Construals of human rights law: Protecting subgroups as well as individual humans.

Mark Andrew Nolan
BSc (Hons) LLB (*ANU*)

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Declaration

The research reported in this thesis is my own
and has not been submitted for a higher degree
at any other institution

Mark Andrew Nolan BSc (Hons) LLB (*ANU*)

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Dedication

This thesis is dedicated to four people –and to memory of three of them.
I miss the chance to share this face to face with
my father Tony, my first mentor Norm, and my grandfather Pop.
Without your support, I would not be writing this.

Dad showed me the value of representational simplicity.

Norm survived Changi and the Thai-Burma Railway
to teach me the joy of learning,
to introduce me to the world of underlying form,
and to encourage thinking about thinking.

Pop urged me to strive for quality.

When remembering you all,
the content of this thesis
and the process of producing it,
three thoughts come to mind:

Believing is seeing.

Carpe diem.

A place for everything, and everything in its place.

Finally, to my twin Paul.
Thanks for being my better half,
My opportunity to live a Gestalt,
To see the price and reward of living a social identity,
And for being the person who told me to enrol in Psychology A01.

Thesis abstract

This research develops the social psychological study of lay perception of human rights and of rights-based reactions to perceived injustice. The pioneering work by social representation theorists is reviewed. Of particular interest is the use of rights-based responses to perceived relative subgroup disadvantage. It is argued that these responses are shaped by the historical development of the legal concept of unique *subgroup* rights; rights asserted by a subgroup that cannot be asserted by outgroup members or by members of a broader collective that includes all subgroups.

The assertion of unique subgroup rights in contrast to individual rights was studied by presenting participants with scenarios suggestive of human rights violations. These included possible violations of privacy rights of indigenous Australians (Study 1), civil and political rights of indigenous Australians under mandatory sentencing schemes (Study 2), privacy rights of students in comparison to public servants (Study 3), refugee rights (Study 4), and reproductive rights of lesbians and single women in comparison to married women and women in *de facto* relationships (Study 5). The scenarios were based on real policy issues being debated in Australia at the time of data collection. Human rights activists participated in Studies 4 and 5. In Study 5, these activists participated via an online, web-based experiment. Both quantitative and qualitative data were collected.

A social identity theory perspective is used drawing on concepts from *both* social identity theory and self-categorization theory. The studies reveal a preference for an *equality-driven construal* of the purpose of human rights law (i.e. that all Australians be treated equally regardless of subgroup membership) in contrast to minority support for a

vulnerable groups construal of the purpose of human rights (i.e. that the purpose of human rights law is to protect vulnerable subgroups within a broader collective).

Tajfelian social belief orientations of social mobility and social change are explicitly measured in Studies 3-5. Consistent with the social identity perspective, these ideological beliefs are conceptualised as background knowledge relevant to the subjective structuring of social reality (violation contexts) and to the process of motivated relative perception from the vantage point of the perceiver. There is some indication from these studies that social belief orientation may determine construals of the purpose of human rights. In Study 5 the observed preference for using inclusive human rights rhetoric in response to perceived subgroup injustice is explained as an identity-management strategy of social creativity. In Studies 4 and 5, explicit measurement of activist identification was also made in an attempt to further explain the apparently-dominant preference for an equality-driven construal of the purpose of human rights law and the preferred use of inclusive, individualised rights rhetoric in response to perceived subgroup injustice.

Activist identification explained some action preferences, but did not simply translate into preferences for using subgroup interest arguments. In Study 5, metastereotyping measures revealed that inclusive rights-based protest strategies were used in order to create positive impressions of social justice campaigners in the minds of both outgroup *and* ingroup audiences. Ideas for future social psychological research on human rights is discussed.

Chapter 1: Introduction

"During the 70s and the 80s most [Australian] states, except Tasmania, abolished the laws which made homosexual acts between consenting adults illegal . . . . In 1988, [the battle to reform anti-gay laws] . . . reached flash point at an anti-gay rally in a small town in the northwest of Tasmania. There, Rodney Croome, the leader of the Tasmanian Gay and Lesbian Rights Group and 100 supporters were surrounded by a mob of 600 baying for gay blood. 'I'd grown up in the area; I knew the people who were denouncing me and the issue we stood for,' Croome said. 'We were their grandchildren, children, cousins, workmates, but the hatred that night was palpable . . . . Things had to change, but how, when we had a homophobic upper house (in the state parliament) who refused to amend the law? It was a long and bitter struggle,' Croome said. And it took almost ten years. In 1997, under pressure from the Tasmanian Gay and Lesbian Rights Group, the United Nations Human Rights Committee and the federal government, the state's anti-gay upper house caved in and the law regulating the private lives of homosexual people was finally tossed out. One of Australia's core ideals: 'a fair go for all', is to accept and value our differences to gain social cohesion. Great tension exists between the ideal of a 'fair go', built on valuing our differences and the understandable tendency of people to congregate together with broadly similar people. Familiarity breeds security and safety, while difference and diversity can lead to suspicion and fear. . . . By the 80s, the [Australian] gay and lesbian rights movement had become unstoppable. They persuaded politicians to introduce human rights laws to protect people of various sexual preferences against discrimination. . . . By 1999, every state in Australia, except Western Australia, had laws on the issue . . . making it unlawful to discriminate on the ground of sexuality." (Tiddy, 2001, p. 124)

The concept of human rights has a long political history. However, recognition of *subgroup* human rights has a relatively shorter history. The example above shows how an excluded minority group achieved some form of protection via the use of human rights concepts in political and legal debate. However, the real question for subgroups asserting human rights in subgroup terms is whether the use of such rhetoric will provide the ongoing protection of subgroup identity within diverse societies. The example above shows that the use of subgroup human rights rhetoric remains controversial. The controversy is whether human rights can and should be defined in subgroup terms rather than in individual and universalistic terms relating to the broader human collective. Therefore for some, turning the rhetoric of human rights into the rhetoric of women's rights, children's rights, minority rights, rights of indigenous peoples, disabled persons, refugees, migrant workers, the extremely poor, and the socially excluded, i s unhelpful. Some argue, however, that protecting subgroup rights

was an explicit part of the League of Nations' approach to rights protection. Even though the protection of subgroup rights was initially avoided by the United Nations by the use of universalist rhetoric, the need to protect subgroup rights *as group rights* is now more commonly articulated (see the Vienna Declaration on Human Rights, 1993: Freeman, 2002).

The assertion of subgroup human rights to achieve moral inclusion, to achieve freedom from subgroup discrimination or as an attempt to protect vulnerable subgroups from harm can be seen in other recent Australian examples. In 1997, a Brisbane woman in a stable lesbian relationship made a demand to be recognised as a lesbian. She objected to a suggestion that her partner sign a consent form as her "husband". This fraud would have protected a doctor from liability as the result of his illegal provision of assisted reproductive technologies to a lesbian couple. The woman seeking fertility services was not prepared to fill out the form dishonestly, and asked for treatment to be provided to her on the basis of her real circumstances. Treatment was refused. Despite a favourable interim decision by the Queensland Anti-Discrimination Board, the Queensland Supreme Court upheld the Queensland Government's decision to refuse reproductive health services to lesbian couples (Tiddy, 1997, pp. 134-139). The price of this claimed right of recognition as a lesbian – a demand for legitimation of a subgroup identity – was considerable public backlash against the use of fertility service by non-heterosexual couples. The case also added confusion over whether subgroup identity can or should be protected by human rights law.

Our goal for this research program then, was to generate a social psychological analysis of human rights attitudes and behaviours that was sensitive to the reactions of those perceiving subgroup injustice. In the empirical program we sought to investigate the

impact of political processes upon lay representations of human rights law and the willingness to use human rights rhetoric in response to such instances of subgroup disadvantage. We measured how participants' reacted to specific justice problems and asked if they thought use of a particular type of human rights rhetoric was an appropriate response to perceived intergroup disadvantage. This included asking participants what they understand the purpose of human rights law to be and when use of particular types of human rights claims would be appropriate. We also measured how broader social beliefs may assist the construal of human rights and their evaluations of rights-based reactions to perceived injustice.

We claim that this study of both the politics and the psychology of human rights will bring the concept of identity into sharp focus. Social psychological theories of intergroup relations will therfore underpin the thesis. A *social identity perspective* will be used (Haslam, 2001, pp. xi-xiii; Turner, 1999; Turner & Reynolds, 2001). The term social identity perspective refers to the common metatheoretical approach shared between social identity theory (SIT: Tajfel & Turner, 1979) and self-categorization theory (SCT: Oakes, Haslam, & Turner, 1994; Turner, Hogg, Oakes, Reicher, & Wetherell, 1987; Turner, 1982; Turner, 1985; Turner & Oakes, 1997; Turner, Oakes, Haslam, & McGarty, 1994) will orient us towards the problem of how human rights are construed and evaluated by individuals and subgroups within broader collectives and in political contexts. This theoretical basis will be discussed in detail in Chapters 2 and 3. Our aim is to develop a social psychology of human rights that does not ignore relevant intergroup dynamics.

The consideration of how international human rights norms are internalised by individuals tempts the theorist to suggest that identification as members of the human

race will inevitably occur in a globalized world free of subgroup boundaries and identities. Those political commentators emphasising the inevitability of homogeneity flowing from globalisation would encourage us to ignore the lessons learned from decades of intergroup relations research when theorising and examining human rights attitudes and behaviours. Theories developed from this assumption of a completely globalised psychology of self would simply assert that a psychology of human rights is the psychology of using the most abstract self-categorization – as a "human being" – to the potential exclusion of less abstract self-categorizations such as identification as a national or a subgroup member within a nation state. If this extreme approach is taken, we would simply ignore subgroup identities and perceptions of intergroup relations. A focus on the use of the most abstract social identity would marginalise the role of intergroup dynamics and would suggest that a relatively new psychology of the human self is operative when human rights concepts are used. However novel and inviting this approach sounds, it may also dangerously result in artifice; giving undue weight to an individualised psychology of the "human".

In contrast, we will investigate whether, intergroup psychology is relevant to a social psychology of human rights attitudes and behaviours, especially when law does allow for the possible assertion of subgroup rights, and other human rights used to defend the interests of the subgroup. As suggested above, some historians note that the concept of universal human rights developed by the United Nations (UN) is overly-simplistic, resulting in a move away from pre-World War II notions of the importance of subgroup identification and the need to protect it (Lake, 2001). Arguably, such oversimplification is possible in a social psychology of human rights that underemphasises the political use of human rights in the interests of subgroups.

<u>Overview of thesis chapters</u>

<u>Chapter 1</u>

Therefore, in the remainder of this introductory chapter we firstly sketch out some of the ongoing legal and political controversies over the concept of human rights. These seem to be spawned by a reluctance to develop the notion of subgroup rights and an inadequate focus on the centrality of intergroup dynamics to the legal protection of human rights in diverse societies. This brief overview suggests that some of the dominant legal theories of human rights and the UN's existing enforcement mechanisms can work to marginalise the relevance of subgroup identities in specific human rights complaints.

We will trace the history of legal and political debate over the desire to protect "first generation rights" (individual civil and political rights), "second generation rights" (economic, social and cultural rights), and, "third generation rights" ("collective rights", perhaps more accurately called "subgroup" rights). An examination of when and how the equality or non-discrimination concept is used in international human rights law will also help draw out relevant tensions further. These tensions include those between individualistic conceptions of human rights and a more group-based understanding of who uses human rights, why they use rights arguments, and how they do so. We will elaborate the details of the Tasmanian Gay and Lesbian Rights Group's campaign taken to the UN's Human Rights Committee – the treaty body who monitors member states' compliance with the *International Covenant on Civil and Political Rights* (the ICCPR). Aspects of this case highlight the perceived inadequacy of an individualistic human rights response to a violation of a subgroup identity.

Chapter 2

In Chapter 2 we focus on how avoiding the concept of subgroup rights and the intergroup political dynamics that motivate human rights claims hinders our social psychological understanding of human rights attitudes and behaviours. We claim that an exclusive focus on the individualised psychology of the human is inappropriate reductionism and contrary to the interactionist metatheory of the social self that was promoted by Solomon Asch (1952). This metatheory seems well-suited to analysing the conceptual problems faced by both human rights lawyers and psychologists studying rights attitudes and behaviours. We assert that sometimes the relevant psychological reality for the individual complainant will be the subgroup. Rather than using individual psychology to the exclusion of intergroup psychology, human rights rhetoric can be seen as an emergent psychological product of intergroup relations. This approach enables us to study individuals claiming human rights protections as group members. The interactionist approach avoids the suggestion that when the political rhetoric used to express the justice motive involves abstract notions of human rights, then a self-categorization as an individual member of the human race is the only possible psychological reality relevant to understanding human rights attitudes and behaviours. We will discuss relevant core concepts from the social identity perspective in Chapter 2 with the aim of emphasising the importance of motivated relative perception from the vantage point of the perceiver.

Chapter 3

In Chapter 3 we outline the concept of a social beliefs continuum as proposed by SIT. We suggest that social beliefs of social mobility and social change can be used by perceivers to assist the social construction of felt injustice and of human rights concepts

relevant to protesting against these injustices. Further, we consider theoretical and empirical work that outlines antecedents to social belief orientations and identity-management strategies. We suggest that responses to perceived subgroup injustice can be conceived as identity-management strategies consistent with a SIT approach. We describe identity management strategies of individual mobility, social competition and social creativity that have been outlined by a social identity perspective researchers. In particular, we claim that the use of subgroup rights rhetoric is socially competitive but that the use of inclusive human rights rhetoric can be socially creative. We suggest the addition of a fourth general class of social creativity strategy to the three strategies typically discussed here: changing the value significance of the threatened identity, changing the dimension of comparison used in the disadvantageous intergroup comparison, and changing the outgroup used in the comparison. This fourth type of social creativity is the use of inclusive rhetoric – such as inclusive, universal human rights rhetoric – that can function to include otherwise different subgroups in the same group for purposes of achieving political influence. Both social competition (via the use of subgroup rights) and social creativity (via the use of inclusive, universalistic human rights rhetoric) may be used to protect the interests of subgroups within a broader collective.

Chapter 4

In Chapter 4 the social psychological work on human rights attitudes and behaviours is reviewed. Most of this work is part of the research output of social representation theorists working at the University of Geneva. The scale of this work is impressive and it marks an important beginning to the social psychological study of human rights. Other contributions to the study of human rights by political psychologists are also

reviewed. Methodological and metatheoretical comparisons to the social identity

approach and Aschian interactionism are also made in Chapter 4.

Chapter 5

A preliminary study of human rights responses to perceived injustice is reported in

Chapter 5. This study (Study 1) focused on the issue of surveillance for the purpose of

crime control. A potential privacy rights violation was presented in scenarios expected

to give rise to a violation of either individual or subgroup identity. Further

manipulations varied the nature of the remedy offered by different types of complaint

mechanisms said to be offered to Australians by the UN. Both quantitative and

qualitative measures suggested that participants had some difficulties conceptualising

human rights as group rights – especially in the context of threats to the security of the

collective.

Chapter 6

Insights from the surveillance study were tested in a mandatory sentencing study (Study

2) and a skills test study (Study 3) reported in Chapter 6. These studies explicitly tested

the preference for construals of the purpose of human rights as either the protection of

all individuals equally or the protection of vulnerable subgroups within Australian

society. Contextualised preferences for Tajfelian social beliefs of social mobility and

social change were also measured in these studies, and participants' preferred protest

options were also surveyed in Study 3. A preference for construing purpose of human

rights law as the protection of all individuals equally was demonstrated.

Chapter 7

In Chapter 7 we review literature on activist identification and identity psychology in political contexts. This discussion assists the development of hypotheses that were attempts to explain the apparent popularity of "equality-driven" construals of the purpose of human rights expressed by participants in Studies 1-3; arguably in reponse to perceptions of subgroup injustice.

Chapter 8

In Chapter 8 we report results from a study of reactions to the treatment of asylum seekers in Australia (Study 4) and from a study of reactions to the perceived injustice of denying lesbians and single women access to assisted reproductive technologies (Study 5). In Study 4, the responses of activists and non-activists were compared. In Study 5, a group of women's activists participated in a study where the political demands of a protest response were directly manipulated by varying the audience to which a persuasive speech was to be made. Overwhelming preferences for an equality-driven construal of the purpose of human rights were again gathered in these studies and were, again, not easily interpreted in terms of Tajfelian social belief orientation. However, especially in Study 5, consideration of the political context (the political audience variable) helped to demonstrate why participants made particular strategic choices about the construal and use of human rights rhetoric.

Chapter 9

Conclusions are drawn in Chapter 9 in terms of the theoretical and methodological significance of this research program. Suggestions for future research into human rights

attitudes and behaviours are made. These suggestions are made in light of the continued importance that subgroup rights may have in both legal and political debate about reactions to perceived subgroup injustice.

<u>Tensions in the legal theory of human rights</u>

<u>Australia's human rights obligations</u>

Let us begin a brief examination of the legal concept of human rights by explaining the sources of international human rights law for Australia, before we move to the historical development and interpretation of the legal concept of human rights. Australia looks to the United Nations and the International Labour Organization for its main source of international human rights law (the latter source of protection will not be the focus of this thesis). Australia has neither a legislative bill of rights nor a constitutionally-entrenched bill of rights. There is no transnational, regional body that Australia can join, that is equivalent to the European Parliament, the European Union, or, say, the Organization of African Unity. These regional bodies have their specific treaties on human rights that bind member states within the region to norms in addition to those in UN human rights instruments. However, at Australian federation, a number of express rights (e.g. a limited right to a jury trial, the right to fair compensation for compulsory acquisition of land, and a limited freedom of religion) were included the Australian Constitution. Through constitutional interpretation, some further rights have been found to be implied by the structure of the Australian Constitution. These implied rights arguably protect a freedom of political communication. Importantly, no UN treaty that Australia ratifies is self-executing. This means that any ratified treaty must be legislated into Australian law by separate domestic legislation to achieve the full force of Australian law, in addition to the persuasive precedential force of UN

instruments. For a fuller discussion of the domestic implementation of human rights norms in Australian anti-discrimination law, see Nolan (2000).

The principal UN human rights treaties currently in force in Australia include: the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant of Economic, Social and Cultural Rights* (ICESCR), the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), *Convention Against Torture, and All Forms of Cruel, Inhuman and Degrading Treatment* (CAT), and the *Convention on the Rights of the Child* (CROC). Much of the content of the ICCPR and the ICESCR, as well as some aspects of the other treaties listed here, derives from the *Universal Declaration of Human Rights* (UDHR). The UDHR is commonly thought of as the keystone of the UN's approach to human rights protection.

By focusing on the UN human rights treaty regime we put to one side the use of the UN Charter and its enforcement mechanisms, and customary international law, as sources of human rights protection. In any case, Australia, as a State Party to the treaties listed above, is the legal person held responsible for breaches of UN human rights treaties committed by, either, the Australian Government <u>or</u> by anyone within Australia's jurisdiction against anyone within that jurisdiction. Under the UN treaty system there are two main forms of enforcing treaty rights against "State Parties". Firstly, the treaties listed above include a regime of obligatory, periodic self-reporting of human rights compliance by Australia and a consideration of those reports by UN treaty bodies. Secondly, some of the treaties or associated *optional protocols* ratified by Australia allow an avenue of complaint by Australians to UN treaty bodies.

Since 1996, the Australian Government led by John Howard has been critical of the work of the UN treaty bodies. The Howard Government has made allegations that the UN treaty bodies are unprofessional and biased. On this basis, the Howard Government still refuses to sign on to the Optional Protocol complaints mechanism to the CEDAW, claiming that a major review of the treaty body structure is required before Australia will expose themselves to yet another avenue for Australians to make individual complaints to a UN treaty body. UN treaty bodies such as the HRC and the Committee on the Elimination of Racial Discrimination (who monitor compliance with the ICERD) have made adverse findings about a number of Australian practices and political proposals. These include condemnation of Australia's plan to abolish the right of indigenous Australians to negotiate with miners over native title rights, the mooted abolition of the specialist Aboriginal and Torres Strait Islander Social Justice Commissioner within the Human Rights and Equal Opportunity Commission, the treatment of asylum seekers detained in Australia, and the social impact of mandatory sentencing schemes.

"Generations" of human rights in international law

Against this political background in Australia, we can point to some general tensions in the historical codification of international human rights law in the UN system. Some of these developments are also relevant to other regimes. In the wake of the Universal Declaration of Human Rights (UDHR), two important international treaties came into force. These were the ICCPR and the ICESCR. Firstly, the ICCPR represents what has been described as the protection of *first generation rights*. This label refers to the (usually negative) obligations on the State to refrain from violating the individual's civil and political rights as citizens. Civil and political rights include a set of legal process

rights such as the right to a fair trial, equality before the law, right to life, right to liberty

and freedom from arbitrary detention, freedom from torture, freedom from slavery,

freedom of association and assembly, freedom of movement and residence, and freedom

from discrimination. Such a list consisting mainly of individual rights is similar to the

set of rights achieved following the French and the American Revolutions, and fits with

the Enlightenment rhetoric of rights based in individual autonomy and citizenship.

Second generation rights are often said to include economic, social and cultural rights –

the subject matter of the ICESCR which was also adopted by the UN General Assembly

in 1966 along with the ICCPR. These two covenants are sometimes described as the

International Bill of Rights that codify many of the human rights obligations first

outlined in the UDHR. What makes the economic, social and cultural rights claims

qualitatively distinct to individual civil and political rights claims is the focus on

achieving certain basic economic, social and cultural needs of citizens, rather than

protecting citizens against actions of the state which affect the civil and political life of

individuals. The form of aspirational standard-setting found in the ICESCR creates

positive obligations on States Parties to provide – to the maximum of their available

resources – social security, an adequate standard of living, mental and physical health,

education, cultural life, the benefit of scientific progress, and a right to work under

particular conditions including the ability to join a trade union. Therefore the ICESCR

aspirations speak to the social life of citizens, within a superordinate human or national

community. This category of rights goes beyond the maintenance of the civil and

political status of individual citizens interacting with local legal or governmental

authorities. In contrast, economic, social and cultural rights claims are aimed at

ensuring that citizens have particular resources that may, in turn, provide opportunities

to act socially and even to complain about violations of first generation rights. In this

sense, Gareth Evans, former Foreign Affairs Minister in the Keating Government suggested that positive rights to resources (i.e. economic , social and cultural rights) are "the preconditions of more sophisticated rights [since] freedom of conscience is of little use to a starving man." (Sampford, 1997, p. 53).

Finally, rights that have been termed *third generation rights* are most aptly described as collective rights. In this thesis the term "subgroup rights" will be preferred to "collective rights" to emphasize that this generation of rights seeks to promote the rights of a social subgroup existing within the superordinate group (such as the "nation state" or "all of humanity"). Examples of such rights can be found in specific treaties adopted by the UN in the years following 1966. Relevant UN treaties include those prohibiting racial discrimination (ICERD), prohibiting discrimination against women (CEDAW), and, protecting the rights of children (CROC). Since 1985, member states of the UN and representatives of indigenous NGOs have worked on the *Draft Declaration of the Rights of Indigenous Peoples* (1994) (Steiner & Alston, 2000, p. 1301-1304). This Declaration, and any subsequent UN treaty on indigenous rights, would add to the UN's canon on indigenous rights that so far includes those relevant sections of human rights treaties and the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities* (1992). Outside the UN system, the ILO Conventions No. 107 *Indigenous and Tribal Populations Convention* (1957) and the revised form of that instrument as ILO Convention No. 169 *Indigenous and Tribal Peoples Convention* (1989) deal explicitly with the rights of indigenous peoples. Notably article 5 of the ILO Convention No. 169 highlights the challenge of protecting such subgroup rights when it states:

> In applying the provisions of this Convention:
> (a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them *both as groups and as individuals* (emphasis added)

This three-way, "generational" classification of rights and its association with particular treaties is not always clear cut. Some rights are notoriously hard to classify, and there are some first and second generation rights that can be asserted in the interests of subgroups. Some treaties include more than one generation of right and/or include rights that may be characterised in multiple ways (i.e. as protections of both individual and subgroup rights and identities) depending on the particular circumstances of claimed injustice. For example, in the "individualistic" civil and political rights covenant, the ICCPR, article 1 provides a right to self-determination, article 22 suggests a freedom of association, article 26 outlines specific group identities to be used as grounds for claims of unlawful discrimination, and article 27 suggests a right to community for social minorities. These inclusions suggest that there is some applicability of the ICCPR to contexts where sub-group members could complain that the relative interests and/or standing of their *group* within a broader collective have been negatively affected.

In any case, this tripartite typology of rights suggests how the concept of human rights and the perceived purpose of human rights has developed over time. The concept of human rights and the perceived purpose of human rights has obviously become complexly and multiply construed in international law. This means that a survey of relevant international law begs the question of whether the purpose of human rights law should be to protect individuals, to protect entire communities, to use affirmative action to assimilate subgroups within a broader collective, or to actively protect and celebrate the existence of subgroups within broader collectives. Is the purpose of human rights all of these things? Can it or should it be all of these things? Will the answer to these questions depend heavily on the specific context of the alleged violation? And, importantly for a social psychology of human rights law, do the answers to these

questions inform us about what different complainants will perceive to be appropriate enforcement mechanisms within the UN regime?

Sampford (1997) suggests that this ongoing addition of newer "generations" of rights to human rights regimes reflects a desire to "reconceive human rights as 'multidimensional' " (p. 52). He suggests that the piecemeal addition of types of rights "indicates the desirability of a theory of rights which relates all rights to the underlying values and ideals behind their assertion" (Sampford, 1997, p. 60). These underlying values and ideals could determine who is to be the beneficiary of human rights (eg. individuals, subgroups, or all humanity) and what is the purpose of human rights (e.g. to provide equal treatment of all individuals versus protecting the ongoing identification of vulnerable subgroups via tailored and identity-specific methods of recognition). Sampford outlines four dimensions of human rights in a reclassification of the three-way, generational classification of rights. He suggests that the particular "dimensionality" of a human right is revealed by asking who has threatened or wronged the complainant, what motivates the complainant, and whether the complainant is in a position to mount an individual complaint in response to their perceived harm. The four dimensions of rights outlined by Sampford (1997) are: negative rights (providing freedom from state interference in personal affairs), protective rights (a positive duty on the state to protect citizens from interference of particular kinds from non-state actors), positive rights (rights to resources), and, the psychological dimension relating to the ability to choose to use rights rhetoric to complain about perceived disadvantage. This psychological dimension of rights is explained in the following way:

> "The fourth dimension is psychological such that exercising the right involves a real choice by the right holder. A human right in its fullest sense requires this fourth dimension for its realisation. It is only this four-dimensional conception that fully respects the ultimate value to which conceptions of human rights are directed."
> (Sampford, 1997, p. 56)

According to Sampford, the provision of the fourth dimension of rights – the ability of citizens to choose to mount human rights protests within a regime that acknowledges the first three dimensions of rights – is a good indicator of the effectiveness of the human rights regime within a State. Sampford further lists a few classes of rights that are difficult to classify and describe. These difficult-to-classify rights include rights that seem unrelated to actions of citizens or the actions of the State (such as the right to life, though particular choices are relevant to the enjoyment of this right such as euthanasia and the death penalty). Sampford also suggests that procedural rights are difficult rights to classify. However, it is noted that they are steeped in the psychological dimension reflecting how a particular scheme of social organisation (such as the legal system) operates and how complainants and powerful parties make choices about mutual interactions.

