rights organizations may very well be reinforcing an equitable program or policy. Alternatively, rights organizations are often subversive, disrupting existing norms, questioning the commonsensical conceptions, and in a sense expanding the universal to make it more inclusive. This dual role is captured by Neil Stammers, who claims that human rights "both challenge and sustain power, but in different degrees, in different ways, in different places and at different times" (1999: 996).

Insofar as this is the case, then rights activists need to maintain a critical perspective not only toward the transpiring political and economic events but toward their own activism. One way to begin accomplishing this objective is by bringing in people from different parts of the world and different fields to comment on the work of the rights organization. It is amazing how interactions like these—so long as the participants are open to hearing what the *other* has to say—can destabilize "evident truths" and propel a constructive process of reassessment and rethinking within the organization. Another way to accomplish this objective is by adopting and disseminating a more *comprehensive* rights discourse and trying, as it were, to universalize it, thus stretching the current frontiers of human rights. I understand the General Comment on Article 12 to be doing just that, and it is, I believe, the role of health-related rights NGOs like the two PHRs to adopt this Comment in their work and activism. The crux of the matter is that a more comprehensive discourse exposes the particularity of the existing conception of the universal, revealing, as it were, that it is produced through a series of exclusionary practices. Once such a discourse is adopted it accordingly becomes less difficult to subvert existing power relations and to challenge commonsensical conceptions, thus potentially empowering oppressed populations and enabling them to demand basic rights and radical social change.

The adoption of a comprehensive rights discourse, which Richard Falk (2002) has aptly called the “subaltern discourse,” will not only enable rights groups to be more critical of political, social, and economic events but of their own assumptions and strategies. It is, for example, not coincidental that Third World NGOs’ insistence on accentuating economic and social rights has led many Western human rights organizations to rethink some of their underlying assumptions about the dominant framework of human rights. One should keep in mind, though, that the comprehensive discourse of rights represents a desire for an uncontaminated universal, a desire that can never be fulfilled but should always remain an aspiration.

Indeed, once human rights are conceived as a contingent foundation, rights activism and discourse becomes an open-ended project, one that is constantly transforming and therefore cannot, legitimately, assume the role of laying down the Truth. The reconceptualization of human rights as a contingent foundation is, I argue, a boon, for although it entails giving up the sense of security accompanied by a well-defined and static notion of the universal, it can undercut totalitarian elements that underlie imperial and colonial expansion (which manifest today through, *inter alia*, neoliberal policies) as well as exclusionary practices. As a contingent foundation, human rights become a site of dialogue and legitimate contestation, while simultaneously maintaining their function as subversive tools that can challenge oppressive practices and rationalities.

NOTES

1. I thank the members of Physicians for Human Rights USA and Israel for their cooperation and assistance, as well as Catherine Rottenberg, Jacinda Swanson, and Thomas Cushman for their constructive comments on earlier drafts. The research for this article benefited from the financial support of the Israeli Academy for the Sciences and the Minerva Institute for Human Rights at Hebrew University.
2. In the section describing its methods of action, Amnesty International notifies the public that it “at all times makes clear its impartiality as regards countries adhering to the different world political ideologies and groupings” (<http://www.web.amnesty.org> January 31, 2001). This claim is probably accurate in the sense that Amnesty does not take into account the political leanings of the government or the political prisoner. But if one were to examine the claim in a broader sense, one notices that Amnesty International for many years confined its mandate to political prisoners, extrajudicial executions, and “disappearances,” all of which are implicated in the liberal emphasis on civil and political rights. Along the same lines, Helsinki Watch (in due course became part of Human Rights Watch), which was established following the 1975 Helsinki Accords to monitor the treaty’s human rights–related articles, failed to underscore the violation of economic and social rights even though there is reference to them in the Accords. For a discussion of the general reluctance of human rights organizations to advance economic and social rights, consult Muzaffer (1993), Beetham (1995), Alston (1997), Jocknick (1999), Stammers (1999), and Gordon *et al.* (2000).
3. After the publication of the Universal Declaration of Human Rights in 1948, the West underscored the significance of political and civil rights, whereas the East stressed the importance of economic and social rights. The ideological differences between the two blocs actually created an impasse. The deadlock was finally overcome in 1966 with the concurrent publication of two covenants: The International Covenant of Economic, Social and Cultural Rights and the International Covenant of Political and Civil Rights. Despite the approval of these covenants, tensions between the blocs remained intact, and whereas the West continued to criticize the Soviet Union, China, and their satellites for the violation of such rights as freedom of speech and due process, the Soviet bloc accentuated economic and social rights and condemned capitalist countries for tolerating unemployment and for failing to offer universal health care. Yet, the division between political and civil rights, on the one hand, and economic, social, and cultural rights, on the other, is not so clear-cut; e.g., without food and a decent education one cannot really enjoy the right to freedom of speech. This point

was emphasized in the 1993 Vienna Declaration that states, “All Human rights are universal, indivisible, and *interdependent and interrelated*,” Vienna Declaration Article 5 reprinted in Ishay (1997: 482); also consult Donnelly (1985), Muzaffer (1993), Beetham (1995), and Alston (1997).