Most troubling for intergroup relations researchers is Sampford's suggestion, that third generation collective rights could be redescribed as "individual rights to the benefits of group life" that "are located in the individual rather than the collectivity itself"; where the choice about protesting is "an individual one [and where] the collective right is inevitably located in the individual" (p. 63). This attempt at describing what subgroup rights are highlights how an individualistic and rational theory of human agency is preferred in the legal theory of human rights, including the legal theory of subgroup rights. Sampford concludes by suggesting that collective rights, therefore, are not really a "new generation" of rights, but simply reduce to similar dimensions shared by first generation, individual, civil and political rights. This view accords with what Freeman describes as the redescription of the subgroup rights of vulnerable minorities within nation states as individual rights of freedom from arbitrary discrimination:

> "Many social groups - for example, women, gays and the disabled - may be structurally disadvantaged in liberal democracies, and may require special rights in order to achieve equal citizenship. These rights may be collective (for example,

quotas in the political representation of women) but the claims of these groups can generally be met by implementation of the individual right to be free from arbitrary discrimination and appropriate measures of positive discrimination. Because ethnic groups have common comprehensive cultures and national groups a sense of political distinctiveness, they raise special problems for nation-state political cultures based on the principle of majority rule. The doctrine of equal and universal rights may support the hegemony of the majority culture over various subordinated cultures." (Freeman, 1995, p. 26).

The redescription of subgroup rights as individual rights to non-discrimination highlights the conceptual tension created by the asserting that subgroup rights are conceptually different to individual rights. Rather than confidently suggesting that groups and collectives hold human rights in a way that contrasts to the bearing of rights by individuals, Sampford seeks to minimize any differences between first, second and third generation rights. This may be easier to do with rights to non-discrimination, but does it hold for all rights that protect subgroup identity? What about rights to collective self-determination? In some form of acknowledgement of this point, Sampford notes that some collective rights may exist purely because an individual as group member does not have the requisite agency to make a rights complaint as an individual, such as where a class of persons lacks capacity or agency to protest (e.g. those suffering from a disability such as mental illness), or where the collective right can only be exercised if all members of a group assert the right (e.g. the right to collective self-determination). Freeman suggests that subgroups who are unrepresented by states are anomalies in traditional, majoritarian, liberal-democratic theory. In this sense he asks: "Do such groups have moral (as distinct from positive, legal) rights? If they do, how are these rights logically related to individual human rights?" (Freeman, 1995, p. 27). However, the tension is created by more than the assertion of moral rights for the subgroup. It is often created by claims that *legal* rights are held by vulnerable subgroups.

The concept of equality in human rights law

Group rights as unique rights

These issues challenge us to ask if subgroup rights are different concepts to individual rights, whether they can be called human rights at all, and whether they are harder to conceptualize, articulate and protect as human rights than are individual rights. We can turn to legal and political debate of the equality concept to further flesh out this tension. There are at least two construals of equality relevant to the conceptualization of group rights. The first construal suggests that subgroup rights are asserted merely as affirmative action claims by subgroups who desire eventual assimilation and undifferentiated inclusion within a larger collective. This is something akin to equality of opportunity or equality of outcome, and could be further termed "equality as sameness".

An alternative construal suggests that sub-group rights can be claims of *unique rights* (Sniderman, Fletcher, Russell, & Tetlock, 1996) or as "equality as tolerance of difference". This approach allows for unique group rights that members of outgroups can never claim; rights that one subgroup can claim by virtue of their subgroup status that other members of the superordinate group cannot claim. For example, men cannot claim to share all of the identity-based needs of women, therefore claims of women's rights are unique in that they are not shared by men. Similarly, heterosexuals cannot identify as homosexuals. The unique identity-based needs of homosexuals are the basis of gay rights. A further example of unique rights is that non-indigenous Australians cannot identify as indigenous Australians and cannot claim the same identity needs that are recognised by the grant of unique, native title rights. Another example is the concept of linguistic rights and these have been described as a "quintessential example

of a group right" (Sniderman et al., 1996, p. 203). In these examples, subgroup

members hold these unique rights by virtue of their subgroup status as women,

homosexuals, indigenous peoples or as linguistic minorities. These are rights that other

subgroups within the broader national collective cannot claim. In the case of Canadian

language rights,

> "the justification of a language right has nothing whatever to do with either the
> qualities that set each of them apart uniquely as individuals, or those that they share
> universally, as a member of the [superordinate] political community like every other
> member. Rather, the right to the use of language in Canadian politics, is bound up
> with one's collective identity as a French or English Canadian, that is, one's
> association with one or the other of the so-called founding nations." (Sniderman et
> al., 1996, p. 203).

It must be noted here that often the actual legal content of unique rights, such as what

public benefits and distinctive claims are granted by a determination of native title

rights, can be poorly defined in practice (Sniderman et al., 1996, p. 132). That reality

aside, the existence of these different construals of equality relevant to subgroup rights

confirms that:

> "equality is an example of a democratic value that is distinctively contestable
> because it can also be challenged in its own name. The politics of equality is
> distinctively contestable . . . not simply because it can be interpreted in different
> ways, but more fundamentally because different interpretations of it lie ideologically
> at opposing poles . . . . equality obviously works to the advantage of the political left
> . . . but it can also work to the advantage of the political right." (Sniderman et al.,
> 1996, p. 132).

Sniderman and colleagues (1996) have conducted an empirical study of lay and elite

opinions towards the *Canadian Charter of Rights and Freedoms* (1982), placed on the

political agenda by Pierre Trudeau who had an explicit desire and mandate to unite a

nation and to quell the secessionist motivations of some Québécois. This research

suggests a need to consider the tension between subgroup rights as affirmative action

rights aimed at individualistic universalism versus subgroup rights as unique rights in

the sense just described. They address this point in the following way:

> "It is by now wearying familiar to remark on the clash of group and individual
> rights, but the impression of familiarity is potential deceptive. The issue of group
> rights has perhaps been too often debated in the specific context of affirmative

action, and although the issues under debate here go deep, they have been stamped by the American dilemma of race. Our concern, however, is the dynamics of liberal democracies, not just of American democracy, and so it is important to place the issue of group rights in a fresh context. That context is the claim of Aboriginals [sic] . . . to be bearers of rights under a constitution and also holders of rights outside it. A claim to unique rights . . . . exposes a number of new dilemmas in the idea of group rights . . . . . Does a desire to ensure that Aboriginal peoples can enter all aspects of the life of the larger society [eg. affirmative action] represent a move to accept or, ironically, to extinguish their distinctive identity? To what extent does making a claim to unique rights based on unique group experiences represent a new card introduced into the political game of rights, a card that can disrupt the whole game by introducing a competition not simply between conflicting values but between conflicting ways of life? . . . . . Who is to arbitrate between acceptance and uniqueness? Who can? Who has a right to?" (Sniderman et al., 1996 p. 249)

This concept of unique subgroup rights capable of protecting distinctive subgroup identities is a direct challenge to the traditional legal theory of individual rights, chiefly because particular unique rights are neither shared by other subgroup members within broader society, nor are they shared by members of the broader collective itself. This claim to subgroup rights is also different in kind to the aspirations to protect broad communities represented by second generation rights. To highlight these differences, Sniderman and colleagues suggest that:

"in liberal democracies, where the identity of the collectivity [i.e., the superordinate group] clashes with the identities of groups, the who dominates the should and the what. To exaggerate, in this political context, group rights are about groups, not [individual] rights, and this applies both to those who favour them and those who reject them. Their natural effect, therefore, is to sharpen cleavages between groups, whether one has in mind the group that loses under them or the group that benefits from them" (Sniderman et al., 1996, p. 250).

In other words, classical conceptions of rights as universal entitlements clash with claims of group rights as unique rights of subgroups. The latter are products of intergroup dynamics and reflect political understandings. Claims of unique subgroup rights are claims of what "we" are entitled from "them", and, what "we" are entitled to that "they" and other subgroups can never claim (Sniderman et al., 1996 p. 254). The only way in which unique rights could be said to be universalist in any sense, is that,

"the notion that 'we' deserve special treatment when it comes to opportunities arising from 'our' group need does not violate the standard of equal treatment because it paradoxically can carry with it the presumption that 'they' similarly deserve special treatment when it comes to opportunities arising out of 'their' group" (Sniderman et al., 1996, p. 228).

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However, this notion is much more complex than traditional notions of equal treatment of individuals in classical legal theories of human rights or the concept of "no distinction of any kind" in the UN's non-discrimination rhetoric. We now turn to the construals of equality used in the jurisprudence of international human rights to further demonstrate this tension.

International jurisprudence on equality

Charlesworth has recently analysed the use of the concept of equality in international human rights law (Charlesworth, 2002). She notes that both the ICCPR and the ICESCR use equality and non-discrimination concepts as does the ICERD, the CEDAW and the *UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981). Despite this confident use of the equality concept by the UN in treaties aimed at regulating potentially intense intergroup conflicts, Charlesworth suggests that the application of these concepts to real disputes has not resulted in the more complex construals of equality as tolerance of difference that many are expecting. Instead, she suggests that the interpretation of the equality concept in international human rights jurisprudence relevant to intergroup disputes has been "halting" (p. 139). This is despite a relatively richer set of interpretations in the domestic anti-discrimination legislation of many countries, despite the HRC having issued advisory opinions (called general comments) on the interpretation of the equality concept at international law, and despite the concept being discussed by a range of UN treaty bodies examining a variety of individual complaints. Supporting a point we have referred to earlier, Charlesworth notes that during the years of the League of Nations, the Permanent Court of International Justice used a rather radical interpretation of equality as the preservation of a minority's own institutions (e.g. in the *Minority Schools in Albania* case (1935)). This appeared to reflect the greater fostering of an "equality as

tolerance of difference" interpretation by the League of Nations. This emphasis by the League on protecting minority rights (Freeman, 1995, p. 27) contrasts to the recent rhetoric of the UN who now express a strong intolerance of "distinctions of any kind" (Reynolds, 1997). This rhetorical approach by the UN may provide little support for claims of unique rights and the ongoing tolerance of a diverse range of subgroup identifications within the collective (Lake, 2001). Interestingly, attempts by the USSR representative to get a minority rights article into the UDHR were opposed by the USA representative who suggested that the best solution to the problem of minorities was to encourage respect for individual human rights. Freeman states that this controversy meant there was "conceptual disagreement as to whether minority rights were human rights or whether human rights did not include minority rights but were the means to solve minority problems". Despite the passing of article 1 of the UN's *Declaration on Minority Rights* (1992) that imposes an obligation to protect the identity of minorities, this and other minority rights at international law remain conceptually unclear; especially in terms of their relation to concepts of individual rights (Freeman, 1995, p. 27-28).

Charlesworth's most substantial critique of the international jurisprudence on equality is that equality as sameness and equality as non-discrimination between subgroups within a broad collective "limits the transformative possibilities of the idea of equality and non-discrimination: it confines the meaning of equality to a guarantee of equal opportunity" (p. 145). This is problematic for the reasons mentioned above, especially when groups will never share the same subgroup identity and psychological perspective because of ongoing physical difference or structural disadvantage. In terms of gender, Charlesworth suggests that the rhetoric of similar treatment and equal opportunity:

> "requires women to conform to a male-defined world . . . . [and] in dealing with individual cases of discrimination rather than structural inequality, the principle of equal opportunity fails to address the underlying causes of sex discrimination. The

principle of equal opportunity . . . . assumes a world of autonomous individuals
starting a race or making free choices [that] has no cutting edge against the argument
that men and women are simply running different races." (p. 145)

A considerable problem for the rhetoric of subgroup rights, then, is that the equality as

sameness approach "only gives women access to a world already constituted by men. In

other words, equality is understood as aiming at a single, assimilationist endpoint." (p.

146).

In addition, Charlesworth emphasizes that the tolerance of special measures or

affirmative action rights in international law sometimes exists only if unique subgroups

rights are not created as a permanent set of recognised claims as a result. In this sense,

special measures are often thought to be temporary tools to achieve effective

assimilation and universal equality of individuals, rather than permanent rhetorical tools

aimed at the protection of particular subgroup identities with unique rights. For

example, the relevant provision of the ICERD states that:

> "special measures . . . . . may not be deemed racial discrimination, provided,
> however, that such measures do not, as a consequence, lead to the maintenance of
> separate rights for different racial groups and that they shall not be continued after
> the objectives for which they have been taken have been achieved." (Article 1.4,
> ICERD).

As Charlesworth concludes, here:

> "In other words, 'special treatment' is seen as allowing the disadvantaged group to
> become just like their advantaged competitors. The basis of equality and non-
> discrimination, then, is sameness. This approach raises a number of questions. One
> is that it contemplates a single utopian standard of equality; non-discrimination
> means allowing progression to an already established standard. It is not clear how
> differences between groups might fit in with this analysis." (p. 146)

Against the historical background of the emergence of third generation collective rights,

then, it seems that both the legal theory and practical legal interpretation of subgroup

rights still clashes with the traditional individualism of human rights law. This is of

interest to human rights lawyers and social psychologists alike. The former could be

concerned that effective legal protection of vulnerable subgroups will not be achieved

by the current use of restrictive construals of group rights and equality. The latter may be concerned that the psychological reality of intergroup life is underemphasized and rendered unprotected by a potentially-powerful rhetoric: the (individualistic) human rights claim. Let us end this brief legal review with further discussion of how one Australian subgroup member, Nick Toonen, claimed that both his individual *and* subgroup rights had been violated as a result of the Tasmanian anti-gay laws. Not surprisingly in light of the above analyses, this complainant was told by the HRC that his individual rights were violated by the laws but that it was difficult to conclude that his unique subgroup rights were violated.

Nick Toonen's complaint

In the early 1990s, Nick Toonen (a partner of Rodney Croome at the time of the events described at the beginning of this chapter) complained to the HRC that a Tasmanian state law permitting the arbitrary search and arrest of men suspected of indulging in "acts against the order of nature" – i.e. anal sex –breached his privacy rights and constituted discrimination on the ground of sexuality status (*Toonen v Australia*, Communication No 488/1992, UN Doc CCPR/C/50/D/488/1992, 4 April 1994). The complaint reached the UN after an unsuccessful domestic legal challenge to the constitutional validity of these statutory offences.

Rodney Croome and Nick Toonen made confessions to the Tasmanian police that they were in fact engaging in consensual anal sex that constituted "acts against the order of nature". According to the law, this made them liable to possible search of their residences and arrest. The HRC, in considering their case, were only prepared to state that Toonen's individual right to privacy was violated by the threat of search and arrest. One member of the HRC gave a dissenting view and, unlike other members of the

Committee, stated that unjustifiable sexuality discrimination had occurred. The Tasmanian laws were eventually repealed in the shadow of the Federal government deciding to pass specific legislation (the *Human Rights (Sexual Conduct) Act 1994 (Cth)*) rendering the Tasmanian anti-gay laws unconstitutional. The *Human Rights (Sexual Conduct) Act 1994 (Cth)* can invalidate any legislation passed by an Australian state that purports to interfere with the sexual privacy of any Australian. Importantly though, and consistent with the focus of the HRC, the Federal act protects the sexual privacy of *all Australians* rather than creating unique subgroup rights based on sexuality identity.

Both the HRC view and the Federal Government's passing of the *Human Rights (Sexual Conduct) Act 1994 (Cth)*) have been criticized by gay rights groups and human rights lawyers. Human rights groups – including the Tasmanian Gay and Lesbian Rights Group (TGLRG) – complained that a golden opportunity was missed to explicitly, practically and symbolically protect sexual orientation with the force of human rights law. In particular, they argued that rights recognition of a unique subgroup right based around freedom from sexuality discrimination for homosexuals would symbolically acknowledge that homosexuals were more vulnerable to sexuality-based discrimination, and violence than were heterosexual Australians. This meant that they had a special need to be protected as a vulnerable group (Morgan, 1994a; Morgan, 1994b). The majority HRC view, however, is consistent with Charlesworth's claim that the HRC has been reluctant to find breaches of the ICCPR on the ground of article 26 (the non-discrimination clause) despite the fact that the HRC's General Comment No. 23 on article 26 (1989) seems to suggest that violations of the non-discrimination principle will occur if discrimination on the basis of "any other status" occurs – a phrase arguably including sexuality discrimination (Charlesworth, 2002). This works to increase the

degree of conceptual confusion over what a sexuality right is as a unique, subgroup right. The dilemma remains that effective protection of sexuality – as desired by Australian gay activists – would have required the HRC and the Australian Government to embrace the notion of protecting subgroup identity and vulnerability with a concept of human rights that reflected a tolerance of subgroup difference and the need to protect vulnerable groups rather than giving primary emphasis to the importance of individual civil and political rights.

Chapter overview

The main psychological questions raised by the legal theory of human rights and the legal decisions described above could be summarized as follows. Firstly, how do people conceptualize and cognitively represent human rights? Are we able to psychologically conceive of first, second, and third generation rights? Secondly, in response to our perceptions of intergroup injustice, do we find the assertion of unique subgroup rights as natural and as relevant as asserting individual rights in response to violations of our civil and political entitlements as a citizen? In other words when can we and when will we respond to perceived intergroup injustice with subgroup human rights rhetoric? Finally, how will these uses of human rights rhetoric compare with construals of the purpose of human rights, and broader social beliefs about the nature of society?

Before some of these more specific questions can be tested, let us elaborate and justify the use of the social identity perspective with its interactionist metatheory in a little more detail in Chapter 2. This will help us consider whether existing legal and psychological theories of human rights are able to capture the political, and intergroup

dimensions of human rights attitudes and behaviours. It will also set the scene for a

detailed examination of social beliefs and identity-management strategies in Chapter 3.

Chapter 2: Relevant concepts from the social identity perspective

In this chapter we highlight how the social identity perspective implements Asch's (1952) interactionist metatheory. We argue that this approach helps to avoid the dominance of individualistic accounts of intergroup relations as well as the dominance of socially-determined explanations. After firstly describing Asch's metatheory and the use of it by social identity perspective researchers, we will focus on a number of relevant theoretical concepts from the social identity perspective. This is not intended to be a comprehensive theoretical restatement of SIT and SCT. Instead, we will dwell on concepts that are relevant to the theorising of human rights attitudes and behaviours.

In particular, this review of the social identity perspective will elaborate the notion of "motivated relative perception from the vantage point of the perceiver" (Turner, Oakes, Haslam & McGarty, 1994). This will be explained by emphasising the following core concepts: subjective structuring of the social world, the relativity of this social construction, the concept of social identity, the level of abstraction of a social identity, processes of social identity salience and the notion of background knowledge. In Chapter 3 we give a more detailed explanation of two related theoretical concepts: social belief orientation and the choice of identity-management strategies. All of these theoretical discussions are aimed at further investigating the psychological dynamics of responding to perceived subgroup injustice.

Asch's interactionism as a reaction against individualism and social determinism

The social identity perspective exploits an Aschian interactionist metatheory. Asch (1952) suggested that social psychologists should guard against producing overly-individualistic *or* overly-collective understandings of social processes. This warning is relevant to the analysis of social processes leading to the representation of human rights

and the use of rights rhetoric in intergroup political conflict. Neither individualism nor social determinism (e.g. globalisation theory that assumes easy consensus building at the human level) seem useful for capturing the dynamics of constructing human rights attitudes and predicting human rights behaviours in politically-charged, intergroup contexts. Human rights rhetoric can be conceptualised as emergent properties of (sub)groups; as "group facts" produced as a result of intergroup relations (Turner & Oakes, 1986; Turner & Oakes, 1997). This approach is antithetical to explanations in terms of pure individualism or explanations derived only from analyses at a macro-social level of undifferentiated humanism. If an interactionist approach is not used, we may dangerously neglect relevant insights about intergroup behaviour within broad collectives.

Turner and colleagues have explained the relevance of Asch's interactionism to such projects:

> "Thus for Asch group facts become real because individuals are capable subjectively of mutual reference, of grasping their interrelations, of seeing themselves as joint members of a shared social field that exists independently of them as individuals, and of regulating their behaviour in terms of shared understandings. Group facts have their foundation in individuals but they cease to be 'merely' individual facts by virtue of their reference to others. Individualism fails to understand that there is a 'socially structured field within the individual' " (Turner et al., 1987, p.15)

Therefore, socially-deterministic explanations based on theories of globalisation *per se*, would be as objectionable to Asch as would be a sole focus on using individual self interest to explain the dynamics of group life. However, some relatively simplistic theories of globalisation tend to overemphasise the functioning of a globalized group mind and underemphasise the political tension between subgroup identities within a diverse society and between subgroup identities and the broader national or global identity. Some researchers imply that the world now operates in terms of undifferentiated humanism or global consensus (Giddens, 1991). In an increasing

number of theories of globalization, the prototypical human citizen living in a globalized world is said to be completely determined by the inevitable influence of macro-social processes. Australian political scientist, John Wiseman, comments on the claims that Australia has become globalised. Those believing that Australia has recently been globalised suggest that "the nexus between the nation state and national identity is breaking down under the twin pressures of economic and cultural globalisation" (Wiseman, 1998, p. 102). Elaborating Weiseman's (1998) point, globalisation would mean that subnational identities as well as national identities become irrelevant in the face of globalising forces according to some researchers.

The temptation to use socially-deterministic theories of globalisation to theorise human rights attitudes and behaviours must be avoided. This must be done if we are to acknowledge relevant intergroup dynamics that may often be at play when human rights are asserted. Use of an interactionist metatheory helps to avoid socially-deterministic theorising. The willingness to see global consensus at every turn, where we once may have claimed to see processes of political conflict between individuals, subgroups, and broader collectives could be labelled as "a modern form of the group mind fallacy" (Turner et al., 1987 p 16). This portrayal would not acknowledge the influence of subgroup identity upon lay perceptions of human rights in the context of a specific conflict, nor acknowledges the influence of an individual's reaction to the use of group facts in a social context. As Turner and colleagues comment:

> "Asch (1952) had no time for the view that the individual plays no role in macro-social processes, that the latter follow their own laws independently of individual thought and purpose, and that individuals are merely the passive vehicles of sociological forces." (Turner et al., 1987, p. 16)

We argue in this thesis that the individual *and the individual as subgroup member* should not be rendered "the passive vehicle" of a supposedly new form of globalisation. It is important to note that not all sociologists and political scientists are keen to portray

globalisation as an unshakeable force operating to the exclusion of all other psychological processes. For example, Pieterse (1994) suggests that global forces tend to create a *greater* range of subgroups or hybrid political groups rather than simply homogenising the political. Also, Wiseman's (1998) approach is refreshing for the intergroup relations scholar. He suggests that "it is too soon to write off the nation state as a significant arena of political creativity and contest" (Wiseman, 1998, p. 132). Instead, Wiseman suggests that a form of "globalisation from below" must be acknowledged where subordinate political groups exercise a role as creators and controllers of globalising forces.

To understand Aschian interactionism as a response to claims of excessive individualism *and/or* claims of excessive social determinism, we must understand that this approach is derived from the laws of Gestalt psychology. In particular, the law of interdependence of parts (that the whole is more than the sum of its parts) means that purely individualistic analyses *or* overly-collective analyses are insufficient. For example, individualistic analyses do not capture the fact that social stimuli are experienced as organized wholes, where the perceiver reacts to the "total perceptual field, and [that] the character of the parts in the field . . . [are] determined by their membership in the whole" (Turner et al., 1987, p. 12). In the specific case of human rights rhetoric, human rights may be used in the interest of subgroups within a more abstract collective (e.g. the Australian nation, or, the human race). The use of human rights rhetoric reflects a "whole" consisting of relationships between parts that often cannot be understood by analysing only an individual's evaluation of human rights concepts or only the apparent global consensus about human rights measured in the abstract. To understand why a psychological response to injustice is expressed in terms of human rights rhetoric, we need to realise that any abstract understandings of rights

can be framed by intergroup conflict; by the perspective created by a particular subgroup identity, by the present relationship or history of relationships between subgroups, and by the past and present relationships between subgroups and the broader collective. The application of this Gestalt law, therefore, suggests that reducing the whole to its parts is inappropriate as is analysing this system only as a whole without reference to its constitutent parts.

Importantly, the whole should not dominate our understanding of human rights to an extent that the "human" self is considered not to emerge from the result of intergroup processes. The concept of a socially-structured mind (Turner & Oakes, 1997), that flows from the Aschian analysis, suggests that the "part" – the individual, but also for our purposes, the individual as subgroup member – must be thought able to cognitively represent the relevant social context or "whole". Even though interactionism has mainly been used to direct how we conceive of the relationship between the individual and the intergroup level of analysis, interactionism is also a guide for how we conceive relations between the intergroup and the human or interspecies level of self-categorization (see below). The group member using human rights as a political response to injustice, is a "part" that must be assumed able to represent human rights from their perspective as a subgroup member of the abstract collective "human". This internalization of the more abstract human levels of social relations in the mind of the subgroup member results from the cognitive representation of a solution to an intergroup problem (Oakes et al., 1994, p. 89), as well as it reflecting a problem relevant to the definition of the broad collective.

We fear that it may be too tempting for some theorists to minimise the degree of interactionism between the subgroup level and the most superordinate level of self-

categorization as a human. Not only do we fear individualism (the reduction of the social to the individual), but we fear "reducing" the dynamics of the intergroup level to the human level. Both theoretical approaches result in the subgroup member being portrayed as having no intergroup perspective. When either of these feared theoretical moves occur, psychological theories of human rights may reflect Floyd Allport's claim that the only psychological reality that exists is individualism (Turner et al., 1987, p. 12); be that individualism at the level of personal self-categorization or individualism at the level of the human self. This means that both individualism and humanism may be inappropriate psychological explanations of human rights attitudes and behaviours in some contexts; both reflecting ways to lose the social in a social psychological theory.

Selected concepts from the social identity perspective

The concept of social identity

Researchers using a social identity perspective draw a distinction between social identity and personal identity. An *identity continuum* anchored by personal identity and social identity was posited in the earliest formulations of SIT, as was a *behavioural continuum* anchored by interpersonal and intergroup behaviour. If salient identification in context lies closer to the intergroup end of the continuum, more social as opposed to individualistic behaviour was expected. Identity has been further conceptualized within SCT as a salient self-stereotype; the result of one self-categorization becoming dominant for self-definition from a range of potentially relevant self-definitions. Importantly, social identity helps to define the *vantage point* and define the identity-based *motivations* inherent in the description of human rights attitudes and behaviours as the result of motivated relative perception from the vantage point of the perceiver.

Two further points made by social identity perspective researchers are important for clarifying the concept of social identity. These points also link to the concept of the level of abstraction of social identity as discussed in the next section. When discussing the idea of a continuum of identity, Oakes (2002) states, identity is not conceived of as an "all or nothing phenomenon" (p. 818), and "in reality self categorization 'never fully embodies any one level but arises from a dynamic, fluid process of conflict and compromise' (Turner & Oakes, 1989, p. 245)" (p. 819). These points have been used within SCT to highlight that the perceiver chooses a self-categorization in context from a possible range of *social* identities that can define their vantage point.

Level of abstraction of social identity

A core assumption of SCT is that there are three basic levels of self, including: (i) the superordinate level of self as human being, as well as (ii) the intermediate level of ingroup-outgroup categorizations, and, (iii) the subordinate level of personal self-categorizations (Turner et al., 1987, p. 45). The notion of level of abstraction of identity within SCT has helped to further implement an interactionist approach and to avoid the problem of reducing complex social behaviour to individualism:

> "social identity theory never denied the importance of the material basis of conflicts,
> nor the role of self interest, although by now it should be clear that the self does not
> have to be conceptualized at the level of the individual" (Turner, 1999, p. 17).

Therefore "self" includes "human" self: the most abstract social identity outlined in SCT. We take Turner (1999) to be suggesting that the most abstract self-categorization – as a member of the human race – should not always be conceptualized as an individual self. If this were done, human self would reflect an aggregate of individuals' perspectives. At times this would surely be an inappropriate way to conceptualise the collective identity "human". This objection is consistent with the stated concern of self-

categorization theorists that "personal self-categorizations . . .not [be] regarded . . . as having any privileged status in defining the self" (Turner et al., 1987, p. 46).

Our general contention that human rights and conceptions of the human self can be shaped by the perspective of subgroup members where relevant is also supported by early formulations of SCT, namely, Turner et al.'s (1987) suggestion that:

> "Although . . . [the intermediate] level of identity is referred to as 'social' because it reflects social shared similarities and differences between people, there is no implication that the human and personal levels are not also social in terms of their content, origin and function." (Turner et al., 1987, p. 45-6)

The idea that human rights construals and social cognitions relevant to the definition of the human self can be defined by subgroup perspectives, raises two additional issues for SCT. These problems relate, firstly, to the type of social comparison thought necessary to invoke human level identities and social cognitions. The second problem is whether identities from more than one of the three basic levels of self-identification can be simultaneously salient.

Regarding the first problem, initial formulations of SCT suggested that the human level of identification results from *interspecies* comparisons (Turner et al., 1987, p. 45). However, it seems relevant to ask whether the human level of social self – and its related emergent group products such as human rights attitudes and behaviours – can be made salient as a result of *intraspecies* (intergroup) comparisons. It seems possible that in deciding a narrow set of social issues, say, issues of animal liberation or the *humane* treatment of animals, a true interspecies comparative context may be used to shape judgments. However, beyond this narrow set of debates, we can ask when does the human level of identification become salient for a subgroup member? In other words, to what extent can the use of *human* rights rhetoric result from intergroup comparisons rather than interspecies comparisons?

One answer provided by SCT is that conflict between subgroups at the intergroup level – conflict arising from an intraspecies or intergroup comparison – is resolved at the next highest level of identity abstraction (or, in other terms, "the least abstract category which includes them all": Turner et al., 1987, p. 48, assumption A.7.2). Another answer is that a subgroup perspective may be projected onto the superordinate level concept of the human self in an attempt to define the human level of self *in subgroup terms*. Both of these routes to human level self-categorization would require an intergroup rather than an interspecies comparison. Subgroup projection processes have been studied by social psychologists interested in how subgroup-superordinate relations are managed and how a new superordinate identity is formed and its content defined. Some of this work has been done in the context of German reunification (Walzdus, Mummendey, Wenzel, & Weber, in press; Wenzel, 2001; Wenzel, Mummendey, Weber, & Waldzus, in press).

The second problem is that our politicized conception of human rights protest may imply that subgroup self-categorizations *and* superordinate or human-level self categorizations need to be *simultaneously* salient. This requirement would violate the formal assumption A9 of SCT (Turner et al., 1987, p. 49): that there is a functional antagonism between the three levels of self-categorization such that only identities from one of the three basic levels of abstraction can be salient at any point in time. This assumption reflects use of a class-inclusion hierarchy or Roschian system of categorization by SCT researchers. Even though this problem may be raised by our study of human rights and more explicit study of the human level of identification, the practical importance of this assumption may have been overstated by some social identity perspective researchers and critics.

There are other options for modelling social categorization that do not require the assumption of Roschian class-inclusion hierarchies. These include depictions of self-categorical relations as Venn diagrams, that allow for overlapping self-categorizations (McGarty, 1999), avoiding criticisms of strict class-inclusion hierarchies by cognitive psychologists (e.g. Sloman, 1998). McGarty's (1999) approach to social categorization processes may render the assumption of functional antagonism less important. This may be preferable when attempting to generate a theory of the representation of human rights consistent with SCT. This may be the case especially when representations of human rights are thought to be the emergent products of intergroup interactions and comparisons resulting from intraspecies rather than an interspecies comparisons. This approach may also be consistent with the statement by Turner et al. (1994) that:

> "there is a continual competition between self-categorization at the personal and group level and . . . self-perception varies along a continuum defined by the conflict between the two and their shifting relative strengths . . . . what becomes salient is probably rarely a single category or level of self-category. This is simply a convenient way of talking about the dominant self-category where self-perception reflects the conflicts and compromises among several competing, alternative ways of categorizing self in a situation." (p. 456; also cited and discussed in Oakes, 2002, p. 819)

If a competition between possible self-categorizations from both the intergroup and interspecies "levels" of social identity occurs – including possible projection from the subgroup level to the superordinate level – then the assumption of functional antagonism may not be as central to SCT as once represented.

Social identity salience

SCT addresses the question of when and why a particular identity becomes salient for the perceiver, therefore defining their vantage point. The *accessibility X fit interaction* has been used to theoretically and empirically explain the process of identity salience in

context (Oakes, 1987; Oakes, Turner, & Haslam, 1991; Oakes, Haslam, & Turner, 1994; Turner et al., 1994). However, in light of the discussion of the "accessibility" of background knowledge in the next section, the use of the term "perceiver readiness" rather than "category accessibility" may be a preferrable way to describe the first half of this interaction (note Oakes', 2002, suggestion that there was a shift from using the term "category accessibility" in Oakes,1987, to the term "perceiver readiness" in Oakes et al., 1994). Also, perceiver readiness may be a better term for explaining that the psychological state that facilitates subjective social construction from a particular vantage point involves more than merely the activation of a self-categorization. Other forms of social knowledge (albeit possibly in the form of categories: McGarty, 1999) are also important for determining perceiver readiness. The perceiver becomes ready to adopt a particular vantage point as the result of framing by a particular comparative context via the use of social categories, the relevance of background knowledge, the "flow of information" (Bar-Tal, 1990) in context, relevant task demands and social motives.

The "fit" half of the identity salience interaction is typically defined in terms of two judgements. Firstly, a similiarity-based social comparison resulting in the perceiver's calculation of *comparative fit* – the match between a category and the comparative properties of perceived stimuli, formally expressed in terms of a *meta-contrast ratio* (see Oakes et al., 1994, p. 97 for one description of this process). This is a theoretical specification of how relative perception and evaluation helps the perceiver detect the appropriateness of adopting a particular social category or vantage point that describes their understanding of social reality (a specific intergroup context). The second judgement defined to be part of the fit detection process is the evaluation of the *normative fit* of a social category or identity – the match between a particular social

category or vantage point and the content properties of stimuli (Oakes et al., 1994, p. 97).

This process of category salience can be explained as the means by which ambiguous stimuli are imbued with social meaning:

> "We hypothesized that category salience would emerge from an interaction between the extent to which the categorization 'fits' the stimuli under consideration and the perceiver's 'readiness' to use particular categories. Fit is not about attribute-matching between individual stimuli and category content. It is a process geared to making coherent sense of the entire stimulus field, and it refers both to the comparative, similarity/difference relations between stimuli [comparative fit] and to their substantive meaning [normative fit]." (Oakes, 2002, p. 817)

Importantly, Oakes (2002) has suggested that any social cognition that takes the form of social categorical knowledge is potentially amenable to explanation via the salience principles outlined above. This approach more completely captures the meaning of the term motivated relative perception – i.e. not just perception of self – from the vantage point of the perceiver:

> "Note that the 'fit X readiness' interaction is not only an analysis of group membership salience; it is a general account of the functioning of the categorization process in social perception – a process that involves active, motivated perceivers making sense of the stimulus field in which they are operating. Identity, as a meaningful interpretation of the self-in-context, emerges from this process." (Oakes, 2002, p. 817)

Background knowledge

According to the readiness X fit interaction then, social construction proceeds to determine the salience of social identity (the salient vantage point of the perceiver). Salience results from perceiver readiness (including accessible identity-related knowledge) in interaction with judgements that a particular social category is comparatively and normatively fitting in light of that readiness. Background knowledge has sometimes been described as a *background theory of categorization* or as an *implicit theory of a category* (e.g. Brown, 1999; Brown & Turner, 2002; Oakes et al., 1994, pp.

110-112) in light of developments in cognitive psychology suggesting that we use both theory-driven as well as similarity-driven categorization. The important role played by background knowledge in creating identity salience confirms that the concept of background knowledge warrants definition and continued research attention. Its role is important in understanding the salience of identity in contexts of perceived injustice as well as the social cognition and behaviour flowing from identity salience in such contexts.

Most theoretical descriptions of SCT include definitions of background knowledge. For example, McGarty (1999) defines background knowledge as:

> "the ideas, beliefs, expectations and other cognitions that are currently relevant to the set of objects [or people] being considered [during a categorical judgement] (p. 4)

Background knowledge has also been defined by self-categorization theorists as "past experience, present expectations and current motives, values, goals and needs" (Turner et al 1994, p. 455).

In line with such definitions, we conceptualise Tajfelian social beliefs of social mobility and social change (described in more detail in Chapter 3) as such background knowledge. As such, these broad social beliefs are background knowledge that can be used to make sense of the social context of injustices or to produce working theories of how society does or should operate. Some comments from Tajfel (1978) suggest that structuring a stimulus context with social beliefs is one of the earlier processes invoked when perceivers respond to a situation of relative disadvantage. For example, Tajfel (1978) suggested that:

> "[the social beliefs continuum is a] continuum of structures of beliefs concerning the nature of intergroup relations . . .it differs from [the identity and behavioural

continue] *in that it has a causal function in relation to these other distinctions.*" (p. 52, emphasis added; see also Syroit 1991, p. 267)

Some theorists have also suggested that social beliefs such as those considered by Tajfel are a necessary and prior condition for social identity formation (Chryssochoou, 1996) – giving them an important prior role within the readiness X fit interaction. When accessible in context, these social beliefs produce a readiness that combines with fitting social categories to create a vantage point from which perceptions of injustice, construals of human rights, and political decisions about responses to injustice are made. Therefore, each individual or group member's subjective mode of structuring the social world (the application of their background knowledge) is made relevant in a particular social context and can be reinforced by identity salience and the very nature of the social situation. Perhaps the readiness X fit interaction is best conceptualized as a bidirectional relationship between the accessibility of background knowledge and fit detection in context.

Reicher and Hopkins (1996a) have emphasized the need for researchers to determine whether background knowledge assumed to be operative is actually accessible to perceivers in particular social contexts. These researchers are anxious for a theoretical development of the notion of *accessible background knowledge* and its empirical demonstration. This suggests the need to measure operative Tajfelian social belief orientations as a way of determining perceiver readiness, since the concept of accessibility or readiness and its measurement have been "relatively unelaborated and has received no empirical attention." (Reicher & Hopkins, 1996a, p. 298). Reicher and Hopkins (1996a) suggest that this neglect has meant these processes are misrepresented by a form of "mechanical realism whereby [the perception of or structuring of] social reality is treated as self-evident" (p. 299). Reicher and Hopkins (1996a) emphasise that:

"[readiness] is important in terms of stressing that categorization is purposeful, meaningful to the actor and therefore dependent upon the social location of the actor. However, empirically it has received little attention." (p. 298)

Subjective structuring of the social world

Therefore, according to the social identity perspective, processes of social construction are meaning-seeking processes. Social identity perspective researchers have, for example, understood stereotyping to be a motivated act of subjectively structuring social relations in order to provide social meaning (e.g. Nolan, Haslam, Spears, & Oakes, 1999; Oakes, Haslam, & Turner, 1994; Simon, Hastedt, & Aufderheide, 1997). The process of social construction that results in, say, stereotypes of others, self-stereotypes, perception of social structure, or construals of political concepts like human rights, arguably all function to provide meaning to the perceiver by transforming the external world into a *subjective social* reality.

A discussion of the role of motivated social constuction and subjective structuring of the stimulus field is relevant to a distinction made by Turner et al. (1987, p. 37) between *social reality testing* and *physical reality testing*. Social reality testing requires use of internalized perspectives or perceptions. In constrast to social reality testing, physical reality testing creates an understanding of the world based on referring to externally-defined, objective standard rather than by using referents that are internalized and understood from the vantage point of the perceiver. So much of the psychology studied by researchers taking a social identity approach is based on the assumption that the perceiver makes active, subjective attempts to understand the meaning of social reality. This is in contrast to the study of how people may understanding the world via processes of physical reality testing alone or in reaction to unambiguous external cues.

For example, a "sociological" identity ascribed to one person by another is not necessarily a psychological identity. The identity ascribed can be considered a psychological identification only after the target of the ascription subjectively defines self in terms of the dimensions ascribed (Turner & Reynolds, 2001; Oakes, 2002, p. 813). Identity ascription, therefore, does not necessarily mean that the target person is motivated to subjectively define themselves in terms of the ascribed identity, and cannot be an example of motivated relative perception from the vantage point of the perceiver. From the first person's perspective, an identity merely ascribed to them by another does not necessarily provide them with as much social meaning as when they are motivated to socially construct the world from the vantage point of a self-chosen identity. Therefore, much of SCT has focused on showing how a perceiver's motivated subjective structuring of the social world allows them to create "meaning through the active use of the categorization process" (Oakes, 2002, p. 814).

Oakes (2002, p. 813) highlights how Tajfel (1978) described social construction of the social self as one instance of a broader process of meaning seeking:

> "Tajfel provided the beginnings of the answer [to the question of how and why social categories become self-defining] when he suggested that the internalization of categories could be seen as part of a more general process in which people use categories to 'structure the causal understanding of the environment', to make sense of what is going on around them. The self could become a stimulus in this process, such that sense making through categorization could include making sense of the self, developing a 'self-definition in a social context' (Tajfel, 1978, p. 61)". (Oakes, 2002, p. 813)

Therefore, just as the self can be the target of self-stereotyping and social construction in context, a range of other stimuli can be made subjectively meaningful for particular perceivers by the use of social construction. For example, a process of social construction can transform objective legal definitions of human rights into psychologically-meaningful concepts for use by social perceivers who are motivated to make sense of ambiguous or unresolved contexts of perceived intergroup injustice. The

perceiver's desire and need to understand the social reality of intergroup conflicts, of political relationships, and of social structure are meaning-seeking reactions. The resulting social constructions are important for social psychologists to understand when studying the reactions of group members to perceived relative injustice. Not only are perceptions of relative injustice arguably the outcome of a process of social construction, but the meaning of this injustice, the perception of the appropriateness of particular responses, and the anticipated social consequences of particular types of protest action are the result of subjective structuring of the conflict context.

The relativity of social construction

From this very basic idea of the importance of social construction that is used in the processes of identity salience and of using background knowledge, we see the importance of stressing the *relative* nature of "motivated relative perception from the vantage point of the perceiver". The core concept that guides the social identity approach here is that social comparison occurs from a subjectively perceived vantage point as emphasised by Festinger (1954). This focus on social comparison orients us to the intergroup reality of many perceptions of relative disadvantage and perceived injustice. Intergroup comparisons can be the source of perceptions of injustice and this idea is familiar to both social identity perspective researchers and some social justice researchers studying (collective) relative deprivation (e.g. Runciman, 1966).

Social comparisons help to frame and constrain the processes of social construction described above. The comparative context adds further meaning for the perceiver by restricting them to a subset of possible social constructions derived from a particular perception of injustice flowing from a specific comparative judgement and, perhaps, a specific adjudication or interaction. Note that the terms "comparative context" and

"comparative fit" also take on particular theoretical meanings within SCT and the desciptions of the identity salience process.

It is important to note here that some may wish to challenge the notion of context-dependent perception within SCT as being a form of undefinable, post-modern *relativism* rather than a form of psychologically-constrained *relativity*. In line with the latter approach, Oakes (2002) suggests that the "hypothesis that identity is the outcome of a context-dependent process predicts that it *can* be highly labile, not that it must change all the time." (p. 817). This suggested relativity, and the potential context-driven lability of social cognitions such as self-categorizations, was earlier distinguished from relativism by Turner et al. (1994). These authors clarified that describing socially-mediated perceptions and self-identification as *relative* is not to suggest that they are in a state of post-modern or "continual flux". Instead, the point being made is that *both* stability and change in socially-constructed self-stereotypes or social perceptions results from the *same type* of processing of social reality: motivated relative perception from the vantage point of the perceiver. This point is discussed by Turner and Onorato (1999) in terms of self-categories, though it applies to other forms of social cognition as well:

> "As a psychological construction, a current (working, salient) self-category is a motivated application of higher-order knowledge to represent the perceiver in terms of their immediate social contextual properties." (p. 29).

Therefore, the concept of a fixed underlying self structure is not needed to explain when and why self-categories may appear stable (Turner & Onorato, 1999, p. 38).

For example, the relative social construction of social beliefs has been discussed in similar terms by Bar-Tal (1990). His cognitive analysis of the different construals of the causes of the Middle East conflict held by Israelis and Palestinians respectively

demonstrates how clear differences in social construction result from relative intergroup perception within a specific comparative context. Bar-Tal (1990) suggested that resultant beliefs are based on each subgroup's "perception and interpretation of real events as mediated by epistemic motivations; these beliefs constitute their reality" (p. 11). Each subgroup believes that their own beliefs are true and objective and that the other group's beliefs are incorrect (p. 13), and "each side has been selective in the collection of information and biased in its interpretation" (p. 14) in order to satisfy intergroup needs. Bar-Tal proceeds to demonstrate how aspects of the intergroup relationship between the Israelis and the Palestinians constrains the process of relative social construction and helps to explain the content and the meaning of resultant social beliefs. As one example of this, the Israeli belief that Palestinian attacks within Israel are part of an ultimate desire to totally destroy the state of Israel provides a frame of reference that constrains relative intergroup perceptions of Palestinians held by Israelis. In fact, Bar-Tal suggests that the recognition of the relativity of social construction could be a route to conflict resolution in the Middle East, especially if there is

> "recognition that no party has a monopoly on truth and objectivity, that both parties have valid claims, and that the wishes and fears of both parties are justified." (p. 22)

We argue, then, that motivated relative perception from the vantage point of the perceiver is a form of constrained, *relative* social construction rather than a *relativistic*, uncontrolled, or unpredictable process of perception. It simply makes this process of construal *relative*, meaning that social construction is constrained by a particular social comparison between members of social groups, and explained by the perceptual demands placed upon these perceivers who are using particular vantage points within an intergroup context.

The theoretical tension between relativity and relativism in social psychological theory is also important in the context of elaborating legal theories of human rights. The motivated relative perception of human rights from the vantage point of the perceiver is often feared to be a dangerous form of unconstrained human rights relativism. Any claim that a specific national or religious cultural perspective can be the basis for interpretations of human rights obligations is often suspected to be an excuse for tolerating human rights violations or for providing a weaker regime of protecting supposedly-universal human rights norms. These fears have recently come to the fore in debate over whether Asian values can be used as the basis for construing the purpose of human rights, the concept of human rights and the nature of a regime of human rights protection. Similarly, when non-democratic countries claim to have regimes of human rights protection, the commitment of these countries to human rights protection is suspected. Some of this political dynamism may indeed be a detrimental form of relativism reflecting an unwillingness to be bound by global human rights norms. However, some of the claimed "cultural relativism" of human rights construal, may also reflect a form of motivated relative perception from the vantage point of the perceiver that need not defeat the objective of the human rights project. In the sense understood by the social identity perspective, a claim of Asian values as the basis for an Asian regime of human rights protection, may be a reaction against the fact that UN human rights regimes have been presumed to transcend subgroup perspectives, for example, Islamic notions of morality and human rights. Langlois (2001) has suggested how relative differences in culture and politics within the Southeast Asian region may be accommodated and exploited in order to achieve the goal of human rights protection by a variety of means. Langlois suggests, in effect, that tolerance of relativity and cultural difference may lead to protection of human rights without relativism *and* without the need for different cultures to commit to the one, universalist theory of human rights.

<u>From an interactionist metatheory to a theoretically-appropriate methodology</u>

Having briefly outlined these concepts from the social identity perspective against the background of pursuing an interactionist metatheory, we must ask what type of methodology will best serve the demands of such an approach to human rights research. It would seem that abstract questioning divorced from the subjective perception of a specific identity and rights conflict may serve to increase the risk of producing overly-individualistic or socially-determined understandings of human rights attitudes and behaviours. It would be dangerous, therefore, to adopt a methodology that primarily focuses on understanding how we think and behave as "humans" rather than how we construct the human self and human rights from the perspective of our subgroup identities – especially when subgroup identities are likely to be salient as a result of the perception of collective relative deprivation and/or intergroup injustice. What is often overlooked is the power of using a methodology that is consistent with an interactionist metatheory. A methodology consistent with interactionism would prioritise contextualised questioning that aims to measure responses to specific examples of injustice within a context potentially structured by subgroup identifications if relevant.

In Chapter 4 we comment on the methodology and methatheoretical assumptions of social representation theory researchers who have produced most of the social psychological work on human rights. These researchers must be commended for being prolific pioneers of this relatively new area of research. We will ask whether the methodology adopted in all studies reviewed is consistent with an interactionist approach. It is suggested that some of the work by Doise and colleagues may reflect a metatheoretical assumption that all humans can and will share a basic representation of human rights. This theoretical assumption may, at times, shift the balance a little too far

towards social determinism. This is definitely not the case in all studies of human rights by social representationists.

More generally, if the methodology adopted to study human rights attitudes and behaviours is not sensitive to intergroup relations if relevant, the tensions described between individual and unique subgroup rights within the legal theory and practice of human rights law will not be fully addressed by social psychological research. All dynamics relevant to the construal of human rights will not be effectively studied. Explanations of the dynamics of human self and related cognitions may continue to be reduced to the dynamics of individual psychology and the ideology of individualism, rather than also being explained, where appropriate, with the dynamics of intergroup relations. We suggest that a theoretical classification of self into individual, intergroup, and human – as is done by SCT – should not be reduced to merely one psychological reality: individualism. If some of the tensions in the legal understandings of human rights are to be resolved, humanity and human rights should be understood in all its richness, and that includes acknowledgement that intergroup processes may help to shape representations of the human self. This detail is relevant to the political use of human rights concepts – where human rights, like stereotypes, are group products reflecting shifting perspectives caused by intergroup relations over time – which is arguably part of life's rich tapestry (Oakes, Reynolds, Haslam, & Turner, 1999).

Asch's interactionism has been adopted by researchers using the social identity perspective to study the emergent products of intergroup relations in contexts of justice judgements. For example, the use and content of stereotypes by powerless and powerful groups have been examined in the context of expectations of just treatment (Reynolds, Oakes, Haslam, Nolan, & Dolnik, 2000). It is argued that human rights

argumentation will sometimes emerge as a similar product of group psychology and an individual's socially-structured mind. Therefore, the social psychological study of human rights in politically-charged, intergroup contexts should not be studied with an entirely new metatheory of how social identity processes work at the human level. Instead, we need to look at how construals of human rights – like stereotypes – may be sensitive to framing by particular comparative contexts.

In the remainder of this chapter, then, we consider some previous empirical analyses of human rights attitudes and behaviours from political psychology that seem consistent with an interactionist metatheory and an approach suggested by the social identity perspective. Sniderman and colleagues' (1996) study of attitudes towards the *Canadian Charter of Rights and Freedoms*, seems to have captured the politics of clashing construals of human rights law without neglecting relevant intergroup processes.

Sniderman et al.'s empirical approach

In 1987, Sniderman and colleagues sought to survey Canadians about their reactions to the rights protection afforded by the *Canadian Charter of Rights and Freedoms* (1982). The researchers interviewed and surveyed a representative sample of 2084 Canadians, and the representativeness of the sample was confirmed by its similarity to the basic demographic breakdown evident in the 1986 Canadian census. Phone interviews and follow-up questionnaires were also administered to *political elites*, *administrative elites*, and *legal elites*. The sample of political elites consisted of 474 elected politicians from the major political parties contesting federal and provincial elections at the time of the study. The administrative elites were 260 bureaucrats from the executive branch of government, including employees of the federal Department of Justice, the Crown Attorneys offices and ministries of the attorneys general and solicitors general

throughout Canada. Finally, a sample of 352 legal elites was drawn from a population of lawyers with ten to thirty years professional experience – the pool from which most judges are elected to office in Canada. Interviews lasted for approximately thirty minutes each and the return rate for the follow-up questionnaire was around 75% across the four samples. This study is important not only for its scope, rigour and results, that can be put alongside work reviewed in Chapter 4. It is also useful for conceptualising the dynamics of rights discourse that must be inherent in the choice of empirical methodology. An example of this conceptualisation is that the authors concluded:

> "Our argument, put in the simplest terms, is that conflicts over democratic rights are inescapable, not simply because many citizens do not understand what the values of a democratic politics require in practice, but because many of the values clash with one another, and some of them even clash with themselves" (Sniderman et al., 1996, p. 235).

In terms of the samples used, the researchers concluded that human rights attitudes and behaviours are not a simple reflection of the *thesis of democratic elitism*. This thesis has suggested that the politically-powerful and politically-active will be the greatest defenders of human rights, particularly of civil and political rights. Instead, these researchers found unexpected differences between samples when participants – including political, administrative, and legal elites – were pressed to consider specific instances of injustice and claims of specific rights protection in politicised contexts. "Elites" were not immune from displaying dynamic construals of human rights that were sensitive to specific situations and specific comparative contexts. For example, elites appeared more willing than ordinary citizens to violate established civil and political rights in response to security threats including terrorist attacks that were described to participants as attacks resulting in the declaration of a state of emergency. Support for rights was also tested across samples in the contexts of freedom of expression, language rights, anti-hate laws, equality, gay rights, self-determination of indigenous peoples, affirmative action for women, and provincial rights.

Rights discourse as a contextualised and variable clash of rights

The conceptualisation of rights discourse used here is consistent with an interactionist and social identity perspective approach. The term "discourse" is used by the authors to help to highlight the political use of rights rhetoric in the interests of subgroups (p. 7). This view suggests that expecting an abstract and absolute set of rights to be consensually represented is politically unrealistic in diverse societies. The authors rejected criticisms of the Canadian Charter as vague and incoherent simply because reactions to it can produce complexities, qualifications, and ambivalence. The authors interpreted their results as a demonstration of the inherent contestability of rights; a contestability to be expected if we are to discard a unidimensional understanding of human rights as universal, liberal, democratic rights. Some cross-cultural comparisons were made with American samples at some points of this research program. These comparisons revealed that the unidimensional understanding of rights is even a misrepresentation of the construal of human rights by Americans(p. 7). The nature of Sniderman et al.'s (1996) empirical program, is consistent with their *rejection* of:

> "the idea of political rights has a fixity, established sub specie aeternitatis
> independent of historical or cultural content. On the contary, as political theorists
> like Michael Walzer (1983) argue, claims to rights are contestable because they are
> ultimately and inescapably context-dependent. . . . . It is tempting, and indeed
> common, to take the national political culture, which marks a distinctive way of life,
> as the context in which political rights are to be understood. But it is far more
> difficult than is usually imagined to identify empirically the distinctive boundaries
> of national political [sub] cultures" (Sniderman et al., 1996 698, p. 70).

From this point of view, and consistent with the social identity perspective, people do not always have *a* position on rights, or, say, *one* position on broader social beliefs such as individualism developed and held in the abstract. Instead, Sniderman et al. suggest that

> "people's feelings, the stance they take, and not merely the degree of enthusiasm
> they express, depend on the problem context. . . . people respond to a value like
> individualism not as free-floating and considered in itself, but taken as a (possible)

> solution for a particular problem engaging them . . . In a word, the specific problem
> they confront supplies the context defining the value of individualism" (Sniderman
> et al., 1996 698, p. 245).

People are also assumed to have a belief repertoire and a diversity of possible responses

to common classes of problems. This means that when one individual or group member

shows a series of responses across contexts that demonstrate the existence of a belief

repertoire used dynamically, the level of political thinking here should be portrayed as

acute rather than blunt. The apparent use of a belief repertoire demonstrates an ability

and motivation to consider the clashes of rights involved in a specific problem (p. 248).

Therefore, "problems in political reasoning over public rights are vexing not because

people have no political convictions but because they have a multiple of them (too

many to permit simple answers)"(p. 147). In a sense,

> "people do not always mean what they say, but the larger point is that what they say
> on any one occasion often does not exhaust what they mean . . . People have more
> than one attitude relevant to an issue like Aboriginal rights, and focusing on their
> opinions about only one aspect radically underestimates the range of positions they
> are prepared to take." (p. 144)

This concept of absolute beliefs versus a belief repertoire is reminiscent of discussions

in the social psychological literature on values. These discussions are not only relevant

to methodological choices, but are relevant to the conceptualization of background

knowledge outlined above. Contextualized theories of values do not suggest that social

beliefs are chronically-accessible orientations. Instead, these theories suggest that there

is often a choice to be made between conflicting values *or* that a number of relevant

social values may need to be balanced in context. This contextualized approach is

implicit in Braithwaite's *value-balance model* (Braithwaite, 1998 p. 225), and in

Tetlock's *value-conflict model* (Tetlock, 1986). Both of these approaches suggest that

value pluralism may be displayed across contexts and time by the same individual.