4. The term ideology is not used here in its economic sense, as an epiphenomenon of the economic base used to camouflage ontologically privileged material forces. Rather, following Antonio Gramsci, ideology is conceived as ontologically indistinguishable from material forces. Chantal Mouffe and Ernesto Laclau stress this point, claiming that the Gramscian notion of ideology cannot be distinguished from the structure, it is no longer “identified with ‘a system of ideas’ or with ‘false consciousness’ of social agents; it is instead an organic and relational whole, embodied in institutions and apparatuses, which welds together a historical bloc around a number of basic articulatory principles” (1985: 67).
5. Regarding the question of the ideological underpinnings of human rights in general, the views vary considerably. By contrast to John Rawls (1971), who considers rights to be untainted by ideology, Stephen Hopgood (2000), for example, claimed that rights are implicated in Western liberalism and actually reflect a specific culture.
6. Gramsci’s expanded notion of the state helps explain why human rights organizations did not emerge in the Soviet bloc or in China, where the state power structure were based primarily on a coercive apparatus (military, police, etc.) and not on leadership. The few groups that did organize were under constant danger. In September 1982 the Moscow Helsinki group was forced to disband after ongoing intimidation, whereas members of Charter 77 were constantly harassed and even arrested. It simultaneously explains why they were allowed to operate in the West, where the consensual aspect of power is pervasive, a power that seldom operates by forcefully annihilating antagonistic forces but constantly strives to induce and persuade them. A Gramscian analysis also reveals how oppositional political parties, unions, private organizations, and in our case rights groups are always already implicated by the hegemonic power structures, because he shows how their resistance is always informed by the dominant structures.
7. By corporate interests Gramsci means “the immediate and narrowly selfish interests of a particular category” (1971: 181–182).
8. The integral state is comprised by civil society, which in the context of Gramsci’s writings means the network of associations and organizations ranging from churches and educational institutions to unions and rights groups. Gramsci also includes the media, intellectuals, and other instruments of opinion formation, which are distinct from the traditional Marxist conception of the state (1971: 342). Although one should not identify Gramsci’s civil society with the liberal conception of the private realm, the two do overlap. For the difference between Gramsci’s understanding of civil society and the quotidian use of the term, as well as how it differs from the liberal conception of the private realm, consult Buttigieg (1995).
9. Jacinda Swanson cogently observes that particular ideas and values can be simultaneously commonsensical and contested, their status changing with the particular context in which they function. See Jacinda Swanson, “Economic Common Sense and Capitalist Hegemony in the United States,” forthcoming in *Historical Materialism*.
10. Underlying determinants of health include access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including informational on sexual and reproductive health. Another important aspect is the participation of the population in all health-related decision making at the community, national, and international levels (CESCR 2000, Article 11).
11. Consult also Black *et al.* (1982) and Acheson (1998).
12. On the one hand, I agree with Wendy Larner, who argues that neoliberalism is not merely a policy or an ideology but also a form of governmentality; it is constituted by different configurations, which amount to “a complex and hybrid political imaginary, rather than the straightforward implementation of a unified and coherent philosophy” (2000: 12). However, I also believe there are certain philosophical underpinnings characterizing neoliberalism, because without some form of categorization there is no sense in offering definitions.
13. Cited in Caleb Daniloff, What a difference a digit makes: a neighborhood-by-neighborhood look at infant mortality in New York City. In *Inequality.Org* <http://www.inequality.org/arno.html> November 14, 2000.
14. The development and expansion of the dominant group is conceived of, and presented, as being the motor force of a universal expansion, of a development of all the “national” energies (1971: 182).
15. I examine the year 1999 because after the eruption of the second Intifada in 2000 the organization has put more emphasis on the Occupied Territories and therefore an analysis of its activities during the past five years would be somewhat skewed.

16. TNCs account for almost half of the top one hundred economies in the world, and a mere 200 of them are estimated to control over a quarter of the world's productive assets (Jochnick 1999: 65).
17. Two Lexis Nexis searches were conducted looking at articles published between December 1, 1999 and December 1, 2000. One search looked for articles that mentioned both "health" and "human rights" and the second looked at articles that mentioned "health services." The first search came up with forty-five articles, of which only three referred to health as a human right. Health services were mentioned seventy-five times, not once in relation to human rights, whereas access to health services was mentioned twice.
18. A Lexis Nexis search using the term "human rights" from December 1, 1999 to December 1, 2000 in *New York Times* articles and editorials but disregarding paid notices.
19. According to Norbert Goldfield, "the defeat of the Truman national health insurance legislative proposal marked the last time an American president has attempted to pass universal health care coverage as part of a health care reform package. While readers may recall Clinton holding up a sample universal coverage card at a State of the Union speech, none of his proposals included the step-by-step specifics of how to achieve universal coverage" (Goldfield 2000: 83).
20. Using Lexis Nexis, we searched for "Physicians for Human Rights" in the *New York Times* from January 1988 until December 1, 2000.
21. Using Nexis Lexis two searches were conducted examining articles between December 1, 1999 and December 1, 2000, one with the terms "health" and "human rights" and the other with "health services." The first search came up with twenty articles, of which all but one referred to health as a human right. Health services were mentioned seventy-six times, once in relation to human rights, whereas access to health services mentioned four times.
22. A Lexis Nexis search from December 1, 1999 to December 1, 2000 in *Jerusalem Post* articles and editorials mentioned the term "human rights" two hundred forty times, of which fifty-one articles (twenty-one percent) discussed human rights violations outside Israel and the occupied territories. Although the *New York Times* is much more of an international newspaper, the willingness of each newspaper to report violation in its home country is considerably different: eighty percent of human rights violations reported in the *Jerusalem Post* occur in the paper's home country versus the ten percent reported by the *New York Times*.
23. Using Lexis Nexis, we searched for "Physicians for Human Rights" in the *Jerusalem Post* from January 1988 until December 1, 2000. The total number of articles mentioning the group was thirty-two.

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