Braithwaite's value-balance model focuses on the processes by which higher order values are translated into political positions in social debate. This theorizing is based on some aspects of a Rokeachian definition that values are prescriptive beliefs about end-states such that "compared with attitudes, values are regarded as more central, deeply considered, strongly held, stable, limited in number and connected with many other beliefs" (Braithwaite, 1998, p. 225). Traditional conceptions of values suggest, however, that:

> "values transcend specific objects and situations, belonging to the world of ideals where compromises and trade-offs do not have to be made. They are guiding principles, not bound by the contingencies of the specific situation, and, as such [are] not conflictual. Scott (1965) demonstrated empirically the importance of the 'non-negotiability' to the concept of values . . . . as 'ultimate ends' as 'absolutely good under all circumstances' and as the 'universal ought towards which all people should strive' (p. 15)" (Braithwaite, 1998, p. 226)

In contrast, Braithwaite suggests that there is a world of ideals *and* a world of action, and that a definition of values as absolutes may not be appropriate for understanding of the world of political action. For example, in some contexts, people may appear to behave as *moral absolutists* (able to be labelled unambigously as "security or harmony-oriented" in Braithwaite's terms). In different contexts, the same people may appear to be moral relativists (with strategic responses not influenced much by social values). In some cases, a perceiver may behave as a dualist, able to balance contrasting values in order to determine their political evaluations. We consider that Tajfelian social beliefs (see Chapter 3) may behave in the way that Braithwaite suggests social values do in her value-balance model.

Methodology

One practical consequence of the approach taken above is that the standard practice of many public opinion pollsters is to be avoided; especially approaches that tend to put respondents under no specific ideological threat:

"The politics of rights is not static. Rights are claims and claims are contested, bolstered, qualified, expanded, withdrawn, and redrawn. . . . Claims to rights come alive only contextually, and we must therefore try to catch sight of claims and counterclaims to rights in play to see how they collide with one another in the course of actual argumentation. We have accordingly gone beyond the conventions of the standard public opinion interview and explored the fate of claims to fundamental rights when claims are subject to challenge" (Sniderman et al., 1996 p. 78-79).

To highlight these differences briefly, we can outline some of the innovations used by Sniderman et al. (1996). They suggest that it is important to ask for responses under contextualised, special, and apparently rare conditions rather than asking for responses in the abstract. They also advocate checking whether respondents know what the Charter is before questioning begins, and giving them enough information to work with rather than relying on what may be the participant's incomplete general knowledge of the legal system. Participants should not be asked to endorse broad principles in the abstract, followed predictably by contextualised questions. This may only lead to a consistency bias and self-serving responses. Rather than putting the respondents at relative ease with abstract and predictable questions, Sniderman et al. suggest that, since politics is about argument, the respondent must be asked whether they will hold on to their positions in specific contexts and in the face of pressure to change them (p. 55). The latter conviction gives rise to their "counterargument technique" facilitated by computer-based tracking of respondents' answers submitted online. Particular answers given by respondents during one section of the interview triggered a tailored set of subsequent questions for the interviewer to ask. These tailored questions would directly challenge the earlier view provided by the respondent. Persistence and pliability of the respondents' human rights attitudes can then be measured. The researchers suggest that the strength of these procedures is in avoiding something tantamount to measuring an attitude at the beginning of an educative session or an argument and then neglecting to measure the attitude again at the end (p. 73).

Another technique employed by Sniderman et al. (1996) was to ask participants if their view was absolute or if it was qualified in any way. For example, in this study, it was found that participants who strongly favoured affirmative action for women in the workplace were the people more likely to provide spontaneous qualifications of their attitudes compared with those who strongly disapproved of affirmative action in this context (p. 151). The researchers also varied the target beneficiary of a human rights claim to highlight the context-dependent nature of equality of outcome attitudes. For example, it was revealed that French Canadians were significantly more supportive of language rights for Anglo Canadians in Québéc than were Anglo Canadians of language rights for French Canadians outside of Québéc. Finally, since a legal text can legitimate an otherwise controversial political identity or political claim, Sniderman et al. (1996) systematically varied reference to the provision of an asserted right in the Charter to see if participants were more willing to support unique subgroup rights when they were enshrined in the Charter. Although, the general public were not influenced by the Charter reference variable, decision-making elites were generally more supportive of unique subgroup rights if they were codified in the Charter.

<center>Chapter overview</center>

In Chapter 1 it was suggested that the history of legal codification of human rights has resulted in unresolved tensions, primarily, about how subgroup rights are conceptualized either directly in definitions of rights or more indirectly in the application of equality norms. This is important to remember when theorising a social psychology of human rights. Without an interactionist focus, such as the social identity perspective described in this chapter, it may be tempting to underemphasize the importance of intergroup dynamics. We may resort to individualism or resort to an overly-consensual notion of humanism that relies too much on social determinism.

If we are to attempt to understand how people use rights rhetoric in political debates –
including concepts of subgroup rights – we need to focus on their responses to specific
instances of perceived injustice. In this sense, following the empirical flavour of
Sniderman et al.'s (1996) approach is considered useful. Questions can be
contexualized by giving examples of relative injustice derived from contemporary
Australian debate over human rights. Gathering qualitative reasons for ratings,
judgements, views and choice of behavioural strategies from participants allows us to
gather insights into motivations for responses to perceived injustice. In the following
chapter we will review in more detail the concept of subjective structuring of the social
world with particular social beliefs (social mobility or social change). We will then
consider links made in social identity research between social beliefs orientation, social
identification, and identity-management strategies as motivated responses to perceived
injustice.

Chapter 3: Identity management as a response to injustice

This chapter describes processes identified in social identity theory and self-categorization theory that may influence rights-based responses to injustice in political contexts. Firstly, the use of social belief orientations as subjective modes of structuring social conflicts will be reviewed. Antecedents to constructing social reality with either social mobility beliefs or social change beliefs will be discussed. The claimed theoretical links between each social belief and three commonly-identified identity-management strategies will be made. We trace the links between the use of social mobility beliefs and individual mobility strategies of identity management, and between social change beliefs and identity-management strategies of social competition and social creativity. The use of a particular type of human rights rhetoric, namely, individual rights, unique subgroup rights or rights of a broad collective, is suggested to achieve the goals of individual mobility, social competition and social creativity respectively. In particular, we focus on how the use of inclusive human rights rhetoric may still achieve a socially-creative protection of subgroup identity in some contexts. This discussion suggests how subgroup identity and categorizations of the human self interrelate via the selection of a politically-appropriate identity-management strategy We then highlight the importance of accessible background knowledge in interaction with comparative and normative fit as a process of producing salient self-categorizations. These salient social identities define the vantage point of the perceiver who subjectively structures situations of relative disadvantage and uses particular identity-management strategies as responses to perceived injustice.

As outlined in Chapter 2, the social identity perspective uses an interactionist approach to social psychology and produces theories of intergroup conflict that move beyond individualism. Intergroup relations are considered relevant for explaining social protest,

ongoing social conflict and the attempts to respond to perceptions of relative group disadvantage and intergroup injustice. So, in order to study the use of human rights in political life, we have grounded much of our thinking in the social identity perspective. This should not only allow us to focus on an under-researched area of intergroup injustice research, but it also allows us to revisit the theoretical concepts outlined above that have been relatively neglected within the social identity perspective. We begin by considering the role of the social beliefs continuum in SIT.

The social beliefs continuum

Within SIT, the use of social belief orientations are thought to provide social meaning by assisting the social perceiver to represent social relations such as intergroup treatment and social conflict. This sense-making function was importantly captured in Tajfel's discussions of the use of social beliefs as "a subjective structuring of a social system" (Tajfel, 1975, p. 104). A social beliefs continuum was proposed in this work, and this continuum was anchored by *social mobility beliefs* and *social change beliefs*. This continuum was posited along with the identity continuum anchored by personal identity and social identity, and the behavioural continuum anchored by interpersonal behaviour and intergroup behaviour.

Below we examine what researchers have understood the social mobility orientation and the social change orientation to mean, and how they differ as modes of subjectively structuring the social world. We seek to determine how those working within the social identity perspective have defined the ideological content of each belief.

Definitions of social mobility beliefs

Tajfel (1975) discussed the poles of the social beliefs continuum in early work focused on considerations of group exit and voice. Voice, is a concept familiar to social justice researchers. It has commonly referred to the ability to air a grievance or to be provided with the opportunity to complain about perceived injustice. As such it has often been linked to concepts such as the achievement of control within social relationships. Importantly, for our purposes, the use of voice indicates the willingness to argue from the perspective of a social identity for the better treatment of that identity. Group exit, in contrast, reflects a motivation to deidentify and to change group membership rather than defending the original social identity on its own terms and asking for recognition, respect or identity-appropriate recompense.

In the context of a paper on exit and voice, Tajfel defined social mobility beliefs as the basis for social mobility behaviour or "the exit of an *individual* from his group" (p. 108, emphasis added). The beliefs were elaborated in the following way:

> "What I mean by social mobility is an individual's perception that he can improve his position in a social situation, or more generally, move from one position to another, as an individual . . . .the principle, [that] he is able to leave his present social group or groups and move to other groups which suit him better . . . . [is] a subjective structuring of a social system . . . in which the basic assumption is that the system is flexible and permeable, that it permits a fairly free movement of the individual particles of which it consists." (Tajfel, 1975, p.104)

Other attempts to define social mobility beliefs have included:

> "Social mobility beliefs are characterized by the view that individuals are free to move between groups in order to improve or maintain their standing. They are underpinned by an assumption that a given social system is flexible and permeable." (Haslam, 2001, p. 35)

and

> "The course of action taken [in response to low self-esteem] depends on subjective beliefs about the nature of the relations between superordinate and dominant groups.

> . . . .[and subordinate groups]. Those who believe that intergroup boundaries are
> soft and permeable possess a social mobility belief structure that sponsors a
> disidentification from the subordinate group and an attempt to be reidentified as
> members of the dominant group. This is a strategy of individual mobility or of
> 'passing' - called 'exit" by Tajfel (1976)" (Hogg, Abrams & Patel 1987, p. 491).

It is worth noting here, that some social justice theorists have also referred to a role for

broad ideological beliefs of this nature. For example, Cohen (1991), though not

referring to the SIT concept of a social beliefs continuum, suggests that there is

> "a conception of personhood that stresses (supposedly) separate, self-contained
> individuals who enter into social relations out of a fundamentally selfish individual
> interest in order to further their (supposedly) individual goals [and this] seems linked
> to a conception of a group whose internal relations are only as strong and
> meaningful as calculation of individual advantage will allow. . . In addition,
> relations between such groups are most easily conceived in terms of predatory
> standoffs between self-interested collections of narrowly bounded individuals . . . .
> [the conception of justice used here] relies on boundaries for its definition and
> stimulates the narrowing or constricting of those boundaries rather than their
> expansion. . . . . . . [here] individuals [are] conceived as separate entities, even when
> they join together as members of groups, [they are thought to] do so for their
> individual, calculated advantage." (p. 253)

The effect of such a social belief about the structure of societal relations and the

"conception of personhood" is clearly relevant to how the justice motive is expressed in

terms of human rights concepts. This ideological orientation arguably shapes the

construal of human rights, excluding the concept of unique subgroup rights though

permitting a construal of human rights as individual rights or universal rights of all

members of a broad collective. Here, then, social belief orientation may directly affect

whether intergroup injustice is perceived, whether felt injustice will be tolerated if

whether the rhetoric of unique subgroup rights will be considered appropriate.

Social mobility beliefs, therefore, are as much beliefs constraining social cognitions

such as construals of human rights as they are subjective perceptions of the social

system that define possible selves, levels of social identification, and relative perception

of social treatment. Notably, in most work from the social identity perspective, the

individual is considered to be the holder of a social mobility belief. However, there

seems to be no theoretical reason why a *group* could not hold a consensual, emergent

social belief; a shared (or even internally-disputed) group ideology or normative view

on issues such as social structure and the permeability of group boundaries. For

example, a social mobility belief held by a group could be expressed as a group norm of

individualism, autonomy, liberalism, or freedom (concepts familiar to a theory of

human rights that is rooted in the Enlightenment). In fact, Tajfel may have even

acknowledged that the theorist faces a choice between focussing on how social mobility

beliefs are used by individuals and how these beliefs may be used *by groups*.

Intriguingly, in the following passage, Tajfel (1978) includes a family as an "individual"

holder of social mobility beliefs:

> "As to social mobility, we shall reserve the term to individual social mobility, i.e. to
> the movement of individuals and families . . . . . from one social position to another.
> In turn, this individual mobility from one social position to another will refer to
> movement (whether it is upwards, downwards or horizontally) from one social
> group to another." (Tajfel, 1978, p. 46)

In the same paper, Tajfel emphasizes that an individual's mode of structuring the social

world may "most often [be] shared with many others" (Tajfel, 1978, p. 52-53; see also

Tajfel, 1982). The acknowledgment that groups *as well as* individuals develop attitudes

and make judgements about action on the basis of social beliefs, gives an intergroup

perspective to what can otherwise be an individualistic account of a social value

orientation. Group sharedness of social beliefs allows for these beliefs to be the

emergent ideological products of group life. Therefore, the study of operative social

beliefs of individuals, subgroup factions within groups, and groups in intergroup

conflict helps us understand the types of responses to injustice that may taken by each

of these social actors. This would accord with Bar-Tal's (1990) work on social beliefs

held by groups and subsequent theorising of social beliefs in this intergroup relations

tradition. Importantly, determining the subjective mode of structuring a perceived

social injustice seems a useful place to start to understand when and how subgroups

may use human rights concepts to develop campaigns against social injustice.

Definitions of social change beliefs

The extreme social change belief guiding responses to injustice has been defined as a

social perceiver's belief that:

> "he [sic] is enclosed within the walls of the social group of which he is a member;
> that he cannot move out on his own into another group in order to improve or
> change his position or his conditions of life; and that therefore the only way for him
> to change these conditions . . . . is together with his group as a whole, as a member
> of it rather than as someone who leaves it." (Tajfel, 1975, p. 104)

In other words adopting a social change belief orientation means that the perceiver

accepts that "one's fate [depends] entirely upon the fortunes of one's group as they relate

to the fortunes of the other group" (Tajfel, 1978, p. 57). Tajfel originally described the

social change orientation in terms of exit and voice:

> "Social change is the situation in which the extreme difficulty or impossibility of an
> individual exit leads at least some of the people concerned to develop, or try to
> develop, an effective common voice for their group. . . . . .[and] voice may become a
> chorus." (Tajfel, 1975, p. 108)

It is notable that most definitions of social change beliefs tend to imply that an

individual is *forced*, by social structural variables such as impermeability of group

boundaries and stability of social relations, to *quite reluctantly* take the second-best

option of continuing to self-categorize as a member of a threatened or devalued group.

A similar tone can be detected in a description of social change beliefs by Haslam

(2001):

> "Social change beliefs, on the other hand, are underpinned by an assumption that *it
> is not possible to escape* one's group for the purpose of self-advancement.
> According to this view, the *only prospect* for improving negative conditions (or for
> maintaining positive ones) lies in action as a group member." (p.35, emphasis
> added)

Kelly and Breinlinger (1995b) portray social change belief orientation in the context of gender relations a little more positively. The social change orientation is discussed with more empowering terms such as solidarity and the active notion of women collectively and powerfully expressing a sense of shared identification are used:

> "women must act as a group in order to bring about changes in social structure and institutions. Here, women were expressing a strong sense of identification and solidarity with other women and saw collective action as the only way to bring about equal opportunities for women in all spheres of life." (p. 42)

Reicher (2000) similarly describes the social change belief orientation in terms of a deliberate, active choice to mobilize:

> "[social change] is about taking up a stance one would have previously rejected or even found unthinkable. It is equally about rejecting a position one previously embraced or had taken for granted" (p. 12)

The quite narrow and more negative interpretation of social change orientation seems theoretically problematic. It is inconsistent with research findings that ingroup identification can increase when ingroup distinctiveness is under threat (Spears, Doosje, & Ellemers, 1997) – perhaps, irrespective of the perceived permeability of the group boundary. It tends to underestimate the desire for a group member to stay identified as a member of the threatened group, even when group exit may be possible. The act of responding to perceived injustice with a claim of unique subgroup rights may reflect a proud choice to *enclose [oneself] within the walls of the social group*, despite, or rather, *because* of the fact, that your distinctive subgroup identity is under threat. This chosen ongoing identification with a threatened ingroup may work to buffer any negative impact on self-esteem and is surely the very stuff of some rights-based responses to perceived injustice. A social change belief orientation may therefore not result merely because they are the *last* choice available to the threatened group. Rather, it may be the social construction of choice.

Admittedly, however, many social identities are forced upon devalued group members in irrelevant contexts. Sometimes an individual who is treated as a group member against their wishes suffers the consequences of being effectively trapped within an unwanted identity that they perceive to be irrelevant, despite the readiness of others to apply it to them. One effect of asserting unique subgroup rights is that, from time to time, you may be trapped, for example, inside a homosexual identity (Morgan, 1995). Therefore, sometimes the social change orientation and subgroup response to injustice may be as much about telling others when you do *not* wish to be categorized as a group member as when you do. These issues relate to the specific contexts of many discrimination claims and to the idea of an ascribed identity or a looking glass self, that is more commonly discussed by symbolic interactionists (Lane, 1988), than by those using the social identity perspective. However, the definition of social identification used by Brown (1988) seems to include both a chosen and an ascribed identity. Interestingly, both chosen and ascribed identities are noted by Tajfel (1978) in the following statement:

> "Social change . . . will be understood here as . . . efforts by large numbers of people [large social groups], who define themselves *and are also often defined by others* as a group, to solve collectively a problem they feel they have in common, and which is perceived to arise from their relations with other groups." (p. 46, emphasis added)

These points will be further drawn out in the following discussion of the social-structural and identity-based antecedents to each social belief orientation.

Antecedents to the use of social beliefs

When considering the antecedents to social beliefs and the link between social beliefs and identity-management strategies, we start to understand the real task ahead of psychologists studying rights-based responses to perceived injustice. The use of human

rights rhetoric – used as a particular identity-management strategy in a political context – will reflect a subjective structuring of the perceived injustice with either social mobility or social change beliefs. In Tajfel's terms, "antecedents" to a particular mode of structuring the social world could be thought of as the *reasons* why each individual or group member is positioned at a particular location on the social beliefs continuum.

The commonly-discussed antecedents to the use of particular social beliefs are social-structural variables, such as perceptions of a status difference, perceptions of the permeability of group boundaries, perceptions of the stability of status relations, and perceptions of the legitimacy of status relations. These variables have been commonly investigated as predictors of social belief orientation and the use of particular identity-management strategies (see work by Ellemers, Spears, & Doosje, 1997; Ellemers, van Knippenberg, & Wilke, 1990; Ellemers & van Rijswijk 1997; Ellemers, Wilke, & van Knippenberg, 1993; Ellemers, van Knippenberg, de Vries, & Wilke, 1988; van Knippenberg & Ellemers, 1993). These most commonly-discussed antecedents of social beliefs and identity management strategies for low-status groups have been summarized by Haslam (2001, p. 38, Figure 2.5a), and are shown below in Figure 1.

Perceived permeability of group boundaries | Perceived security of group relations (legitimacy and stability) | Strategy for achieving positive social identity | Course of action resulting from strategy | Implications of strategy for outgroup and status quo | Form of behaviour

The social mobility belief system

permeable group boundaries → individual mobility → passing into high-status group → accepts outgroup's superiority → individualized behaviour

The social change belief system
(reflecting motivation to achieve social change)

impermeable group boundaries

— secure relations → social creativity → change (a) comparative dimensions, (b) attribute meaning, or (c) comparative frame → redefines but avoids directly challenging outgroup's superioirity → collective behaviour

— insecure relations → social competition → conflict, open hostility, antagonism → directly challenges outgroup's superiority → collective behaviour

Figure 1: Antecedents to social belief orientation and identity-management strategies commonly discussed in SIT

Interestingly, Haslam's (2001) figure depicts the typical prediction that the only strategy considered available to low-status groups confronting *impermeable* group boundaries and *secure* (stable and legitimate) social relations is social creativity (perhaps the use of inclusive human rights rhetoric). Social competition (eg. the use of unique subgroup human rights arguments) is suggested as possible only when boundaries are *impermeable*, and, social relations are *insecure*.

However, we are also interested in when and how low-status group members attempt to challenge secure status relationships; transforming secure status relations into insecure status relations perhaps by making human rights complaints. Variables that may help to explain such challenge of secure relations over and above social structural variables could include activist identification and background knowledge such as understandings

of social history, and expectancies of the ongoing relations between groups. In the two sections below, we will focus on some possible additional routes to social change orientation and socially competitive as well as socially creative identity-management strategies that have been relatively under-researched within the social identity perspective. In our discussion of under-researched antecedents to social mobility beliefs we will emphasise newer variables such as (i) degree of social identification, (ii) identification as a political activist, and (iii) the perceived contribution made by a group to elaborating and enhancing a sense of social self. In our discussion of under-researched antecedents to social change beliefs, we focus on (i) decisions to use social change beliefs even when group exit is possible, (ii) a perceived need to create or emphasise boundaries between social groups, (iii) responses to a conflict not based on the reality of relative status within a stable social hierarchy, and, (iv) identification as a model of future social relations.

Antecedents to use of social mobility beliefs

Researchers such as Taylor and McKirnan (1984) attempt to explain reactions to disadvantaged status by assuming that "individual strategies will always precede any collective attempts by group members to cope with their disadvantaged status" (Taylor & McKirnan, 1984 p. 294). Such analyses of reactions to perceived injustice begin with a consideration of the impact of individual difference variables, such as the adoption of individualistic values, political ideologies, or personality characteristics. However, this is to assume a primacy of personal self-categorization that is not warranted by the interactionist social identity perspective. Also, since we assume that both individuals *and social groups* can use social mobility beliefs to subjectively structure an injustice context, the use of individual difference variables to explain why subgroups may use an individualistic ideology to shape their responses to injustice is unclear. An individual

difference approach here would fail to explain why and how a group may apparently structure an injustice context with a norm of individualism, or subsequently use rhetorical strategies based of asserting individual rather than subgroup rights.

Degree of social identification

Some research has suggested that strength of identification may impact on the adoption of social mobility or social change beliefs. In two studies of low-status group members, Ellemers, Spears and Doosje (1997) found that the strength of ingroup identification – either high or low identification – was more predictive of social mobility belief orientation (as the desire to use individual mobility identity management strategy) than was the perceived permeability of the intergroup boundary. Low identifiers preferred individual mobility strategies. In a second study, when boundary permeability was manipulated *in the absence of information about relative status differences creating identity threat*, low identifiers still appeared to use social mobility beliefs more than did high identifiers. In both studies, low ingroup identification caused lower commitment to the ingroup and lower levels of perceived ingroup homogeneity. These studies show how the degree of ingroup identification rather than merely the perception of social structure, is associated with a particular mode of subjectively structuring the social world. Of course, many disadvantaged groups may be collections of high identifiers. It appears from this study though thatstrength of identification may predict group exit more directly than perceptions of group boundary permeability.

Identification as an activist

This greater causal role for identification has been supported by Condor's (1986) research relating to identification as a political activist, namely, as a feminist. Condor found that women identifying less strongly as feminists (termed "traditional women" in

the study) were less likely to use identity-management strategies consistent with a social change orientation rather than strategies consistent with a social change orientation. Importantly, Condor suggests that the qualitatively different action strategies of "traditional women" is based on a difference in strength of identification, and not because traditional women necessarily internalize the views of misogynist men. Condor (1986) reminds us that:

> "the fact that, to feminists, traditional attitudes and 'women-hating' are . ... inseparable . . . should not mislead us [as researchers] into assuming that women who do not wish for change in established sex roles are necessarily unfavourably disposed towards their own sex." (p. 106)

In this sense, traditional women still displayed antipathy towards male characteristics and suggested that men ought to develop feminine qualities. For these reasons, the sample of traditional women were not said to hold ideological beliefs that were the opposite of the ideologies held by the sample of feminists. The difference in the strength of activist identification as a feminist, instead meant that "traditional women tended to regard 'liberation' as desirable only to the extent that a woman could be regarded as *an individual*"(p. 105) – and only to the extent that any liberation resulted in true equality between men and women rather than dominance by women or the need for women to live separately from men. Therefore, those traditional women identifying less with feminism used social mobility beliefs defined by individualism, equality of opportunity and construal of rights as equality-driven rights. In constrast, feminists, were more likely to use social change beliefs to structure the conflict and were more prepared to argue for unique subgroup rights.

The contribution of a group to elaborating or enhancing a social identity

Another identity-based antecedent to using social mobility beliefs and individual mobility strategies was discussed by Kelly and Breinlinger (1996):

"if a group fails to make a positive contribution to social identity, a person is more likely to pursue a strategy of individual mobility – quitting the group and possibly finding an alternative – than a strategy of collective action to improve the status of the whole group" (p. 138)

These efficacy or likelihood-based judgements may influence use of social beliefs such as considering the prospects for future status enhancement for those continuing to identify as members of a particular subgroup. Such considerations were found to influence preferences to achieve higher status via individual mobility or group action (Ellemers, Wilke, & van Knippenberg, 1993).

Antecedents to use of social change beliefs

In order to consider some routes to the use of social change orientations other than perceptions of social-structural variables, we can consider an example. Let us assume that indigenous peoples in Australia decide to continue identifying with their subgroup and do not want to pass into the group "non-indigenous Australians" in response to subgroup identity threat, even if there is an immediate status-based benefit of "passing". Their continued social identification as indigenous Australians, their use of a social change orientation and a socially-competitive identity-management strategy would then not merely reflect a second-best option that was the result of a dashed hope to pass as an Australian whose self identity is not defined by race. This behaviour is not explicable by perceptions of, say, permeability and security of social relations alone. Those perceiving unjustified human rights abuse in a system of secure social relations may refuse an opportunity to pass and, instead, attempt to *create* "cognitive alternatives" (Tajfel & Turner, 1979) even in response to a perception of secure social relations rather than merely waiting for a social hierarchy to become unstable.

This example foreshadows the need for antecedents to the use of social change beliefs that differ from the standard mix of permeability and security (legitimacy and stability) variables discussed in SIT and depicted by Haslam (2001). Even though Tajfel (1978) discussed at length how perceptions of permeability, legitimacy and stability may lead to the adoption of social beliefs, he had foreshadowed that "there are at least three more variants of social conditions which determine the 'social change' structure of beliefs" (p. 54). Tajfel listed these along with perceptions of social structure in the following way:

> "To sum up, we distinguished between four variants of the conditions which help to determine the development of the 'social change' structure of beliefs. The first relates to the reflection in these beliefs of an existing rigid system of social stratification – at the point when, for reasons mentioned above, the perceived stability of the system begins to break down. The second concerns the creation of a 'social change' system of beliefs in social conditions which do not necessarily prevent individual movement from one group to another. The third finds its origins in certain individual needs for establishing clear-cut and impenetrable social dichotomies. This is the traditional area of most social psychological studies on intergroup prejudice. The fourth is a consequence of an intense and explicit conflict of interest between groups which is not related to a stable social stratification."
> (Tajfel, 1978, p. 58)

Therefore, in addition to the scheme set out in Figure 2.1, Haslam (2001) also acknowledges that Tajfel envisaged three reasons other than impermeability and insecurity for adopting a socially-competitive identity-management strategy based on a social change orientation. Haslam's (2001) summary was that:

> "Tajfel (1978) identified a number of conditions which could lead individuals to hold social change beliefs. These included situations in which there is: (a) an objectively rigid system of social stratification which is perceived to be in some sense illegitimate and unstable; (b) a desire to intensify the impact of group memberships (c) a motivation to clarify otherwise vague or non-existent group boundaries, and (d) a division or conflict between two groups that makes movement between groups unthinkable" (p.35)

Acknowledgment of Tajfel's listing of additional antecedents was also made by Syroit (1991, p.267) in a paper on social justice.

Decisions to use social change beliefs even when group exit is possible

The first alternative route to social change beliefs, then, is when group members make a deliberate decision to continue identifying even when their group is threatened and when group exit is possible via a permeable group boundary. Tajfel (1978) used the example of a highly nationalist group making a voluntary decision to stay identified as a low-status group, even though group boundaries are permeable and passing is possible.

Interestingly, empirical work has demonstrated a therapeutic benefit of identifying with a disadvantaged group in some cases. Therefore possible therapeutic benefit is not achieved by group exit alone. Not to underemphasize the harm caused to self-esteem by negative effects of discrimination or social exclusion, Branscombe, Schmitt and Harvey (1999b) showed that there are some positive benefits of continuing to identify with a low-status group that is a constant victim of prejudice. Gaining empirical support for their *rejection-identification model* they have showed that some subgroup members get to a point where they make a stable external attribution that negative treatment by others is due to the outgroup's prejudiced beliefs and not due to inadequacies internally attributed to the ingroup. When such an attribution is consistently made by the victim, Branscombe et al. (1999) suggest that the victim has rejected the possibility and benefit of inclusion in the dominant group. As a result of this rejection, the victim benefits from identification with the routinely-devalued group. This identification has been shown to aid coping and to reduce some of the negative psychological consequences of prolonged exposure to discrimination. This approach is consistent with other work demonstrating increased identification with a low-status group under identity threat or negative intergroup comparison (Branscombe, Ellemers, Spears, and Doosje, 1999; Ellemers, Spears and Doosje, 1997, 1999; Verkuyten and Nekuee 1999). However, the

identity threat work done prior to the rejection-identification model did not address the effect of substantially prolonged disadvantage or negative intergroup comparison. Nevertheless, significant increases in identification are obtained even under relatively short-term distinctiveness threat and collective self-esteem threat.

A perceived need to create or emphasise boundaries between social groups

A second reason that social change beliefs may be adopted – other than in response to perceptions of impermeable group boundaries and the instability, and illegitimacy of a status difference – is when people are motivated to structure perceived social relations "in the form of beliefs about clear-cut and impenetrable distinctions between certain social groups" so that social movements can *be created* (Tajfel, 1978, #278, p. 54) and that, in Haslam's (2001) terms, the impact of group membership can be intensified.

An example of this may be where a human rights activist deliberately uses a social change orientation and socially-competitive rhetoric in an attempt to perform a consciousness-raising function, to clarify an otherwise vague or non-existent group boundary, and when they deliberately attempt to transform secure (stable and legitimate) intergroup relations into insecure intergroup relations. Rather than waiting for structural variables to realign, and for "cognitive alternatives" to be arise, the activist may adopt social change beliefs to create these conditions and achieve a political protest goal.

In fact, Tajfel (1978) did label this process a "social creativity" strategy flowing from a social change orientation:

> "the situation [that leads to adoption of social change beliefs] need not necessarily be related *ab initio* to a clear-cut belief in the impossibility of 'passing' from one group to the other. And therefore, 'social creativity' will be needed to push in that direction the subjective structuring of the situation in those who initiate the movement with the hope that they can also influence others." (p. 56)

This point has been emphasized by Reicher and Hopkins (1996a) who suggest that

"categories do not only reflect existing social relations, action on the basis of self-

categories is used to transform the relations obtaining in our social world." (p. 309)

Responding to intense conflict not based on status differences

Tajfel's (1978) third, additional route to adopting social change beliefs was the existence

of "a direct conflict of interests between groups which is *not related to enduring status*

differences between the groups, or to the belief in the existence of such differences" (p.

54, emphasis added). This may apply to conflict over a dimension of group identity that

does not define the status differences between groups. For example, two minority

religious groups within a diverse society may have an ongoing and intense religious

dispute. A specific example of this could be theological tensions between Catholics and

Protestants in India, where the main status difference was based on being a Hindu or a

Muslim. Even though an intense theological clash between Catholics and Protestants

does not place them at different levels of the social hierarchy, it may still lead to the use

of a social change orientation by these groups.

Identification as a model of social relations

Finally, Reicher (2000) has suggested a possible fourth alternative antecedent to

adopting social change beliefs. He has stressed that social identification helps us

understand what *causes* someone to adopt a social change orientation. For example,

Reicher (2000) suggests that:

> "[to say that] psychological change is a function of alternatives, ... does not
> explain how these alternatives (or, at least the perceptions of alternatives) comes
> about. This is what I mean when I say that Tajfel's own work did not constitute a
> model of social change but only provided some of the conditions that such a model
> should include . . . . . [The] notion of identity as a model of social relations helps

explain how people change their identities through social practice and how these changed identities lead to new forms of social practice." (p. 15)

In this sense, social identification not only gives information to the group member about ingroup norms, but it often creates expectations of how your group will relate to other groups. Reicher (2000) also suggests that being treated in terms of a homogenous group – such as an outgroup treating every member of a gathering of protesters as similarly motivated and oppositional – can shift previously cautious members' ideological orientation towards social change. This means that treating an aggregate of protesters as if they were an homogeneous group of interchangeable group members, may be enough to unify that group and shift them to the social change pole of the social beliefs continuum. This raises important issues about how position within an ingroup, *perceived in the context of treatment (or anticipated treatment) by an outgroup*, can promote the use of social change beliefs:

> "[sometimes] crowd members who consider themselves as exerting their democratic right to protest, who distance themselves from radical protesters and who conceive of the police as a neutral guardian of the social order are treated as part of a homogenous dangerous collectivity by the police. They find themselves treated as 'oppositional', they find themselves located as the sort of people their parents warned them against. Being treated as oppositional, they begin to conceive of themselves as oppositional. Radicals who were previously shunned become common ingroup members. The police who were previously respected become a despised outgroup. Their view of society changes from a liberal consensual position to a radical conflict position." (Reicher, 2000, p. 15)

Finally, Kelly and Breinlinger (1995b, p. 42) suggest, that Condor's (1986) results are evidence of a link between degree of identification and structuring the social world with social change beliefs. In that study, high identifiers rather than low identifiers were more likely to use identity-management strategies based on social change rather than social mobility.

Three classes of identity-management strategies

In addition to rethinking antecedents of social belief orientations, it may be worthwhile to rethink definitions of particular identity-management strategies. In particular, it seems worthwhile to elaborate what is meant by social creativity in political contexts where human rights discourse is used. In response to perceived permeability of the intergroup boundary, *individual mobility* is said to result from subjective structuring with social mobility beliefs. In response to perceptions of the the social structural variables of permeability, legitimacy and stability as shown in Figure 1, either *social competition* and *social creativity*, are said to result from subjective structuring with social change beliefs (Haslam, 2001). When the intergroup boundary is perceived to be impermeable and intergroup relations are perceived to be insecure (unstable and illegitimate), SIT predicts that low status group members will engage in direct social competition in order to exploit the perceived insecure status relations to their advantage. Social creativity is thought to be a less confrontational expression of social change orientation, especially when the social status differences are perceived to be stable in addition to illegitimate under situations where the intergroup boundary is impermeable. Importantly, social-creativity must be thought of as a response mediated by social change belief orientation even though direct social competition is not attempted. It is a more indirect challenge to illegitimate and otherwise stable status differences – perhaps the most common case of when human rights complaints are made.

As suggested above, many researchers have downplayed the conceptual place of the social beliefs continuum in work from a social identity perspective. Instead, many researchers have focused on identity-management strategies to the exclusion of detailed consideration of which social belief is operating as a mode of structuring the social

world at the time a particular identity-management strategy is chosen. The following sections describe the particular identity-management strategies applied to political contexts where human rights claims may be made.

Individual mobility

A strategy of individual mobility refers to the seeking of status-improvement by group exit and passing into the high status group. This involves disidentifying from a subgroup and recategorizing self perhaps as a member of the broadest collective of individuals. Importantly, the assertion of individual rights rather than unique subgroup rights by a disadvantaged subgroup member who suffers harm or disadvantaged *because of* their subgroup membership could be described as an individual mobility strategy. This could reflect disidentification with the threatened subgroup. In a study of women's group activists, Kelly and Breinlinger (1995b) predicted that disadvantaged women adopting the strategy of 'individual mobility' under stress would psychologically disassociate from their devalued group, and rely on personal identity for self-definition within a broad collective and also adopt an ideology of individual merit that was:

> "characterized by the idea that individual success can be related to individual characteristics, such as ability, and that the way forward for women is to be successful as *individuals*, thereby providing role models for subsequent generations. Identification with other women as a group is played down and it had been suggested that women adopting this strategy psychologically dissociate from the low status group (William & Giles, 1978)."(p. 42)

However, a social mobility belief orientation is usually claimed to exist merely if a strategy of individual mobility is evident. The widespread use of this assumption demonstrates that investigation of the links between social belief use and use of an identity-management strategy of individual mobility is long overdue. Without measuring the operative social belief, it is difficult to determine whether the use of individual rights rhetoric is a strategy of individual mobility based on a social mobility

belief orientation, or, perhaps, a socially-creative strategy based upon a social change belief orientation (see below).

Social competition

An identity-management strategy of social competition allows group identity to be managed (i.e. self-esteem to be improved) by directly engaging in intergroup conflict with the outgroup. In terms of rights assertion, social competition would require claiming that the subgroup member has a right to recognition of their willingness to continue identifying as a subgroup member alongside other outgroups within the broader collective. This would require the assertion of unique subgroup rights (e.g. indigenour native title rights, women's rights, sexuality rights etc) rather than the assertion of individual rights or rights of members of a broader collective.

In contrast to both social creativity strategies and the strategy of individual mobility, Breinlinger and Kelly (1994) suggest that:

> "Only the strategy of social competition involves a direct challenge to the higher status group. It rests on a belief that current status relations are illegitimate and that they can be changed, that is, individuals are able to perceive cognitive alternatives to the status quo. It involves a belief in collective action, and its aims are reflected in the women's movement." (p. 3)

Social creativity

In the following quote from Hogg, Abrams and Patel (1987) we see some commonly-stated relationships between social change beliefs and identity-management strategies of social creativity. The main difference here between social change beliefs resulting in strategies of social competition and the same belief orientation resulting in strategies of social creativity, is that the inability to perceive cognitive alternatives to the stable status quo results in social creativity:

"Those who believe that intergroup boundaries are rigid and impermeable posses a social change belief structure. If they also believe the status hierarchy to be legitimate and immutable – that is, they cannot conceive alternatives to their institutionalised subordinate status – then social creativity strategies are adopted." (Hogg et al., 1987, p. 491).

According to SIT (Tajfel & Turner, 1979), there are a number of ways a social creativity strategy could work. Firstly, a subgroup member under threat is said to be able to change the value significance of the threatened identity. Secondly, they could change the dimension of comparison used. Thirdly, they could change the outgroup in the comparison. In all these cases these changes where rhetorically possible may lead to the psychological survival of the subgroup and the continued ability to identify in subgroup terms with reduced levels of identity threat and challenge to self-esteem (see Breinlinger & Kelly, 1994, for a list of responses to gender-based inequality that were coded as being examples of each of each these three social competition strategies).

Of course, some of these options may be simply unavailable in social situations or hard to translate into real protections of the subgroup. However, the use of inclusive human rights rhetoric – obstensibly individual human rights rhetoric used to indirectly include and protect a threatened subgroup – may be a *fourth type* of social creativity strategy that is more commonly possible than the other three suggested strategies. This use of inclusive human rights rhetoric asserts that ingroups and outgroups are *both* entitled to the same rights as a function of their shared membership of a broader collective such as the nation or the human race. The use of inclusive human rights rhetoric in this way exploits the concept of equality as sameness and the UN's definition of human rights with universalistic conceptions of dignity that are to apply to all subgroup members of a broad collective. This socially-creative use of individual human rights would not result from a social mobility belief but would result from a social change belief. This again highlights the need to measure social beliefs if the underlying motive for using

individual human rights responses to perceived subgroup injustice is to be revealed. These motives cannot be simply inferred from the use of individualised human rights rhetoric alone. This inclusive rhetoric is probably better described as a form of egalitarianism within the broad collective; at best a second generation right to entitlements that every member of a moral community is entitled to equally. It clearly contrasts with claims of individual rights (first generation rights) or with claims of unique subgroup rights (third generation rights).

This fourth type of socially-creative response may have been demonstrated in two studies of political persuasion. Reicher and Hopkins (Reicher & Hopkins, 1996a; 1996b) found that an important part of the rhetorical strategy of a speaker attempting to addressing an outgroup audience was to assert that both the opposed ingroup and outgroup shared membership in an inclusive group. This exploitation of shared group membership by a speaker engaged in an attempt to exert political influence was demonstrated by an analysis of political campaign speeches as well as by an analysis of an address by an anti-abortion campaigner to an audience of doctors. These findings may suggest that a subgroup under threat could assert an inclusive human right – one that is purportedly held by both an ingroup and outgroup – as a socially creative response that appears defined in terms of the interests of a broad collective though, in reality, operates indirectly in the interest of a subgroup who wishes to, or is forced to, continue identifying as a member of a devalued subgroup.

Perhaps another example of this fourth type of social creativity – the use of normative, inclusive rhetoric, indirectly aimed at maintaining subgroup identification – may also be seen in studies of responses to power use. For example, Reynolds, Oakes, Haslam, Nolan, and Dolnik (2000) studied the reaction of powerless groups to unfair treatment

by a powerful group under varying conditions of permeability of the intergroup boundary. Attitudinal responses to injustice were measured by describing the content of stereotypes held by the victims of the injustice. Behavioural responses to the unjust decision making were measured by participants' motivations to (i) accept the unfair decision not to be promoted into the higher status group on the basis of demonstrated merit, (ii) mount an individual protest, or, (iii) to mobilise collective action of fellow victims. The subgroup protest options were presented as non-normative response options as is a common feature of this paradigm first used by Wright, Taylor and Moggahadam (1990). The low-status group members perceiving injustice were told that making any form of protest (either individual or subgroup-based) would be against the norms of the social system.

Results showed that acceptance of the unfair decision was popular, but more so if the intergroup boundary was open. Collective action was the preferred option when boundaries were closed. A prediction that an individual mobility strategy would occur in the open boundary condition was not supported by the data, possibly due to the non-normative nature of that response to injustice. However, the use of more collective action in the closed boundary condition accords with SIT explanations of social change orientation leading to social competitive identity-management strategies.

A preference for normative response options over non-normative response options in this paradigm – irrespective of other effects predicted by permeability and/or tokenism – was demonstrated by Boen and Vanbeselaere (1998). By analogy, we can ask, to what extent is making individual rights complaints and subgroup rights complaints non-normative in some political contexts. Perhaps individual rights complaints are more normative than subgroup rights complaints. Subgroup rights claims may be in stark

contrast to claims of equality as sameness that characterise the egalitarianism of inclusive rights. It may be realised by the claimant that inclusive human rights claims are more likely to be accepted by the challenged decision-maker who would not be as eager to tolerate claims of unique subgroup rights as claims for diversity within a broader polity. Claims of inclusive and individualistic human rights may be able to be made as an appeal to universal moral entitlements functioning rhetorically as an appeal to an almost undeniable and objective truth dialect (Mikula & Wenzel, 2000; Wenzel & Mikula, 2001). This would be in contrast to claims of unique subgroup rights and some individual rights which may instead function as a claim to a right of recognition of subordinate identities rather than the most superordinate identity "human".

A final word about *intergroup* theories of *intergroup* injustice

Throughout this chapter we have referred to "reactions to perceived (subgroup) injustice". This demands an understanding of how perceptions of injustice are created. We claim that the social identity perspective can help reorient social justice research towards the study of intergroup injustice rather than merely interpersonal injusice. The latter is a study of the justice motives of individuals reacting to interpersonal treatment. Sometimes it can be applied to understanding the justice motive of individuals within undifferentiated and broad collectives. However, we would argue there is a need for an intergroup theory of injustice that explains how subgroup members within a diversely-structured collective respond to violations of their *subgroup* identity or their expectations about tolerable intergroup relations.

Elaborating theories of *intergroup* injustice is important, not only for a better understanding of how norms of intergroup justice are created and used, but also for explaining how accessible, historical, background knowledge of social relations and

salient social identities interact to shape reactions to intergroup injustice from the vantage point of the subgroup member. Researchers using the social identity perspective are not the only theorists to demand this. Cohen (1991), for example, believed, that it is easy for people considering making justice claims, and for theorists themselves, to ignore the intergroup context in which much of the perceived collective relative deprivation occurs. Mikula (1990) has also emphasised the need to determine the impact the *type* of social relationship and its history (especially the relationship between the perpetrator and the victim or victim's group) has on what negative treatment people consider to be injustices actionable with particular claims. He suggests that a claim of some particular injustices "require particular relationships or settings" (p. 143) in order for them to be made. We argue that those particular relationships and settings often include relevant aspects of *intergroup* relationships and settings.

These points suggest a need for an intergroup as well as an interpersonal theory of justice (for a review see Platow, Wenzel, & Nolan, in press). Syroit (1991) suggests a need for a specific, and even separate, intergroup theory of justice. He based his argument upon an understanding of SIT, the role of social beliefs, notions of a functional discontinuity between personal and social identity, and Asch's (1952) concept of interactionism (see Syroit, 1991, especially p. 269). Like Wenzel (2001), Syroit (1991) criticizes the narrow basis of equity theory and the exclusion of relevant identity-based, and social contextual "inputs" from an understanding of perceptions of injustice. This echoes Tajfel's (1975) criticism of the individualism of equity theory. For Syroit (1991), any theory that attempts to explain intergroup injustice without a metatheory consistent with the study of intergroup relations will not be sensitive to the specific type of identity-based distress suffered by victims of intergroup injustice. Further specific

arguments for an intergroup theory of justice can be found in the work of Bruins, Platow, and Ng (1995). Support for an intergroup theory of justice is also found in work by a number of social justice theorists advocating, at the very least, that group-level variables be used in existing theories of justice (e.g. Azzi, 1992; Hegtvedt, 1988; Hegtvedt, 2001).

<u>Chapter overview</u>

We have suggested in this chapter that the social construction of an injustice with a particular social belief (social mobility or social change) may importantly determine behavioural reactions to injustice and helps to clarify why particular rights-based responses to injustice may be adopted as a strategy for identity management. Social beliefs may also determine broad construals of the purpose of human rights law. In this chapter we detailed how SIT predicts the use of individual mobility strategies of "passing" or "exit" based on equality-as-sameness rhetoric and assertion of individual rights in response to using social mobility beliefs. Also, SIT predicts that (direct) social competition strategies and (indirect) social creativity strategies will result from the cognitive structuring of a perceived injustice with social change beliefs. Importantly a socially-creative use of inclusive, individual human rights rhetoric may only be distinguishable from use of an individual mobility strategy by measurement of the underlying social belief orientation.

However, it has been more common to measure only identity-management strategies and to infer the underlying social beliefs. This may be misleading and reflects the fact that researchers have not given Tajfelian social belief orientations a primary role in the causal order as may have been suggested by Tajfel (1978) and is the interpretation used by Syroit (1991). Our discussion of the need to theoretically broaden the range of

commonly-discussed antecedents to social belief orientations also suggests a need to highlight links between identification and the accessibility of background knowledge such as social beliefs. These links may help to determine when particular identity management strategies will be used. This focus allows us to consider when broad ideologies may become accessible from a belief repertoire and helps to predict human rights attitudes and behaviours in response to perceived injustice.

We aim to provide a better understanding of the use of social beliefs as accessible background knowledge in interaction with salient social identifications as antecedents to human rights attitudes and behaviours as particular identity-management strategies. To resolve some of these uncertainties, we intend to explicitly measure operative social beliefs in the contexts of perceived injustice and judgements about political action. This requires the design of items that capture the definition of each social belief.

We consider that a good start has been made towards understanding socially creative as well as socially competitive responses better. For example, work on self-categorization as a minority group member, minority ingroup pride, and, ingroup homogeneity suggests how low status subgroups may respond to stable power imbalances, ongoing subgroup discrimination and moral exclusion (Simon, Aufderheide, & Hastedt, 2000; Simon & Brown, 1987; Simon & Hamilton, 1994; Simon & Hastedt, 1997; Simon & Pettigrew, 1990). It appears that devalued subgroups may achieve some psychological benefits by rejecting opportunities to pass to a high-status group even when group exit is possible. This may be especially so when passing may deny important and relevant aspects of identity.

As well as social creativity being defined as changing the value significance of the low status group, as changing the comparison outgroup, or as changing the dimension of comparison, we suggest that a fourth socially-creative identity-management strategy is the assertion of inclusive human rights rhetoric in response to perceived subgroup injustice. This possibility would involve reframing clashing identities at the highest level of abstraction possible: the level where all humans share universal claims to human dignity. This seems consistent with an SCT suggestion that effective intergroup conflict resolution occurs when both groups are recategorized at the next highest level of social identity abstraction (Turner et al. 1987). When the assertion of unique subgroup rights is not possible, the social creativity strategy may still be possible for those willing to discharge a justice motive constructed in terms of social change beliefs. Perhaps either of these responses may eventually work to achieve greater respect for the ongoing identification as a subgroup member.

Chapter 4: Social psychological research on human rights

Social psychologists have recently turned their attention to the study of human rights. The main scholarship reviewed in this chapter has been conducted by psychologists working with social representations theory (SRT). Their commitment to this developing area of reseach is welcomed. We also review some further contributions by political psychologists interested in measuring human rights attitudes and behaviours, or the use of rights-related rhetoric.

Social representation theory

General overview of SRT

The goal of social representations theorists is to determine the content and use of shared social representations people construct about non-familiar knowledge systems; seeking an understanding of how people make unfamiliar concepts familiar (Moscovici, 1984, p. 38). Social representation theorists have studied a range of shared, lay knowledge systems, including representations of science (Moscovici, 1992b), professional psychology (Palmonari, Pombeni, & Zani, 1987), human conception (Wagner, Elejabarrieta, & Lahnsteiner, 1995), information technology (Elejabarrietta, 1987), rule-breaking (Verkuyten, Rood-Pijpers, Elffers, & Hessing, 1994), war and peace (Wagner, Elejabarrieta, Valencia, & Ferreira, 1994), and national versus European identity (Echebarria, Elejabarrieta, Valencia, & Villarreal, 1992). Relevant to our focus on Tajfelian social belief orientations used to make sense of law, Farr (1993) suggests that an ideology of individualism can be studied as a social representation:

> "The individual is represented . . . as someone who is responsible for his or her own actions. It is this representation of the individual that become incorporated in the legal codes of many, mainly Western, countries" (p. 27).

Social representation theorists seek to determine the content of representations, variations within systems of shared representations, and links between representations and co-existing attitudes, beliefs, and values. Therefore, the same representation may be connected to different social cognitions. Therefore, "the idea of a shared meaning system does not imply that all individuals hold the same opinions" (Clémence, Devos, & Doise, 2001, p. 90), though it usually is taken to mean that they share the same abstract representation of a particular phenomenon.

Important psychological processes described in SRT are *objectification* and *anchoring*. Objectification relates to the creation of representational content. It describes a process where people define, structure, or categorize unfamiliar concepts. People objectify a concept by creating a cognitive representation of "expert, scientific concepts circulating in society" or by transforming an "institutionalized definition" (e.g. of human rights law) into lay knowledge (Spini & Doise, 1998, p. 604).

Usually, the first analysis determines if people objectify the target concept with the same explanatory dimensions. Once the content of these representations is measured, researchers investigate if the structure and organization of the representation varies within or between social groups. SRT researchers do this in order to reveal what they term "organizing principles of interindividual differences" which can be "systematic variations in the weight individuals or groups give to different dimensions underlying the structure of the [shared] field of representation" (Spini & Doise, 1998, p. 604).

Anchoring is a different process. It describes how the representations resulting from objectification take their place in existing or "related systems of symbolic meanings" (Spini & Doise, 1998, p. 604). It is assumed that "social position or social identities . . .

anchor people's representations" (Spini & Doise, 1998, p. 604). Anchoring is said to occur at one of three levels of abstraction consistent with the three levels of analysis outlined by (Doise, 1986).

At an *individual* level, representations could be anchored in attitudes or value choices. At an intermediate or "*psychosociological*" level, a representation could be anchored by intergroup perceptions or perceptions of the social structure. At a third *sociological* level of analysis, anchoring of representations occurs due to the "specific belonging of individuals to groups and to their shared social relations and experiences" (Spini & Doise, 1998 p. 604). At this broadest level of analysis, representations may be anchored in economic status, consensual political, religious or cultural affiliations of a broad collective.

Therefore, the SRT approach focuses heavily on measuring the content of a socially-shared cognitive representation and how this representation relates to other social cognitions. Statements of the SRT approach often stress that the creation of social representations is not a purely individualized psychological process. In contrast, individual cognition is thought to be constrained by social context and the commitment to broad social values (Farr, 1993, p. 28).

The SRT work on human rights

It has been encouraging to see how passionately social representation theorists have argued that the study of human rights is a ripe for social psychological analysis (Doise & Clemence, 1996; Spini & Doise, 1998). In this section we describe SRT work on perceptions of human rights. This work investigates the representations people construct about what human rights violations are, about what international human rights

treaties mean, and about the importance of protecting particular rights. Also, social representationists have measured non-experts' expectancies about who will respect human rights and who will violate them. The chapter will conclude with some analysis of the strengths and weaknesses of the SRT approach from both SRT researchers and from a social identity perspective.

Most of this research has been conducted at the University of Geneva (Clémence, Devos, & Doise, W, 2001; Clémence, Doise, & Lorenzi-Cioldi, 1994; Doise, 2001; Doise et al., 1996; Doise, Dell'Ambrogio, & Spini, 1991; Doise, Spini, Jesuino, Ng, & Emler, 1994; Doise, et al., 1998; Spini & Doise, 1998; Staerklé, Clémence, & Doise, 1998) but has not been restricted to that research team (e.g. work by Huguet et al., 1998). There has been a cross-cultural aspect to some of the research (Doise, 2001; Staerklé, Clémence, & Doise, 1998), as well as a developmental approach taken in other studies (e.g. Doise, Staerklé, Clémence, & Savoy, 1998). The developmental work with Swiss youth (Doise et al., 1998), suggested that socialization gives rise to representations that are more consistent with legal understandings of what is a human rights violation.

Some of the earlier SRT work on human rights emerged from the study of moral reasoning. Results of these studies showed that the same individuals could appear to have an internalised understanding of the basic principles of human rights law, *but yet* tolerate violations of some of these internalised principles (Clémence, Doise, Silvana de Rosa, & Gonzalez, 1995; Doise, Dell'Ambrogio, & Spini, 1991). This result is interesting because it suggests that contextualised human rights attitudes cannot always be simply predicted from agreement with human rights principles measured in the abstract.

In the early 1990s, Doise and colleagues planned a large-scale cross-national study (see Doise, Spini, Jesuino, Ng, & Emler, 1994) investigating these previous results further, and whether the Universal Declaration of Human Rights (UDHR) is universally represented. A pilot study was conducted which surveyed the social representations of human rights held by 546 participants in 3 countries (New Zealand, Portugal, Switzerland). These countries were chosen because the non-government organization Humana (1992) had classified these nations as countries who generally respected human rights in the year prior to the study.

In this pilot study, the text of the UDHR was presented to participants. Participants rated each article in terms of six bi-polar dimensions assessing whether the article was: comprehensible, easy for governments to enforce, suggesting that individuals be responsible for its enforcement, relevant to the participant, something participants were able to take personal responsibility for and to respect, and, something participants agreed with in all respects. The objectification of the UDHR was analysed by using multidimensional scaling of the rated differences between the articles. The organizing principles were revealed by factor analysis of responses on the six rated dimensions. The representations were also analysed further to see if the representations were differentially anchored in social values (responses on Rokeachian scales and values derived from the preamble to the UDHR) and in measures of perceived conflicts between social groups.

The authors claimed that, irrespective of nationality, the resulting clusters of representations bore a resemblance to the classification of human rights used by René Cassin, chairperson of the UN's UDHR drafting committee. The classification scheme

was: basic rights, civil rights, socio-economic rights, and rights to social order. Secondly, interindividual differences in this four-way representation of the UDHR appeared to be organized by three principles: personal involvement, the importance of the human right, and the perceived ability of the government to protect human rights.

Three types of respondents were identified as the result of an hierarchical cluster analysis performed on these data. The first type of respondent, "governmentalists" (38.1% of respondents) thought that none of the four classes of articles from the UDHR concerned them personally and that human rights were really the government's responsibility, since governments were in the best position to protect human rights. A second group of participants, "personalists"(51.3%) thought that human rights are highly important and their protection concerned them personally and demanded a level of personal involvement in human rights protection since the government's ability to protect human rights was low to moderate. Thirdly, 10.4% of respondents, "sceptics", were pessimistic and cautious, suggesting that human rights are relatively unimportant and that neither personal involvement nor governmental protection would be efficacious. Analysis of the value scales and perceived conflicts measures enabled the researchers to suggest how the human rights representations of these three groups (governmentalists, personalists, and sceptics respectively) were anchored in endorsement of social values and understandings of social conflict. The governmentalists' representations of human rights seemed to be anchored in values of personal happiness and concern about cultural conflicts, the personalists' in universalistic values, and the sceptics in values of traditionalism and awareness of social and racial conflicts.

After the success of this pilot study, a similar methodology and analytic strategy was used to study the social representations of human rights violations held by 6791 participants in 35 countries (Doise, Spini, & Clémence, 1999). This time, the articles of the UDHR were also rated on two additional dimensions: whether political parties can do much to enforce the article, or whether the respondent was willing to take collective action in order to defend the rights mentioned in the article. In addition to these changes, some sociobiographical data (religious and political affiliation and involvement in political and social activities) and measures of experienced injustice were taken at the end of the study. This was in addition to the administration of social value scales and items measuring perception of social conflicts.

The researchers again claimed consensual objectification of human rights irrespective of nationality; suggesting a lay classification of human rights that was structurally similar to Cassin's classification scheme. It was claimed that participants' representations demonstrated a distinction between social rights together with basic individual rights, in contrast to judicial procedural rights. Also, representations of social rights and basic rights were distinguished in most of the national samples. Despite hierarchical cluster analysis, dendrogrammatic analysis, and profile analyses suggesting universality in the representation of the UDHR, there *was* a significant country X article (principles, basic rights, individual rights, social economic rights, and societal rights) interaction that points to some degree of national variation at a lower level of analysis.

Doise et al.'s (1999) subsequent analyses identified four positionings based on the eight evaluations made of each article of the UDHR. These groups were defined as: *advocates* who were idealistic towards and committed to human rights (28%, with highest scores on all dimensions), *governmentalists* who thought that the UDHR rights

were relevant to them but who thought that the government was most able to enforce rights (28%,), *personalists* who thought that human rights were personally relevant and that they were best enforced by individuals (23%,), and *human rights sceptics* (21%, with lowest scores on all evaluations).

The principles organizing these different social positionings were determined by analysis of values ratings and perceived social conflict. The organising principles were shown to be: the importance of universalistic and social harmony values, the experience of collective injustice or awareness of social tension, and the importance of happiness values plus awareness of ideological tensions. The anchoring analysis showed that advocates' representations of the UDHR were anchored in universalistic and social harmony values in stark contrast to sceptics whose representations of rights were anchored in traditional and hedonistic values. Governmentalists' rights representations were anchored in the experience of collective injustice or awareness of social tension, unlike personalists who placed high importance on happiness values. These patterns were similar to those observed in the pilot study.

A correspondence analysis was performed to investigate if the four positionings (advocates, governmentalists, personalists, and skeptics) and their anchorings in values, experienced injustice and perceived social tension, varied across nations. Some relative national differences existed with, for example, most skeptics living in Japan and India and most governmentalists in Cameroon, and the Ivory Coast and Zaire. Generally-speaking, Doise et al. (1999) concluded that positioning and anchoring patterns were similar across nations, though some additional national trends based on political affiliation and perceived governmental efficacy were observed.

The results of the larger cross-national study have been supported by a recent survey of 1239 participants in five countries (Clémence et al., 2001). In this study a 21-item scale of social treatment designed by Clémence, Doise and Lorenzi-Cioldi (1994) was used in preference to presenting the text of articles from the UDHR to participants for further evaluation. The authors justify this methodological change by stating that:

> "In everyday life, issues of human rights do sometimes become the topic of heated debate, not so much at the level of general and abstract standards as such, but in terms of their relevance to particular situations. Indeed, the question that frequently arises is whether specific actions or circumstances are to be considered violations of human rights" (Clémence et al., 2001, pp. 89-90)

This is an important extension of previous studies aimed at determining if the text of the UDHR is universally represented. This methodological change allows a contextualized analysis of perceptions of human rights violations, giving some insight into when human rights language may be used to describe a perceived injustice. This approach is consistent with Sniderman et al.'s (1996) methodology described in Chapter 2. In this study, participants were asked to rate the extent to which they thought the treatment scenario presented was a human rights violation. The study therefore presumed, based on previous studies, that there is widespread international consensus regarding the meaning of human rights principles, and, that the social representation of human rights reflects use of a common meaning system by people who may belong to different national or cultural groups (p. 93).

In this study by Clémence et al. (2001), as in the 35-nation study (Doise et al., 1999) and the 3-nation pilot study (Doise et al., 1994), the general level of representational consensus claimed is qualified by systematic differences in how human rights (violations) are defined or anchored in beliefs regarding the relationships between individuals and institutions, and the ability of both individuals and institutions to protect human rights. The authors admit that variations in cross-national commonality could be

explained in terms of characteristics peculiar to particular nations, with "anchoring [accounting] for differences in the manner in which expert knowledge is processed, given that people differ in their previous knowledge, beliefs and experiences" (Clémence et al., 2001, p. 89). In this study, a Romanian data set was analysed that had been collected from participants who had witnessed the fall of the Ceausescu regime four years previously. This data set was compared to data from Costa Rica, France, Italy, and Switzerland. However the researchers explicitly state that they are not attempting to explain national variation, suggesting that the existence and basis of national variation within a generally-shared representational framework was adequately demonstrated in Doise (1999):

> "Thus, inter-country differences will be reported only for descriptive purposes; we intentionally resisted the temptation to speculate about the meaning of such differences". (Clémence et al., 2001, p. 90)

Therefore, the aim of this research was to search for more evidence of cross-national consensus, and the existence of *a* shared social representation of human rights. This time, the possibility of a shared representation is tested in terms of whether participants consider particular treatment situations to be human rights violations. The shared representation of perceived human right violations was structured by five factors labelled as: violations of liberties and the equality of rights, a principle of assistance and protection, the rights of the family, rights of refugees and the ill and the poor, and minority rights. Responses contributing to the violation of liberty and equality of rights factor showed the most cross-national consensus. Cluster analysis revealed three types of participants. Participants in cluster 1 (11.3%) were more likely to construe forms of social regulation (eg. the regulation of smoking, or, the confining of someone in hospital for their own good) as human rights violations in contrast to their refusal to define ill treatment by official authorities as human rights violations. The meaning of participants' definition of human rights violations in a second cluster (56.3%) and third

cluster (32.4%) overlapped, though participants in cluster 2 were more likely than participants in cluster 3 to define negative treatment within the family as a human rights violation.

Participants using these organizing principles anchored their general representations of rights violations in concerns about the relationships between individuals and institutions and their attitudes towards fatalism. The broadest definition of rights violations (cluster 2) was anchored in a strong condemnation of the power of governments and employers to invade privacy. Those with a more restricted range of defined human rights violations (cluster 3) were more fatalistic, approved of social regulation to a greater extent, and were more likely to tolerate government interference in personal lives. The, somewhat atypical group of participants claiming that social regulation led to human rights violations (cluster 1), seemed to ideologically reject most forms of social engineering or regulation, while at the same time demonstrating a high tolerance of governmental intervention.

This program of research on human rights attitudes, values and behaviours at the University of Geneva was also aimed at elaborating the SRT approach. Notable amongst studies with this aim was that by Spini and Doise (1998) focused on revealing the processes by which individual differences in the adoption of a shared meaning system are firstly organized by various principles and then anchored in value systems. The three stage analytical sequence used here was: (i) to determine the nature of *a* shared representation of human rights if any, (ii) to determine principles organising the systematic variations in representational content, by defining a typology of respondents based on type of representation and social position, then to (iii) see how each group of respondents representations were anchored in co-existing social beliefs. In particular,

Spini & Doise (1998) posed the question: how do people represent the concept of human rights *enforcement*? Participants were given a choice between construing enforcement as a responsibility of individuals (including NGO involvement) or as a responsibilty of governments. In other words, the study asked who is thought to be responsible for the enforcement of human rights?

Four distinct organising principles of enforcement were revealed here. These were defined by constrasts between: personal and governmental involvement, as well as abstract (eg. fatalism, efficacy) and applied (eg. relating to actual commitment) statements about involvement. Organising principles relating to representations of enforcement as personal-abstract, personal-applied, and governmental-abstract, were anchored in social values, beliefs about conformity, and beliefs about achievement. The representation of enforcement organised by notions of government-applied was anchored in beliefs about conformity, security, and achievement with least influence of benevolence, universalism, self-direction. Differential anchoring of representations of human rights enforcement was also revealed to exist between subgroups of participants. Law students appeared to use more traditional values and traditional definitions of human rights enforcement, whereas psychology and sociology students' views on enforcement responsibility were situated somewhere between traditional values and definitions of human rights enforcement and a more radical activist perspective.

Further research by Huguet, Latané and Bourgeois (1998) also suggests that one shared social representation of rights results from the interaction between non-experts discussing human rights. This study was also conducted to test the SRT assumption that objectification (the construction of a social representation and the use of a common meaning system) will lead to a reduction in the number of diverse definitions of human

rights violations. This work, therefore, does not only seek to demonstrate macro-level consensus. It also investigated whether representational consensus created by communication and interaction will deteriorate in the face of challenge. The study was conducted in America in contrast to the European samples used in the studies reported above. These authors suggested that objectification processes resulting in sharedness are crucial to the *development* of social representations. However, they also emphasised that ongoing communication, exchange, and interaction between individuals and groups are important factors in creating *and maintaining* social representations of rights. Huguet, Latané and Bourgeois (1998) also sought to test some aspects of dynamic social impact theory here (Latané, 1996; Latané, 1997). Briefly put, dynamic social impact theory suggests that:

> "macro-social phenomena emerge from ordinary communication via the interactive, reciprocal, and recursive operation of micro-level social influence processes."
> (Huguet et al., 1998)

According to dynamic social impact theory, long-term interpersonal communication within a particular social structure is thought to result in four consequences for these individuals in the social space: "consolidation" (a consensualization process), "clustering" (the tendency for social neighbours to become more similar than strangers), "correlation" (between beliefs, values, or practices), and, "continued diversity" (as a function of clustering protecting minorities from adverse influence). Resultant diversity is consistent with the SRT finding that differential social positionings ans anchoring may be maintained even though a more abstract social representation is socially-shared.

In the study, participants rated the Clémence et al. (1994) items in terms of whether each item described a human rights violation. Ten 24-person groups had been established and participants were told that they would have email discussions about social issues with other participants during five sessions. In five of the groups,

participants exchanged details of their ratings of what constituted a human rights violation and gave two reasons for each of their ratings to each of four people(three ingroup members from the same four-person subgroup, and one outgroup member from another subgroup). After the discussion, these participants (and those in the non-discussion control groups) re-rated the scenarios in terms of whether those actions constituted violations of human rights. Over the course of a two-week period, more than 1900 email messages about human rights were exchanged between the five communicating subgroups. The five non-discussion groups did not discuss their ratings with others before re-rating the 21 scenarios, though discussions about non-rights issues (such as aspects of campus life) occurred between the rating sessions via email.

Results suggested that the consensualization ("consolidation") resulting from this communication was low, with 33% of participants with minority opinions changing their ratings of perceived human rights violations, and only 14% of participants with a majority view changing their ratings. This result, and the maintenance of subcultures within each communicating group, was interpreted as evidence of how communication and interaction within groups over time can contribute to the maintenance of *diversity*. This diversity was reflected in the existence of different construals of human rights violations, even after group discussion. Some level of clustering of violation ratings (similarity between email neighbours / ingroup members) did occur in the discussion groups in stark contrast to lower levels of clustering after the second phase of ratings by those in the non-discussion groups. These "spatial relationships" between the communicators did predict correlations that formed at the second judgement phase between previously unrelated human rights scale items.

Even though 17 of the 21 items from the scale were perceived to be human rights violations, only one factor explaining 18.6% of the variance in pre-discussion ratings could be extracted. After the exchange of ratings and reasons for ratings between participants in the discussion groups, however, a dendrogram showed some reorganization, and the extracted factor explained 25% of the total variance – of a similar order to the dominant factor extracted in Clémence et al.'s (1994) initial study.

Huguet et al. (1998) claimed that this reorganised factor was based around concepts of personal freedom and equity in fundamental rights (i.e. principles of juridical and medical assistance, racial equity and child welfare) that are more in line with Clémence et al.'s (1994) results. The authors claimed, in addition, that the post-discussion violation ratings resulted in an understanding of human rights "more characteristic of the international consensus of what constitutes a human right" and that was "closer to the definition of experts in the field of human rights" (p. 840). These particular empirical claims, however, seem loose and unsubstantiated. Even if the results of these violation ratings *made in the abstract* appeared to be conceptually similar to the content of international human rights instruments (e.g. the UDHR), this is hardly unambiguous evidence of a locally-generated, international consensus about human rights. Also, the resultant diversity maintenance observed in this study must qualify a claim of consensus. The more important psychological question may also be when and why a particular understanding of what constitutes a human rights violation or what is the purpose of human rights is used.

Huguet et al. (1998) concluded that the local structuring of social space, such as by relevant intergroup and intragroup relations, helps determine the development of social representations. They suggested that a unidimensional rights representation (e.g. a

globalised system bound by transnational agreements on "universal" human rights), existed in this study and was able to be influenced by local subgroup relationships. In SRT terms, the local spatial distribution of social representations and continuing diversity evident was said to be:

> "complementary rather than competitive with processes such as anchoring and objectification . . . . [and that] these two processes, by which people make the unfamiliar more familiar, may depend on the stock of ideas and images available in the individual's immediate social environment." (Huguet et al., 1998, p. 843)

This "ecological view" (p. 844) or "globalisation from below" (Wiseman, 1998) view on how social representations of rights develop was said to be in agreement with the theoretical writings of Breakwell (1993) on SRT as well as by Oakes et al. (1994). From a social identity perspective, however, we may still ask why a particular representation is structured in particular ways; mainly because the causes of objectification, and, to some extent, of anchoring, remain opaque as a result of SRT anlaysis. Despite these weaknesses, the theoretical description of social representational processes observed in this study may better described as emergent "polemical social representations" (Moscovici, 1988) as the Huguet et al. (1998) suggest. This is because conceptualising social representations as the result of local social influence attempts, based in effect on rather minimal group memberships, enables SRT researchers to begin investigation of inter- and intra-group, identity-based processes. This approach seems timely.

Two further SRT studies of human rights are important for developing further research into human rights. First, Staerklé, Clémence, and Doise (1998) used group membership as a factor in their analysis of human rights representations. Also, Herrera, Lavallée and Doise (2000) selected their experimental sample on the basis of known ideological commitment to one of two sides of a political dispute: the 1995 sovereignty referendum in Québéc. Québécois politics of this time was focused on whether or not it was

important to protect particular subgroup rights (mainly language rights) post referendum. In these studies, experimental design and sample selection allowed for an investigation of how social group membership influences the creation of representations of rights respect and rights protection. As well as investigating how social group membership may differentially anchor social representations in social values, these researchers could also test the impact of social group membership on the objectification of human rights.

In the first set of studies, Staerklé et al. (1998) conducted three experiments investigating expectations participants had about human rights violations and respect for human rights in target outgroup countries. The conflict resolution style of the target country was presented to participants as either "discussing" or "conflictual" and descriptions of the political system was said to be either "democratic" versus "non-democratic". The authors hypothesized that expectancies of human rights respect and levels of human rights violation in outgroup countries are made by making links between the representations of the target population and representations of the system of governance.

In many ways, these studies are stereotyping studies, where the ingroup generates a representation of life in the outgroup's country on the basis of information presented about that outgroup and/or based on prior expectancies. As explained in Chapter 2 stereotyping research using the social identity perspective, the presented information is also presumed to be evaluated through a frame of reference made salient by the intergroup comparative context (Haslam, Turner, Oakes, McGarty, & Hayes, 1992), normative fit and accessible background knowledge. Therefore, Staerklé et al.'s (1998) studies do not seem to test objectification and anchoring processes explicitly, though the

authors suggestthat participants in the studies were objectifying classical political theories, and allowing these theories to penetrate common sense (p. 208). If this was the case, the objectified representations of political organization were then part of a stereotyping process where the ingroup developed expectations of the outgroups' human rights compliance.

This functional role for social representations is not surprising to those studying social stereotyping from a social identity perspective (e.g. Oakes et al., 1999). It seems that the SRT theorising in Staerklé et al.'s (1998) studies does little more than suggest that social categorical thought functions to express motivated relative perception from the vantage point of the perceiver; managing ingroup social identities in reference to outgroup social identities. The authors do weave political socialisation variables into some of their introductory comments that are worth highlighting in terms of the impact of ideology – especially universalism – that is developed over time:

> "Human rights were created in order to define the relationship between national institutions - usually the government - and the inhabitants of any country in the world. . . . controversies about the potential universalism of human rights, massive media diffusion as well as their political use have contributed to the emergence of human rights as part of a widely shared knowledge, as part of our common sense. Moreover, throughout the last 50 years, the notion of human rights has constantly been internationalized. Through this process people in the Western world are frequently confronted with human rights issues taking place in unfamiliar and remote parts of the world of which they possess only poor knowledge . . . the essentialistic stance of liberal political philosophy [in democratic countries] has permeated common sense. It has become part of the ideological heritage of western countries (Augoustinos & Walker, 1995). HRs are closely associated to this western value system." (Staerklé et al., 1998, pp. 208-9)

For example, in Study 1, Swiss students were randomly assigned to four experimental conditions where different vignettes describing target countries were presented. Each participant was asked to name three countries that fitted the presented description. Descriptions varied in terms of whether the government was depicted as "democratic" or "authoritarian" and whether the inhabitants were said to have an "orderly and discussing" conflict resolution style versus in a "disorderly and clashing" style.

Participants then rated their chosen countries in terms of the extent to which the participants believed that: the freedom of expression and religion would be respected in the country, and, that it would be easy to exercise freedoms typically enshrined in human rights law. Finally, participants were asked to rate the percentage of inhabitants of the chosen countries who would be likely to reject particular human rights violations. This could be thought of as a perceived outgroup homogeneity measure – though it was not discussed in these terms.

Results showed that Switzerland, France and Germany (in that order) were chosen as the most popular examples of democratic and orderly countries. There was more variation, however, in the choice of countries to fit a description of an authoritarian political regime with a disorderly and clashing conflict resolution style. Despite this variation, ex-Communist countries were typically associated with authoritarian descriptions and countries in a state of civil unrest were associated with descriptions of disorder and social conflict. Participants thought that a greater percentage of nationals from the countries chosen as "authoritarian and disordered" would tolerate human rights violations relative to nationals from countries chosen as "democratic and orderly". The creation of these expectations have troubling implications for where we human rights abuse to occur – especially if a laissez-faire attitudes towards possible human rights violations in "democratic and orderly" countries is taken as a result.

Data from Study 2 also show that perceptions of the outgroup – based on characteristics of nationals and on their system of governance – shape representations and expectations about human rights respect and violation. In particular, the inhabitants of authoritarian and clashing countries were expected to offer little resistance to the human rights violations in their countries and were perceived as having little respect for human rights.

In Study 3, participants did not name countries and evaluate them in response to particular descriptions. Instead, participants read vignettes describing the conflict resolution behaviour of nationals (discussing versus clashing) and a description of their style of government (democratic versus authoritarian). Participants were asked to explain to what extent the characteristics of the nationals or the style of governance resulted in either positive or negative expectations about the general quality of life in the (unnamed) country described. Results indicated that the Swiss participants presented with a description of a country inhabited by nationals possessing a discussing style of conflict resolution, led to a positive expectation. However, the existence of authoritarian governance – rather than a clashing style of conflict resolution amongst nationals – was more responsible for expectations of a negative or poor quality of life.

These data suggest that perceiving a government to be democratic and/or that citizens tend to behave democratically, leads to expectations of human rights respect. However, the authors lament that the dominance of this essentialistic representation of democracy and its link to expectations of human rights respect is dangerous (and see Moscovici, 1992a for a further discussion of the social representation of democracy). It may lead to complacency on behalf of Westerners and who perceive that human rights abuse only occurs in other countries judged as requiring regime change (Staerklé et al., 1998, p. 223). This relationship between democracy and the respect of human rights has been discussed at the United Nations' Third Committee (Social, Humanitarian, Cultural) of the General Assemby, and was subject to a press release on 27 October 2000 (UN document number GA/SHC/3609) and a resolution on 27 April 1999 that access to democratic governance should be considered a fundamental human right that can, in turn, ensure rights protection (resolution of the UN Human Rights Commission, 27

April 1999: E/CN.4/1999/L.55/Rev.2; and UN press release HR/CN/937 28 April

1999).

The SRT study by Herrera, Lavallée and Doise (2000) also has an interesting intergroup

relations focus. It tested whether political identification – as ideological commitment to

either Québéc's secession from Canada or Québéc's assimilation into a united Canada –

had an effect on the objectification and anchoring of human rights. The introduction to

this study stresses the intergroup dynamics of this *particular* political conflict. Also, the

participants' explicit political view is used to define subgroup perspectives rather than

assuming that, say national identity is salient. This is in contrast to other studies

reviewed, save for the explicit intergroup focus in the work by Staerklé et al. (1998),

that *begin* by seeking a demonstrating of the existence of a shared social representation

as a first step *before* highlighting variations in anchoring caused by subgroup

perspectives. In choosing to study representations used by opposing political parties

defined by the sovereignty debate, the authors investigated a situation that seems more

likely to produce considerable clashes between initial construals of human rights. The

authors described the political division between the *federalists* (who resisted Québécois

claims for collective self-determination), and the *sovereigntists* (who were pro-Québéc's

secession) in terms of whether they thought subgroup rights (e.g. rights to linguistic and

cultural identity) would be under threat in an assimilated and federalised collective:

> "Those in favour of Québéc's sovereignty pursued the line that a change of society
> would be necessary in order that their collective [subgroup] rights be better
> respected. Others opted for the status quo of Québéc as a Canadian province
> without invoking specific needs of improving respect for collective [subgroup]
> rights. This political alternative highlights the dilemma that confronts a modern
> liberal state when trying to preserve, simultaneously, collective [subgroup] and
> individual rights and freedoms [within a broad collective]." (Herrera et al., 2000)

Despite this emphasis, and the hint that more than one representation of human rights

may result from this political context, the now-familiar analytical sequence taken in

SRT studies of human rights was used by Herrera et al. (2000). The authors proceeded on the expectation that the initial representation of rights made by both groups could be the *same*. The Genevan research program is cited as evidence that people "all over the world (35 countries in the five continents) share a high degree of common understanding of the human rights principles as defined by the *Universal Declaration of Human Rights*" (Herrera et al., 2000, p. 26). The claim was that "previous studies have proven the heuristic value of studying human rights as widespread social representations" (p. 26). Any different social "positionings" evident on the basis of subsequent variations of value and attitude measures were again characterised as variations *within* the adoption of *one* shared representational framework of human rights.

Further supporting this approach, Herrera and colleagues asserted that the Québécois, like other Westerners, had become "individualistic in the name of modernity" (p. 26). The *Québéc Charter of Human Rights and Freedoms* (1976) was said to have become viewed by the Québécois as "a guiding norm in the pursuit of *individual* security and welfare" (p. 26, emphasis added). Therefore, it seemed to be taken for granted that *both* sovereigntists and federalists would generate the same, perhaps *individualized*, social representation of human rights.

The maintenance of this approach raises concerns about SRT also voiced by Breakwell (1993):

> "Moscovici has not specified what level of consensus or sharing must be attained
> before a social representation can be said to be shared within a group" (p. 185)

Suffice it to say that an approach consistent with the social identity perspective would possibly use an analytical sequence that is the *reverse* of that adopted by Herrera et al. (2000). In political contexts such as the Québéc sovereignty referendum, the researcher

using a social identity perspective may assume that the different subgroup perspectives derived from political identity could result in different representations of rights. If one apparent shared representation of human rights results, there may be important reasons for this. For example, as suggested in Chapter 3, a socially-creative identity management strategy based on using inclusive human rights rhetoric that minimises reference to intergroup differences in representation and social change motive may make it appear that human rights are consensually represented by political adversaries. In contrast, the SRT researchers only ever draw out any subgroup differences as a secondary point of interest in the analytical sequence. The SRT research would show that the apparent sharedness of one general representation of rights measured via abstract questioning is evidence of universal familiarisation and is the context within which any political differences between subgroups may then be expressed (e.g. via anchoring).

True to the SRT analytical sequence, Herrera et al. (2000) did claim the existence of one shared social representation of human rights between the groups by using the eight-item response procedure attached to each article of the UDHR as used by Doise et al. (1999). There were no differences found on these evaluations between the sovereigntists and the federalists when they were asked these questions about articles of the UDHR in the abstract. They were not asked these questions in the context of the political differences (the referendum issue) that separated them ideologically. Also, as is often the case in this SRT work, there was no way of guaranteeing that this consensual representation of rights was operative during any subsequent judgement phase of the experiment and it was not retested in these explicit intergroup comparative contexts invoked by subsequent questioning about referendum issues. For example, in an explicitly intergroup context, federalists may represent human rights as being the "individual

rights of all Canadians", and sovereigntists may represent human rights as "the tolerance of unique subgroup rights within a broad collective". This point seemed to be claimed by Herrera et al. (2000) in their introduction though their methodology was not altered to accommodate it.

Despite such possible weaknesses of the SRT approach for studying explicitly political contexts Herrera et al. (2000) demonstrate that interesting differences in "anchoring" emerged between sovereigntists and federalists in terms of social values, expectations of rights respect, and expectations of discrimination. Participants were asked to make these ratings whilst considering that their preferred and non-preferred referendum results had eventuated. This reflects a more powerful and contextualised methodology, though it may really only serve to further describe the political perspectives of each subgroup. Results showed that sovereigntists endorsed social values (friendship, exciting life) highly, but scored lower on traditional values than did federalists. In contrast, federalists endorsed well-being values (comfortable life, pleasure, national security, love and social recognition) and traditional values (salvation, tradition, harmony with others, family security) more. Further, sovereigntists' and federalists' social positionings were anchored in their expectations about the future enforcement of particular human rights. Each political group thought that socioeconomic, collective and civil and political rights would be better protected under the post-referendum political outcome *of their choice*. Participants also thought that the likelihood of discrimination (e.g. based on personal opinions) would be greater in the post-political outcome that was inconsistent with the participant's political belief. Therefore, this analysis again suggested that any variability that was revealed was in how the *same* shared, social representation of human rights was anchored in various beliefs about rights respect and violations.

<u>Similarity to the social identity perspective</u>

After reviewing the SRT work on human rights we can note some meta-theoretical overlap between the social identity perspective and the SRT approach before highlighting some strengths and weaknesses of the SRT approach. One main source of similarity between SRT and the social identity perspective is that both approaches emphasise the importance of subjectivesocial construction and the *social* aspects of social cognition consistent with Asch's (1952) interactionist metatheory. Therefore, both of these approaches assume that individuals can have a "socially-structured mind" (Turner & Oakes, 1997; Turner et al., 1994). Both social identity perspective theorists and SRT theorists criticise the reductionism that results in individualistic social psychological theories. SRT explicitly states that social representations can vary over time in response to changes in social reality (Farr, 1993, p. 16), suggesting some context-dependence familiar to social identity perspective researchers. Also, the search for organizing principles that further structure the shared social representation, assumes that objectification process can be socially-mediated and influenced by subgroup dynamics and intergroup perspectives (e.g. Doise, 1993, p. 164).

Breakwell's (1993) analysis of the similarities and differences between SRT and SIT is useful to review here. This theoretical comparison, at its most negative for social identity perspective theorists, paints the SIT approach as a theory of individualist social cognition masquerading as an intergroup relations theory. In contrast, SRT is said to be less individualistic and better able to describe macro-level processes of social construction. We reject this view. This depiction of SRT and a social identity perspective as "quite distinct paradigms" (p. 181) seems to commit many of the interpretative errors of SIT outlined in recent writings by Turner (1999). Chief among

these is an overstatement of the self-esteem hypothesis and the misunderstanding that a

social identity perspective:

> "while it attempts to explain inter-group relationships, is a model which focuses
> upon individual needs and motivation (the need for a positive social identity) as the
> means of fundamentally explaining interpersonal and inter-group dynamics."
> (Breakwell, 1993, p. 181)

Breakwell does, however, suggest some benefits of an alliance between the SRT

approach and the social identity perspective. Breakwell seems to suggest that the

analysis of social representations would be improved if it was informed by an identity-

based understanding of social categorical processes. At the very least, Doise (1998) has

recently made links between the concept of social representations and the concept of

personal identity recently. Breakwell, has admitted that SIT is useful for providing a

model of "the broader role of identity processes in directing the social construction of

what passes for reality" (p. 182). She suggests that social representation theorists and

social identity theorists could form a theoretical alliance against their critics "by

explaining why a particular social representation takes the form it does", because:

> ". . . . . . what is unclear in [SRT] . . . is any process which determines the actual
> form which the representation takes, or the likelihood that any one individual will be
> able to reproduce or accept it in its entirety. . . . .[and to] determine the work [the
> social representation] is made to do above and beyond simply making the new
> familiar." (Breakwell, 1993, p. 182).

Any alliance between SRT and SIT may help to prevent SRT losing a focus on

intergroup processes; preventing an overemphasis on the sociological level of analysis

that can result in explanations that are too socially-deterministic in some contexts. In

Breakwell's words, the possible alliance could be expressed in the following way:

> "While social representations play a part in shaping social identities (both their
> content and their evaluation) through defining group identities and boundaries,
> social identities in turn, through influencing exposure, acceptance and use of social
> representations, can shape their development." (Breakwell 1993, p. 193)

Breakwell notes that Moscovici's concept of social representations as shared *social*

cognition, has yet to develop into a useful concept for intergroup relations research.

Importantly, she states that we must also explain intragroup dynamics such as why individual members of apparently homogenous groups may still generate different representations of the same target. She criticizes the "interpersonal" flavour of many descriptions of anchoring and objectification processes in SRT as being too individualistic, and states that the social mediation of these processes by (sub)group perspectives has been poorly explained by Moscovici and others. Breakwell comments that:

> "There is no reason to believe that social representations are less likely to be generated over great periods of time, with contributions from many different sources who are motivated by quite different objectives." (Breakwell, 1993, p. 183)

This statement may be taken to mean that intergroup factors such as comparative power differentials, and the history of positioning in social hierarchies, may influence the generation of social representations. It is probably true that the analysis of identity processes as well as the development of representational content *over time* has been under-researched. In any case, Breakwell encourages us to understand the construction of social representations over time *as mediated by a variety of social influences*, including both intergroup and intragroup dynamics.

Finally, one important similarity between SRT and the social identity perspective is Breakwell's use of the term "salience of social representations" (1993, p. 189). Breakwell's discussion of the *contextual salience* of social representations is interesting. Here, Breakwell predicts that the relative importance of different social representations will vary with circumstance. This means that "the more significant the social representation is to the group, the more likely it will be that group membership will affect the individual's involvement with the representation" (p. 189). Discussion of the salience of social representations in this way seems to suggest that the vantage point of the perceiver (identification resulting from a readiness X fit interaction) helps select one

of a number of potentially relevant social representations. This implies that a focus on the sharedness of *one* social representation of human rights in the studies reviewed above may be problematic.

Elejabarrietta (1994) has made a similar link between SRT and the social identity perspective. In her view, the SRT concept of anchoring a representation by social position, including social identification, appears common to both SRT and a social identity perspective approach. Social representationists, like those using a social identity perspective, seem to emphasize the need to study the perception of social reality from the vantage point of particular perceivers (e.g. Farr, 1993, p.34). Cinnirella (1997) has also attempted to use both social representations and social identity concepts in his work on self-categorization within the European Union. Cinnirella suggests that Tajfel anticipated an interplay between the two approaches in his later writings:

> "The theoretical standpoint adopted in the current discussion, one which examines how social representations set a context for social identity construction and related discourses, is relatively unusual in that social representations and social identities are here *explicitly* given equal import, and crucially, their interactions examined. This is very close to the perspective Tajfel was proposing in his later writings (see for example, Tajfel, 1984)". (Cinnirella, 1997, p. 29)

Some shortcomings of the SRT approach

A critique from the social identity perspective

SRT researchers have provided social psychologists with a useful beginning to the study of human rights. A range of methodologies useful for studying the content of social representations have been elaborated including both quantitative (Doise, Clémence, & Lorenzi-Cioldi, 1993) as well as qualitative analytic techniques. These techniques assist in determining representational content (Breakwell & Canter, 1993) and have led to the production of large and detailed data sets and descriptions of the content of representations about human rights. Like some aspects of discourse analysis, these innovations have offered a sound basis for broadening our investigation to an

understanding of social psychological *process*. However, more than the measurement

of representational content is needed. We need to understand the processes by which

these representations are used and may change over time and across comparative

contexts.

For this reason, there has been some theoretical critique of SRT. For example, Farr has

acknowledged that "some critics have complained that the theory of social

representations is far too imprecise for it to be of any practical value" (Farr 1993, p. 34).

Some of this criticism has been levelled at the quite broad theoretical description of

social representations and their development. For example, the conceptualization of

social representations has include the following:

> "[social representations are] plastic networks of interacting concepts and images
> whose contents (depending on the speed and complexity of communication) evolve
> continuously over time and space." (Moscovici & Duveen, 1998, p. 220)

The acknowledgment that social positioning and social identification anchors

representations is consistent with a SIT approach. However, the determination of social

positioning, is the *second step* in an analytical sequence that proceeds from showing

that *one* field of shared meanings exists for both groups. Analysis in SRT therefore

begins at the "sociological level" where consensus is assumed to be achievable.

Analysis then moves to the "psychosocial" or intergroup level where positionings are

examined and anchorings in other systems of social belief are traced. Relevant criticism

of this sequence has suggested that the objectification is thought to lead to the creation

of shared social representations that, in turn, create consensual universes that minimise

the acknowledgement of conflict and diversity (Huguet, Latane, & Bourgeois, 1998;

Litton & Potter, 1985).

As an alternative, SRT including the analysis of processes such as objectification and anchoring could be reordered from a social identity perspective. Here, the concept of sense-making could motivate research asking "how does an ingroup make sense of information and concepts with which an outgroup is more familiar?", and "do the ingroup and outgroup initially objectify human rights with vastly different representations?" This approach would allow more direct, process-based questions to be asked about the construction of representations and focus attention on the need to measure initial representations in the context of relevant intergroup relations. The abstract and uncontextualised approach of some SRT research sits uncomfortably with the rhetoric of SRT which suggests that:

> "It is incumbent on social psychologists in particular to study the links between
> social regulations and cognitive functioning in order to answer the question: which
> social regulations engage which cognitive functions in which specific contexts?"
> (Doise, 1993, p. 158)

Consistent with this critique, Guerin (1995) states that there has been too much work done by social representationists that amounts to little more than the discovery and description of objectified knowledges. He insists that social representations exist and are maintained through the group dynamics of intergroup relations over time, so this psychology should be investigated by social resprensentationists as well.

Other critiques of SRT have been made by discourse analysts. As well as adding to theoretical and methodological critiques (McKinlay & Potter, 1987), these researchers have suggested that discourse analytic techniques are better placed than SRT methodology to ground a rigorous qualitative study of processes of social representation and identity use (McKinlay, Potter, & Wetherell, 1993; Potter, 1996). Some discourse analysts praise the basic metatheory of SRT (e.g. content, communication, construction), but still find the theory and research derived from it wanting (Potter & Edwards, 1999; Potter & Wetherell, 1998).

<u>A summary of the critique of the SRT work</u>

We can summarize the social identity perspective objections to the SRT work on human rights. It must be clearly stated, however, that these critiques are made in the spirit of improving and focusing a very worthwhile beginning to research on human rights made by SRT researchers.

Firstly, the initial questioning used to determine the representation of rights often does not invoke relevant comparative contexts. This approach seems to undermine the reality that perceptions of intergroup injustice derived from perceptions of relative deprivation may be the motivation for a perceiver to represent human rights in the first place. We do not reject the possibility that a consensual representation of human rights may be adopted across an intergroup boundary. However, an uncontextualised empirical demonstration of it seems to underemphasize the importance of identification processes, social comparisons, perceptions of inter-and intragroup differences, political perspective, and social motivations in creating a contextualized representation of human rights from the vantage point of the viewer. Importantly, this approach will not help us distinguish when inclusive or individualistic representations of human rights are being used as part of a socially-creative identity management strategy that is still motivated by a social change belief orientation.

Secondly, it should be noted that social identifications discussed in the analysis of social positioning (e.g. national identifications) are often assumed in SRT research rather than measured. A better way forward would be to firstly *measure* salient identities in the context in which representations of human rights are constructed. This would help to determine the effect of any subgroup perspective on objectification itself, rather than

only analysing the effect of subgroup identity on positioning and anchoring of a social respresentation measured in the abstract. This may also lead to a more controlled way of investigating social positionings as they may operate in the ebb and flow of intergroup life. Otherwise, we divorce the measurement of representations of human rights from the dynamics of a real dispute over intergroup justice.

Thirdly, without a more contextualized, process-driven approach, construals of human rights may be misrepresented as stable and consistent representations that are unmediated by intergroup relations. This would render representations of human rights quite atypical examples of emergent "group facts" and subjective social constructions. The use of scales allowing participants to judge whether particular unjust treatment is a human rights violation helps to contextualise judgements and should be welcomed. However, there is still room for further control of the range of comparative contexts invoked by consideration of a range of scenario in the Clémence et al. (1994) scale. Further, the study of social positioning tends to ignore temporal and historical relations between groups that are important constraints upon the judgement of present treatment (Breakwell, 1993; Elejabarrietta, 1994). This is unfortunate, since the political and legal contexts in which human rights are asserted are often historically-defined and dynamic intergroup tensions. Until a better form of contextualisation occurs in human rights research, SRT researchers may miss an opportunity to extend their approach beyond its useful beginnings as a descriptive methodology, to explain objectification and re-objectification over time and in different comparative contexts.

Fourthly, SRT tends to be a highly descriptive approach. The human rights work in particular is perhaps even more so, especially when it avoids attempt to explain the psychological antecedents to objectification. The analytical sequence used by SRT

researchers – perhaps the reverse of that a social identity perspective researcher would use – may also encourage descriptive rather than explanatory accounts. Some SRT researchers (Clémence et al., 2001, p. 90) have explicitly acknowledged that they are bypassing the explanation of why social positions exist.

Having summarized these critiques, the emerging interest in studying objectification of rights at dynamic periods of social and political change (e.g. Herrera et al., 2000) and in explicit intergroup contexts (e.g. Staerklé et al., 1998) moves the SRT study of human rights in a valuable direction. Valuable too is the demonstration of diversity maintenance in response to social discussions of human rights (Huguet et al., 1998). After all, the meaning of human rights norms in law has been (re-)considered following revolutions, political regime changes, or following controversies over specific claims of rights. Sometimes, this process will result in the construction of a broad theory of human rights and appeals to consensual notions of human rights (or as "trumps": Dworkin, 1981c; perhaps functioning as "truth dialectics":Mikula & Wenzel, 2000; Wenzel & Mikula, 2001). However, at other times, an apparently shared social representation of rights warrants closer investigation. The shrewd use of inclusive rhetoric – as a socially-creative identity-management stragegy – may exploit superordinate notions to achieve the goals of a subgroup within a diverse society. This means that representations of human rights may function as tools of political influence and of motivated relative perception from the vantage point of the perceiver, *even when* they appear consistent with consensual representations of individual or universal rights. For this reason, it is important to ask *why* a particular representation is preferred, rather than merely describing its structure.

Political psychological research on human rights attitudes and behaviours

In addition to the study of human rights by social representationists, there has been some interest in this research topic in political psychological research. We will conclude this chapter by reviewing some of this work briefly. Research on human rights by political psychologists has investigated human rights attitudes and behaviours in intergroup contexts as well as in studies of links between individual difference and political ideologies.

The impact of political perspective

For example, Moghaddam and Vuksanovic (1990) conducted research in Canada on moral reasoning and ideology. This work was similar to the SRT work of Staerklé et al. (1998) described above. In three studies, the authors sought confirmation of whether there is a psychologically-universal concept of human rights.

Canadian participants rated their agreement with 21 statements used as measures of the need to protect particular human rights. They also rated the extent to which they perceived that notions of freedom of expression, equality under the law and the rights to an adequate standard of living were currently being violated in Canada, in Soviet countries or in "third world" societies. In Studies 1 and 2, Mogghadam and Vuksanovic (1990) measured human rights attitudes across three conditions: one condition where the ingroup nation was the target, one condition where outgroup Soviet countries were judged, and a third condition where outgroup "third world" societies were judged. In Study 3, a behavioural measure of perceived need for human rights support was used in the same three experimental conditions. This behavioural measure was operationalised by asking participants to call the experimenter back the following evening to have a discussion about human rights protection in the target country. Moghaddam and

Vuksanovic (1990) tested hypotheses that human rights attitudes and behaviours would be sensitive to shifts in intergroup context *and* sensitive to individual differences (religion, authoritarianism, and political affiliation). In this sense, the researchers inquired whether universal conceptions of human rights would exist for each individual across the comparative contexts tested. The question posed was "whether individuals do show cross-situational consistency in their attitudes and behaviour towards human rights" (Moghaddam & Vuksanovic, 1990, p. 456).

Four predictions were made. First, that the Western value system would make Canadians show stronger support for human rights intervention programs in the Soviet Union and in the third world countries because of a perceived need to enforce human rights more in these (outgroup) countries. Second, that right-wing participants would be less supportive of human rights, at least within their own cultures, though more supportive of human rights in the Soviet context as an indirect way to criticise the outgroup. Third, that this pattern would be replicated for highly religious participants, since Communism would be perceived as being anti-religion, and finally, that authoritarians (with high scores on the right-wing authoritarianism scale) would show less support for human rights generally across all contexts.

In Study 1, results were consistent with the data from Staerklé et al. (1998). Canadians perceived there to be a greater need for human rights protection programs in Soviet and third world countries, at least when asked about equality under the law and an adequate standard of living. Right-wing participants and the highly religious were less supportive of the need for human rights protection in Canada than in the third world countries. However, the predictions concerning the judgements of the Soviet countries were not supported. Authoritarians did show less support for human rights protection in all

conditions. In general, participants' perceived level of violations correlated with pro-human rights attitudes.

In Study 2, participants were pro-life supporters who preferred to express their cause in human rights terms (i.e. as a fundamental right to life). Two indices of human rights support were used. These were either the desire to support a target's claim for rights protection in three right to life dilemmas, and support given to the target who wished to keep an unborn child in three pro-life scenarios. On both indices, more support was given to the target if the dilemma was said to occur in an outgroup country. Here, the individual difference variables did not have clear predictive effects.

In Study 3, a 3 (target country: Canada, Soviet, third world) X 3 (type of right: freedom of expression, equality before the law, adequate standard of living) design was used. When participants were asked to call back to discuss protection of the right to an adequate standard of living in the third world, the frequency of call-backs was significantly higher than in other conditions. It had been additionally predicted that there would be more concern to call back about freedom of expression violations in Canada, but this prediction was not supported by the data; demonstrated some form of complacency over human rights violations at home in liberal Western democracies.

Generally, the approach in these three studies is more consistent with intergroup relations research than are some of the SRT studies. For example, in other work on human rights, Moghaddam (2000) has sketched out cultural theories of human rights. In this work, he suggests that lay understandings of human rights texts are not the sole source of human rights attitudes. He suggests that representations of codified systems of human rights must also be understood in terms of how other "primitive" and

"normative" systems of rights have functioned in social and cultural systems across history. This is in contrast to the SRT approach that has sometimes studied the familiarisation of human rights *from* legal texts alone. In contrast, Moghaddam's (2000) perspective suggests that understandings of rights-based injustice have often been internalised in terms of local, cultural relations well before the legal system codified these rights.

Non-legal social duties are also discussed by Moghaddam, Slocum, Finkel, Mor, and Harre (2000) in a similar type of cultural, historical, and psychological theory of social duties. In many ways, this work suggests that a psychology of social justice based on inter- and intracultural relations develops around lay and experiential understandings, rather than solely around concepts of rights, duties, deservingness and entitlements expressed in law. This makes Feather's (1999) study of a psychology of deservingness and entitlement an important contribution to social justice research because analysis begins with lay notions or inter- and intragroup morality rather than legal texts. Implicit in these approaches is the idea that expectations of justice are routinely contextualized by culture and circumstance, that, in turn, shapes how rights concepts are conceived and used in practice and how reactions to legal defintions of human rights are shaped by social and political history.

In further political psychological work, Diaz-Veizades, Widaman, Little, and Gibbs (1995) developed a human rights questionnaire (normed on a North American population) with the aim of measuring the structure of human rights attitudes. They did this motivated by the "surprising dearth of psychological research focusing specifically on human rights issues" (p. 314) that they discovered at the time. They also claim that

there is a need to use something different from normal political psychological scales

when measuring human rights attitudes because

"the unique integrative nature of the human rights domain [which draws together a
wide range of content and ideological ideas] provides a strong case for the
development of a separate measure of human rights attitudes" (p. 314).

Diaz-Veizades and collaegues also outlined three questions about human rights attitudes

that require the attention of social psychologists. These are: (i) what are the causal

relationships between human rights attitudes, emotions and behaviour? (ii) what are the

cross cultural dimensions of human rights attitudes?, and, (iii) how do characteristics of

the *respondent environment* influence the way individuals think about human rights?"

(p. 315, emphasis added). Reflecting on the human rights research reviewed in this

chapter, one conclusion is that more research attention is needed on the first and the

third questions. The cross-cultural question would also benefit from an intergroup

relations approach and contextualised question formats, though this is outside the scope

of this thesis. Diaz-Veizades et al. (1995) also used the term "construal" (eg. on p. 315)

quite openly in their work. This tends to politicise the theorising of human rights more

than does SRT's use of the term "social representation" that implies the existence of one

shared construal of human rights. The use of the term construal and the political

implications of that usuage, is language better suited to social psychological theories of

impression formation, intergroup relations, political psychology and negotiation. It is

terminology that fits quite well with the social identity perspective; particularly the SCT

concept of motivated relative perception from the vantage point of the perceiver

(Turner, 1997).

Diaz-Veizades et al. (1995) argue that their scale development, based on a factor

analysis of 116 items derived from the 31 articles of the UDHR, resulted in four factors

labelled: *social security* (eg. access to an adequate standard of living), *civilian*

constraint (regulating public behaviour), *equality* (basic rights and non-discrimination), and *privacy*. Four subscales are used based on these four factors. Responses on the human rights questionnaire (HRQ) were correlated with standard political attitude scales (nationalism, patriotism, internationalism, belief in world government, and support for civil liberties), providing further validation of the four subscales of the scale. The HRQ was then administered to participants from a variety of social groups (student groups and adult samples). Analysis of HRQ responses was conducted in terms of two demographics: gender, and political party affiliation (as party and President voted for in 1988).

Correlations between the four subscales and political attitude scales suggested a significant positive relationship between the social security factor and internationalism. There was also a negative correlation between the civil constraint factor and support for civil liberties, internationalism, and the belief in a world government. A significant positive relationship also held between the civilian constraint factor and patriotism, between the equality factor and patriotism, and between the privacy factor and belief in a world government. Results of analyses by gender and political affiliation suggested that females scored higher than males on all HRQ subscales, and that democrats scored higher on the social security subscale but lower on civilian constraint subscale. The researchers *did not* go one step further and investigate the mediating effect of gender or political affiliation on the correlations between the human rights subscale responses and the political attitudes subscales. Also it is notable that they did not present a gender- or party-relevant justice dilemma that may have further contextualised responses to the HRQ – they merely correlated the measured responses. If they had contextualised the administration of the scale with relevant vignettes, they could have investigated the impact of subgroup identification upon human rights attitudes in a way consistent with a

social identity perspective approach that suggests the importance of human rights construal in context. Therefore, the biggest weakness of this research is, again, its lack of specification of the comparative context of judgement. Even though, some identity salience and contextual framing may have occurred as participants gave responses to the demographic questions, the HRQ and political attitude measures were gathered without specifying potentially-relevant and externally-valid context.

<div align="center">Chapter overview</div>

Relevant social psychological work on human rights attitudes and behaviours was reviewed in this chapter. In particular, the impressive range of work conducted using the SRT approach was contrasted with the social identity perspective as outlined in Chapters 2 and 3. Apparent weaknesses in the SRT approach were outlined. Chief amongst these was a problematic analytical sequence that begins by focusing analysis at the sociological level and assumes that familiarisation of the non-familiar language of human rights will commonly result in one, consensual representation of human rights. SRT researchers claim to have demonstrated this consensus across national boundaries. However, it was argued that the use of uncontextualised questioning greatly weakens SRT claims that objectification of human rights concepts results in one, universal representation, either between or within nation states. A unitary representation is still claimed, despite a demonstration that subgroup perspectives shape subsequent social positioning and differential anchoring of this representation in systems of social beliefs.

In light of discussions in Chapters 2 and 3, the SRT may continue unjustifiable marginalisation of relevant subgroup psychology in the politically-charged contexts of many social conflicts. We argued that a social identity approach suggests that an analysis of the objectification of human rights begin by controlling the intergroup

comparative context with identity-relevant and context or conflict-relevant questioning. It can then be seen whether subgroup perpectives may give way to undifferentiated representations of universal rights – perhaps as the result of consensus or perhaps as the result of an identity-management strategy as discussed in Chapter 3. This analytical sequence is the reverse of that commonly used by SRT researchers. Our additional review of studies by political psychologists suggested ways forward for the empirical investigation of human rights used as political tools to resolve intergroup conflicts.

In the next chapter we report a study that was aimed at experimentally manipulating the type of identity harm perceived and the type of remedy offered for that harm. Specifically, we investigated when participants may be motivated to respond to situations of injustice with either individual or collective (subgroup-focused) complaints procedures. We also asked participants to explain what they understood human rights to mean in the context presented and in general.

Chapter 5: A preliminary study: Perceptions of complaints procedures and the purpose of human rights.

The preliminary study reported in this chapter was a first attempt to measure rights-based responses to a particular scenario of injustice. The major dependent variable was participants' willingness to use human rights complaints procedures like those offered by the UN treaty bodies. In this first study, violation scenarios were used in order to determine motivations to make complaints to the UN's Human Rights Committee. Evaluations of the adequacy of these procedures in response to particular types of identity-based harm were gathered. Construals of the purpose of human rights law in the context of an individual or subgroup privacy rights violation were measured, as well as participants' construals of the purpose of human rights law in general. This begins our consideration of psychological issues such as: how Australians cognitively represent the concept of human rights and the purpose of human rights law, at what psychological level of identity (individual, subgroup, or broad collective) human rights concepts are commonly defined by Australians, and, what psychological processes influence decisions to assert human rights in the domestic political contexts.

Political background to the study

In this study we were interested in how perceived harm to either individual or subgroup identity is transformed into motivations to make either individual or group complaints to a supranational adjudicator such as the UN Human Rights Committee (UNHRC). There has been debate for some time at the UN over whether both individual and group complaints procedures should be offered to complainants seeking redress from UN treaty bodies. Despite no provision for groups to complain to the UNHRC in the Optional Protocol to the ICCPR that establishes the complaints procedure, the UHHRC

has effectively interpreted their procedures to allow group complaints (see *Hartikainen v Finland*, Communication No. 40/1978).

In particular, the drafting of a complaints procedure for alleged violations of the CEDAW again raised this important procedural issue. Drafters canvassed a variety of procedural options, including whether *both* an individual *and* a group complaints procedure should be offered. Some NGOs also suggested that the new Committee on the Elimination of Discrimination Against Women be given the power to initiate their own investigations of systematic abuse against women (see descriptions of various drafts in Byrnes & Connors, 1996; Cartwright, 1998; Nance, 1998; Torre, 2000).

This new "Optional Protocol" complaints procedure was adopted by the UN General Assembly on 6 October 1999 and entered into force on 22 December 2000 (<http://www.un.org/womenwatch/daw/cedaw/protocol/index.html> accessed on 1 January 2003). At the time of writing, Australia had not signed this Optional Protocol. As at 18 October 2002, 75 States Parties had signed the Optional Protocol and 47 of these are now formally bound as parties subject to the complaints procedure (<http://www.un.org/womenwatch/daw/cedaw/sigop.htm> accessed on 1 January 2003). Complaints can be made to the Committee by individual women or by "groups of individuals" who suffer violations of CEDAW within the 47 States bound by the Optional Protocol (article 2). The mooted inquiry power also exists for investigation of grave or systematic violations of women's rights via either a confidential inquiry on behalf of the complainant or a visit to the country where the alleged breach of rights occurred (article 8; <http://www.un.org/womenwatch/daw/cedaw/current.htm> accessed 1 January 2003). This range of procedures is equivalent to that under the CAT, and is placed alongside individual, and, as a result of interpretation, group complaints to the

UNHRC under the Optional Protocol to the ICCPR, and complaints by individuals or groups of individuals to the Committee on the Elimination of Racial Discrimination under the ICERD. Even though groups of individuals may be able to make class complaints to these UN treaty bodies, we can ask whether that procedure allows violations of subgroup identities to be remedied as violations of *unique subgroup rights*, rather than a collection of violated *individual rights*. We would argue that the two concepts are psychologically different.

A match between violated and remedied identity

Syroit's (1991) apporach to intergroup justice was useful here since it emphasises that the psychological level of identity perceived to be violated (either individual or social identity) gives rise to either perceived interpersonal injustice or perceived intergroup injustice. Syroit's framework bases theorising on antecedents to these perceptions such as Tajfel's social beliefs continuum. It contributed to our arguments in Chapter 3, that operative social belief orientation in context along with salient social identities should determine which particular identity-management strategies will be responses to perceptions of either individual or intergroup injustice. However, in Study 1 we aim to firstly test for links between level of perceived identity violation and evaluations of the UN complaints procedures offered. We ask the initial question of when would Australians perceive an individual or group-based complaints procedure to be the most appropriate response to perceived injustice. We claim that these evaluations will be shaped by how well the procedural remedy offered in context psychologically-matches the perceived type of identity harm.

This approach is similar to some work conductef by social justice researchers. For example, Robert Lane (1988) suggests that dispute resolution procedures offered to

parties or victims are an indication of whether the adjudicating authority acknowledges and legitimates your (identity-based) claims. Since the UN treaty bodies can all effectively allow "groups of individuals" to make complaints of rights violations, subgroups perceiving intergroup injustice may feel that the UN system adequately acknowledges or legitimates their identity. Alternatively, any procedural dissatisfaction may lead to expectations that justice cannot be done by those offering the complaints procedure. These perceptions may turn on which alleged human rights violations are upheld by the treaty body. For an example of substantive dissatisfaction by subgroup members, refer to the discussion of the *Toonen* communication in Chapter 1. This example shows that substantive dissatisfaction may demand moving beyond a need to offer identity-appropriate procedures to a need to recognise unique subgroup rights. We will be able to tap into some of this substantive dissatisfaction with a number of open-ended measures aimed at measuring reasons for using the offered procedures and at measuring construals of the purpose of human rights law (i.e. who should be protected) in the violation context presented.

Focusing on procedural satisfaction in this study, however, Lane (1988) suggests that procedural inadequacy reflects what law makers think of your identity, and it surely will influence how the decision-making authority offering the remedy is perceived by the aggrieved party. An offered procedure that results in a mismatch between the psychological level of identity harm or felt injustice and remedied harm, may not encourage those suffering from injustice to use that procedure. The study of relational aspects of procedural and distributive justice judgements by Tyler and colleagues (Tyler, 1997; Tyler & Lind, 1992) is also relevant here. This *group value model* approach describes processes by which subgroup members evaluate the identity-

legitimation inherent in offered procedures before evaluating procedural justice of the procedures or the resultant distributive justice of the outcome.

We therefore need to measure *expectations* of justice with prospective judgements. Quite often, measures of perceived procedural and distributive justice are *post-hoc* judgements rather than prospective expectations of whether justice *will be* done. However, some researchers have used prospective judgements to measure participants' expectations about justice (see generally the appendix to Tyler and Lind, 1992), or to measure the basis of people's trust in authorities or procedures made *before* engagement with them (e.g. Musante, Gilbert, & Thibault, 1983, who asked their participants "Do you trust the procedure?" as cited in Tyler and Lind, 1992). Our measures were based on this approach to measuring expected justice.

<u>Hypothesis and predictions</u>

The hypotheses below are derived from the idea that those claiming human rights abuse expect a match between violated and remedied identity to be provided by UN human rights complaints procedures. We argue that this (mis)match may influence the desire to use these mechanisms, expectations about whether these procedures will be just, and whether the UN is perceived to be a legitimate adjudicator of the harm.

<u>Hypothesis 1</u>

The motivation to use human rights complaints procedures will reflect how well those procedures psychologically match and appropriately remedy the violated identities.

Prediction 1.1

Participants perceiving a violation of *individual or personal identity* will be willing to use a individual procedure, and, those perceiving a *subgroup identity* violation will be willing to use a group procedure.

Prediction 1.2

Participants will expect the procedures to be fair (provide fair outcomes and be procedurally fair) when violated identity is appropriately remedied by the complaints procedure (ie. in the matched conditions which are the grey cells in Figure 1). Expectations of fair procedures due to a match between violated and remedied identity, should lead to a perception of the UN as a legitimate authority.

Hypothesis 2

Representations of the purpose of human rights will be shaped by perceptions of the type of perceived identity harm.

Prediction 2.1

Participants perceiving a violation of individual identity will report individualistic representations of the purpose of human rights protection in that context, and those perceiving a subgroup identity violation will report that the purpose of human rights protection is to protect vulnerable subgroups.

These predictions are summarized in Figure 2 below.

Figure 2: Predictions based on a 2 (violated identity: individual, subgroup) X 2 (remedied identity: individual, subgroup)

| Violated identity: | Remedied identity | |
	individual	subgroup
individual	**fit between violated and remedied identity =** ▪ hi willingness to use procedure ▪ expected justice ▪ hi legitimacy of UN	no fit between violated and remedied identity = ▪ lo willingness to use procedure ▪ justice not expected ▪ lo legitimacy of UN
	purpose of human rights is to protect individuals	
subgroup	no fit between violated and remedied ID = ▪ lo willingness to use procedure ▪ justice not expected ▪ lo legitimacy of UN	**fit between violated and remedied ID =** ▪ hi willingness to use procedure ▪ expected justice ▪ hi legitimacy of UN
	purpose of human rights is to protect vulnerable subgroups	

These conditions were designed this way in an attempt to show that the context in which an allegation of the breach of a human right (the right to privacy) occurs may create either psychological harm to individual identity or to subgroup identity. If participants perceive different types of harm in the different conditions examined, we may show that alleged violations of privacy rights that are traditionally classified as "individual" rights could reflect either types of perceived harm: violation of individual identity or violation of subgroup identity. The design of the experimental scenarios was inspired by the *Toonen* communication to the Human Rights Committee (see Chapter 1). In response to this communication, the UNHRC held that the vicitm's right not to have their privacy interfered with in an arbitrary manner was violated, though the majority of the UNHRC did not find that there had been a breach of the non-discrimination principle on the ground of sexuality. In other words, the majority of the committee held that privacy rights created harm to individuals rather than to subgroups. We sought to test our

predictions with privacy rights and constructed the group violation condition so that privacy rights were claimed in the interest of protecting subgroup identity and subgroup members from harm. Therefore, we aimed to create apparents violations of privacy rights in all conditions while attempting to manipulate the fact situations so as to produce different types of identity harm.

Method

Participants

Thirty-seven students enrolled in a university bridging course at the Australian National University in 1999 participated in this study.

Design

A 2 (violated identity: individual, subgroup) X 2 (identity remedied by the offered: individual, subgroup) between-participants design was used. Participants were randomly assigned to one of four conditions, referred to respectively as individual violation/individual remedy ("IV/IR"), individual violation/group remedy ("IV/GR"), group violation/individual remedy ("GV/IR"), and, group violation/group remedy ("GV/GR"). Violation scenarios accompanied by introductory information were presented that manipulated the two independent variables. The main dependent variable was a measure of willingness to use the presented complaints procedure. Participants also answered open-ended questions asking for their reasons for being willing to use or not use the offered procedures, their reasons for using alternative avenues of redress, if any, and their suggestions of what theses alternative avenues could be. Other measures included ratings of expected procedural and distributive justice, the appropriateness of the available procedure, the appropriateness of mounting a human rights complaint, open-ended questions about the purpose of human rights in the particular presented

scenario, and, in general. Manipulation checks were made on the perceived type of identity harm and the perceived type of identity remedied by the offered complaints procedure.

Materials and Procedure

The stimulus information

Participants in all conditions read through one page of information (that varied between conditions) then answered the same questions. All participants were instructed to answer the questions as if they were the victim (Alex) described in each of the scenarios (see Appendix 1 for copies of all stimuli and questionnaires). The potential privacy rights violation presented was based on ongoing social debate over the erection of police security cameras in Canberra's city centre. In all conditions, participants were told that the police had decided to erect similar cameras in Canberra neighbourhoods in an attempt to obtain evidence useful for the identification and prosecution of burglars.

In all conditions, participants read that the victim, Alex, believed the erection of surveillance cameras outside his home breached his right to privacy. In the *individual harm conditions* participants read that Alex believed this was a breach of his individual right to privacy. In the *subgroup harm conditions*, however, participants read that Alex was an Aborigine who lived in a public housing complex inhabited mainly by Aborigines and Torres Strait Islanders. Participants read that Alex suspected the cameras were erected to monitor the tenants' movements and activities rather than being erected for the sole purpose of apprehending burglars. Therefore, although Alex still maintained that his right to privacy was violated, he claimed that this was due to a policy of racial targeting and discrimination by the police against Aborigines, instead of merely being a violation of his individual right to privacy as an Australian citizen. The

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four versions of the stimulus information were of similar length in all conditions (individual harm/individual remedy condition: 332 words, individual harm/subgroup remedy condition: 328 words, subgroup harm/individual remedy condition: 370 words, subgroup harm/subgroup remedy condition: 365 words; see Appendix 1).

The remedied identity variable was operationalised by giving information about an available UN complaints procedure. In all conditions, participants read that Alex had failed to get the cameras removed after mounting domestic legal challenges in Australian courts and tribunals. In this way he had "exhausted domestic remedies" – a typical prerequisite for using UN complaints procedures. Participants were told that the right to privacy was protected by Article 17 of the ICCPR, and that the Optional Protocol to the ICCPR allowed someone in Alex's situation an affordable avenue of complaint to the UN's Human Rights Committee (HRC) – as is the case in reality.

In the *individual remedy conditions*, participants read that the Committee would consider the merits of Alex's complaint if (i) an article of the ICCPR was breached, (ii) the complaint is made by an *individual*, and, (iii) the complaint had been unsuccessful under all available Australian legal procedures. To reinforce this manipulation, information in the next paragraph emphasised that Alex must demonstrate that he "*personally* suffered detriment" and that "complaints must be made *individually* and no complaints can be made by a group. In the *subgroup remedy conditions*, participants read at point (ii) that the written complaint to the HRC needed to be made by a group. Information provided in the next paragraph highlighted that to be successful "the written complaint must demonstrate that Alex suffered detriment "*because of membership in a particular group and that adverse treatment of that group is prohibited by an*

international human rights treaty signed by Australia". Finally all participants read the

same information about the consequences of making a complaint to the HRC.

Measures of willingness to use the procedure

The order of questions is shown in the questionnaire in Appendix 1. The primary

measures of interest were ratings of whether the participant, putting themselves in

Alex's situation, would want to use the available UN complaints procedure. Participants

rated their level of agreement with the statement "I would want to use the available

international complaints procedure" on 7-point Likert scales (anchored by 1=disagree,

7=agree). Participants were also asked to provide a reason that explained their rating.

Next, participants used a similarly-anchored scale to rate their level of agreement with

the statement "I would prefer to use other avenues to achieve a result instead of using

the available international complaints procedure". Participants were invited to describe

any alternative avenues of complaint they would like to use.

Measures of anticipated procedural and distributive justice

At this stage in the questionnaire, participants were asked to assume that they *had*

decided to use the presented international complaints procedure to complain about the

treatment they had received if they were Alex in his position. Some procedural and

distributive justice measures used by previous social justice researchers (Tyler, 1997)

were adapted in order to ask participants if they *expected* procedural and distributive

justice from the HRC (see Appendix 1, items 3-9 and 15). These items were presented

as statements and the participants rated their level of agreement with each statement on

the same agreement scale used above. Three of these measures referred to expectations

of distributive justice ("the procedure will be fair", "Committee will make

recommendations I can agree with", "Committee will make a favourable outcome"), two

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of them measured expected procedural justice ("the Committee will receive and consider all the information needed", "the Committee will treat me politely"). Three items were used as measures of perceived match between identity and remedy. There were two procedural questions: "any relevant group memberships will be taken into account", and the "procedure is well designed to address the particular wrong suffered" followed by one outcome-based question: "the Committee will try to do what is best for me").

Measures of perceived legitimacy of the offered remedy

Measures used by Tyler (1997) were adapted as measures of whether participants perceived that the UNHRC was a legitimate authority to determine the outcome of the complaint (see Appendix 1, items 10-13). Again, participants rated their level of agreement with a number of statements on the 7-point agreement scale. These items related to whether the complaints procedure was "legitimate", the Committee were the "appropriate decision makers", who "deserved support for their recommendations", that the respondent "would be prepared to accept the recommendations made by the Committee".

Measuring the perceived appropriateness of Australians using the internatinal complaints procedures

A statement was presented for agreement rating suggesting that it was appropriate to resolve domestic disputes via the international human rights complaints procedure offered. This item (Appendix 1, item 14) was inspired by contemporary debate about Australians' making complaints to UN treaty bodies over issues that arise in the domestic context.

Measures of who human rights arguments should protect in Alex's case and in general

Next, participants were asked to rate their level of agreement with two prescriptive statements. Firstly, that human rights arguments should be used in Alex's situation to protect individuals, and secondly, to protect groups (Appendix 1, items 16 and 17). Participants were asked a further two open-ended questions about who they believed human rights are meant to protect in Alex's situation, and who they believed human rights are meant to protect in general (Appendix 1, Q18 and 24).

Manipulation checks on perceived harm and perceived scope of the remedy

Finally, a further five statements were rated on the 7-point agreement scale and constituted manipulation checks (Appendix 1, items 19-23). Participants rated whether they agreed that Alex's right to privacy was violated, that he suffered most as an individual, suffered most as a member of a group. They also rated whether the complaints procedure was designed for individuals to use or designed for groups to use.

Results

Manipulation checks: perceived harm and perceived scope of the remedy

A 2 (violated identity: individual, subgroup) X 2 (remedied identity: individual, subgroup) between-participants ANOVA was conducted on the five questions serving as manipulation checks. Participants in all conditions agreed to the same extent that a privacy violation occurred ($\underline{M}$ for entire sample = 5.65, $\underline{sd}$ = 1.89; all Fs <1; ($\underline{n}_{IV/IR}$ = 9, $\underline{n}_{IV/GR}$ = 11, $\underline{n}_{GV/IR}$ = 9, $\underline{n}_{GV/GR}$ = 8).

Participants' responses on the measures of perceived suffering as an individual were in line with the intended manipulations. Participants in the individual violation conditions perceived more harm to individuals than did participants in the group violation conditions ($\underline{M}$ $_{individual\ violation\ conds}$ = 5.59, $\underline{sd}$ = 1.62; $\underline{M}$ $_{group\ violation\ conds}$ = 5.06, $\underline{sd}$ = 1.98; $\underline{F}$(1, 30) = 5.54, $\underline{p}$ < 05). However, participants in the group violation conditions did not perceive significantly more violation as a group member than did participants in the individual violation conditions as was expected. This may suggest a failed manipulation such that participants did not perceive greater harm to subgroup identity in the subgroup identity violation conditions.

The manipulation of the *remedied* identity variable, however, was clearly successful. The expected main effect for remedied identity was significant in the 2 (harmed identity) X 2 (remedied identity) ANOVA ($\underline{F}$(1,30) = 27.76, $\underline{p}$ < .001) and no other effects in this analysis reached significance. The mean evaluation of the procedure as an individual remedy was significantly higher in the individual remedy conditions ($\underline{M}$ = 6.22, $\underline{sd}$ = .45) than in the subgroup remedy conditions ($\underline{M}$ = 3.67, $\underline{sd}$ = .47). Similarly, the mean evaluations of the presented procedure as a procedure remedying harmed subgroup identity were significantly higher in the subgroup remedy conditions ($\underline{M}$ = 6.30, $\underline{sd}$ = .47) than in the individual remedy conditions ($\underline{M}$ = 2.90, $\underline{sd}$ = .45).

Even though there may have been problems with the manipulation of subgroup violation, there is evidence that we still have one mismatch condition operating as expected: the individual violation/subgroup remedy condition (IV/GR). This allowed for a limited test of the mismatch hypothesis (Hypothesis 1). Data presented below that reports results of a specific comparison between the IV/IR and IV/GR conditions can test this hypothesis. Data from the group violation/individual remedy condition

(GV/IR) and the group violation/group remedy condition (GV/GR) is often not reported where the failed manipulation check makes the interpretation of the data problematic.

Willingness to use the presented UN complaints procedure

Participants' desire to use the presented complaints procedure and their desire to pursue alternative avenues of protest in IVIR and IVGR are shown in Table 1. Participants in these conditions were equally keen to use *either* of the offered UN procedures (individual complaint: $\underline{M}$ = 6.33, $\underline{sd}$ = 1.11; group complaint: $\underline{M}$ = 5.18, $\underline{sd}$ = 1.78), and these high willingness ratings did not differ significantly between IV/IR and IV/GR ($\underline{F}$(1,18) = 2.84, $\underline{p}$ > .11). Therefore there was no evidence that a mismatch between violation and remedied identity in the IV/GR condition led to unwillingness to use the offered group-level procedure.

Participants were generally unwilling to use alternative avenues of complaint ($\underline{M}_{IVIR}$ = 3.57, $\underline{sd}$ = 2.94; $\underline{M}_{IVGR}$ = 4.09, $\underline{sd}$ = 2.74) and these motivations did not vary significantly in response to the different types of offered remedies ($\underline{F}$(1,16) = .15, $\underline{p}$ > .71).

Table 1: Participants' mean willingness to use the offered procedure or to pursue alternative avenues by condition

	individual remedy condition (IV/IR)	subgroup remedy condition (IV/GR)
willingness to use offered remedy:		
would use the available procedure	6.33 (1.11)	5.18 (1.78)
prefer alternative avenues	3.57 (2.94)	4.09 (2.74)

Reasons for using the UN procedure

All participants explained their reasons for using or for not using the offered UN procedure. These reasons were coded by the experimenter and the results of this coding are shown in Table 2 for the entire sample. The total number of reasons given is recorded in Table 2, and note that there were sometimes multiple reasons given by each participant. This occurred in eight cases where respondents gave two reasons for using or for not using the offered UN procedure. In two of these cases participants were willing to use the procedure because there was no alternative and no domestic solution possible though they *also* gave a reason for not using the procedure: that the issue is not serious enough, and, that the situation won't change. In the remaining six cases where multiple reasons were provided, the extra response was an additional reason given in support of using the procedure.

Table 2: Coded reasons for using the presented UN complaints procedure

	Frequency
Reasons for using the UN procedure:	
no alternative and no domestic solution possible	15
human rights are violated	7
procedure will be get the cameras removed	5
procedure is affordable	3
others in a group are affected in the same way	2
Reasons for not using the UN procedure:	
domestic losses mean cameras won't get removed	4
issue is not serious enough to take to the UN HRC	3
the cameras (or the rights violation) are justified	3
process will take too long	1
don't wish to draw (police) attention to self	1
need to know if there is a precedent in HRC views	1

Interestingly, in only a small number of cases identity concepts were invoked in the reasoning (e.g. others in the group are affected the same way). Otherwise violations

were described as either privacy rights violations or human rights violations without reference to a harmed group. The most frequent reason given for using the UN procedures was that there was no other domestic solution available. This is a formal, legal requirement for petitioning the UNHRC and was stated as such in the stimulus materials. One participant (ID no. 32 in IV/GR) suggested that "If I'd taken [the complaint] to every avenue with Australia I would be sufficiently motivated to continue", highlighting that domestic failures may increase motivation to pursue supranational solutions. Other participants supportive of using the offered UN procedure suggested that there was a strategic benefit in doing so:

> "an international procedure would seem to be the faster method of ending/resolving the matter" (ID no. 02 in IV/IR)

> "I would use this [procedure] if there were no other way because the United Nations may be more open to my needs" (ID no. 31 in IV/IR)

> "[The UN procedure] is affordable, it is available. I believe the Government will listen to what this Committee has to say. If you can convince a body of people you have a valid case, they [the Committee] will have more clout than one voice." (ID no. 27 in IV/GR)

Some participants unwilling to use the presented procedure were simply fatalistic; thinking that taking this action would not change the domestic situation. However two types of reason given for not using the procedure were interesting for different reasons: the judgement that the issue was not serious enough to take to the UN, and the judgement that the erection of security cameras was justified. For example:

> "The UNHR[C] has better and more serious matters to attend to." (ID no. 30, GV/GR)

> "Not willing [to use the UN procedure] because the cameras would be helping to protect me from offences." (ID no. 09 GV/IR)

The first of these reasons is interesting because seriousness of the breach of an article of the ICCPR is usually not used by the HRC as a reason to deny *standing* to make a complaint (though it may affect decisions on the merits of the case). The second reason is interesting in that it suggests that the context of the violation may allow a perceiver to

argue that a particular right need not be protected. This reason indicates that some participants believed that human rights are relative, not absolute; able to be qualified on utilitarian grounds. Such utilitarianism – a claim that a breach was justified because it allowed the pursuit of a greater collective good – can support an excuse used by a UN State Party that their breach of the ICCPR only occured by reason of maintaining *ordre public* (see for example articles 12, 14, 19, 20, 21, and 22; though *ordre public* is not mentioned in the text of the article 17 right to privacy). Again, it would usually not prevent a complainant from petitioning the UNHRC though it may affect the success of the merits review of the breach.

A third reason given justifying a privacy rights breach was that only those guilty of misdemeanors that could be caught on camera would be concerned enough to complain about the privacy breach:

> "I would not be willing to use the procedure because as far as I am concerned, I would want the police to take appropriate measures to combat crime in the area because I know that I am not guilty at all, unless I was involved in criminal activities." (ID no. 20 in GV/GR)

> "Too much bloody hassle. I'm not committing any crime so why worry! Geez, get on with your own life! I'm getting free security surveillance! If more people realized their role in a community and stopped relying on the Govt to do everything and then bitch when it does do something, these drastic measures wouldn't be needed in the first place." (ID no. 30, GV/GR)

Reasons for preferring other avenues of complaint

Reasons for not using the procedure can be read in conjunction with reasons for preferring alternative avenues of complaint. Twenty-three participants gave reasons for or against using alternative avenues of complaint. Again, some participants gave more than one reason for alternative action. Each reason was coded by the experimenter and reported in Table 3. Frequencies of the coded suggestions for alternative types of protest are listed in Table 4.

Table 3: Coded reasons for preferring or not preferring alternative avenues of complaint

	Frequency
Reasons for using alternative avenues:	
UN procedure is lengthy and you need a strong case	2
will get more immediate response by local action	2
Reasons against using alternative avenues:	
there are no domestic alternatives	3
faster and less expensive to go to UN	2
can't fight institutionalised racism domestically	1
there is a readily available legal alternative (the UN)	1
prefer anonymity	1

Table 4: Suggested alternative avenues of complaint

	Frequency
Suggested alternative avenues for complaint:	
lobbying parliamentarians	4
local collective action	4
attract media attention	3
gather signatures on a petition	2
complain to an ombudsman	1
write a letter to the police	1
refer to State and National ethics committees	1
focus on increasing the quality of policing	1
vandalise the cameras	1

Of those participants who desired alternative avenues of complaint, there was some evidence that domestic remedies were preferred since local action was thought more likely to provided a more immediate response without the need of having to prepare a strong case to send to an international committee. Examples of local action included lobbying parliamentarians (or some parliamentary committee on human rights), using the media, gathering petition signatures, making complaints to ombudsmen, and writing directly to the police. An interesting example of directed and strategic collective action was to:

> "get the residents support and organise a public rally. This establishes that the residents have chosen privacy over "security" (ID no. 08, GV/IR)

The strong preference for local, problem-solving meant that some participants favouring the need to use UN procedures clearly did so reluctantly:

> "It would be great if there was an easier alternative. But . . . . he has done everything he can regarding this matter in Australia and [the UN complaints procedure] looks like his last option." (ID no. 25 in IV/GR)

> "I would prefer to live in a country that can react to its citizens in a responsible manner to solve the problem without further complaint." (ID no. 11 in GV/GR)

Participants who preferred to use the UN procedures suggested that there appeared to be no domestic options left – apart from breaking the law and vandalising the cameras which did not seem a problem for one participant (ID no. 26 GV/IR). Some found no problem justifying a complaint to the UN:

> "I am a law abiding citizen who would take the course of action [complaining to the UN HRC] readily available. I have a strong personal point to make." (ID no. 33 in IV/GR)

One participant (ID no. 24 in GV/IR) suggested that too much local media attention would make you identifiable as a complainant, and should only be used as a last resort as they would prefer to remain anonymous. Interestingly, the desire of complainants to remain anonymous can be honoured under some UN treaty bodies procedures, though note the need for complaints to be non-anonymous in article 3 of the Optional Protocol to the CEDAW. One participant also saw the UNHRC as better than domestic options when complaining about institutionalized racism (ID no. 12 in GV/GR).

Anticipated procedural and distributive justice

Participants' responses to all the justice measures were combined into one justice scale score with adequate scale reliability (α = .87). A mean anticipated justice score was calculated and analysed between conditions with a 2 (violated identity) X 2 (remedied identity) between-participants ANOVA. This analysis yielded no significant effects ($\underline{M}$ $_{IV/IR}$ = 4.73, $\underline{sd}$ = .60, $\underline{M}$ $_{IV/GR}$ = 4.58, $\underline{sd}$ = 1.30; $\underline{M}$ $_{GV/IR}$ = 4.73, $\underline{sd}$ = 1.01; $\underline{M}$ $_{GV/GR}$ =

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5.25, $\underline{sd}$ = 1.12; all Fs < 1). The lack of significance here possibly reflects the failed

manipulation of perceived harm to subgroup identity. This prevents specific testing of

the matching hypothesis,and, in particular Prediction 1.2. However, the means suggest

that both individual and group-based remedies were perceived by subjects to be likely to

produce justice if used.

Perceived legitimacy of the UN treaty body

Participants' responses to the legitimacy questions were collapsed into one perceived

legitimacy score with a scale reliability of $\underline{\alpha}$ = .71. A 2 (violated identity) X 2

(remedied identity) between-participants ANOVA was run on the legitimacy score and

yielded no significant effects (all Fs < 1). The overall mean perceived legitimacy score

was moderate ($\underline{M}$ = 4.84, $\underline{sd}$ = 1.24).

Perceived appropriateness of Australians using the UN complaints procedure

Patterns on this variable mirrored the willingness to use the UN procedure. Participants

did not perceive the offered remedy to be more appropriate for Australians to use in the

matched rather than the mismatched conditions ($\underline{M}_{IV/IR}$ = 5.56, $\underline{sd}$ = 1.59; $\underline{M}_{IV/GR}$ =

5.55, $\underline{sd}$ = 1.92; $\underline{M}_{GV/IR}$ = 5.33, $\underline{sd}$ = 1.66; $\underline{M}_{GV/GR}$ = 4.57, $\underline{sd}$ = 1.99; all Fs < 1 in a 2

(violated identity) X 2 (remedied identity) ANOVA). If this was partly because

participants failed to perceive a subgroup identity violation, these data may suggest that

participants may not mind remedying individual violations with group-based complaint

procedures. This could be support for use of a class-style complaint when an aggregate

of individuals seek to complain to the UN about a violation of individual rights. We

would argue that this class action (a group of individuals complaining about individual

privacy rights violations) is psychologically different to complaining about violations of subgroup identity harm.

Construals of who human rights arguments should protect

It had been predicted (Prediction 2.1) that, in Alex's situation, human rights would be construed as protections of individuals in the individual violation conditions and as protections of vulnerable subgroups in the subgroup violation condition. Participants' responses to two quantitative measures failed to support the prediction even if analyses were restricted to the individual violation conditions (all Fs <1 in 2 (violated identity) X 2 (remedied identity) ANOVA is run on both ratings of construal measures). However, two qualitative measures "Please briefly comment on who you believe human rights are meant to protect in Alex's situation [and in general] and why?" seemed to evoke relatively clear prescriptive statements of what participants perceived the purpose of human rights law to be. These qualitative responses were coded by the experimenter and are reported in Table 5 and Table 6. A similar pattern is evident in both responses, though this pattern of differences between responses was not reliably associated with the four experimental conditions as designed.

Table 5: Frequency of coded responses to questions about who human rights should protect in Alex's situation

Who human rights should protect in the presented case:	Frequency
individuals	11
the neighbourhood community / society as a whole	10
subgroups and individuals equally	8
minorities and vulnerable subgroups	5

Participants' responses to the question "who should human rights protect in Alex's situation" (see Table 5) indicated that construals of who human rights are meant to protect in Alex's situation favoured "individuals" and the "broader collective" more than they favoured construals of human rights as protections of vulnerable subgroups. Perhaps consistent with the failure of the subgroup violation manipulation, only a minority of participants in the (intended) subgroup violation conditions thought that human rights in the context ought to be construed as protections of minority groups within the broader collective. For example:

> "[Human rights are meant to protect] minorities, the disenfranchized, dispossessed, economically disadvantaged, racial targets. Often [these groups are] unable, not organised, not visible enough to demand / expect parity." (ID no. 12 in GV/GR)

> "Human rights should protect Alex and other aboriginal tenants because of the history of treatment of aboriginals by the Australian police. Alex's concern is undestandable because of this history." (ID no. 21 in GV/IR)

A larger number of respondents thought that human rights were meant to protect the broader neighbourhood community or society in general. These respondents tended to believe that the broader community – the potential individual victims of burglary – were in most danger of having their property rights breached and that, if anything, human rights should be construed as protection of these potential victims rather than protections of any other rights. For example:

> "I do not think this sort of disagreement should waste the time of such international committees. Alex should take into account the rights of others in his neighbourhood to be protected from breakins etc." (ID no. 29 in IV/GR)

> "[human rights are meant to protect] the innocent residen[ts] of Alex's street (he and his neighbours, because they have a right to live without fear of personal danger in privacy)." (ID no. 10 in GV/IR)

> "[human rights are meant to protect] the rights of both Alex and the public housing tenants to be protected from possible violent crimes and burglaries where they live." (ID no. 34 in GV/IR)

Therefore these respondents suggested that individual rights to privacy must sometimes be violated in order to protect the interests of the broad community or society in general (ID nos. 02, 03, 18, 32, 27, 29). Some though it quite inappropriate that an individual

rights claim to privacy was even countenanced in this context, preferring that human

rights be construed as protections of the broader collective:

> "In Alex's situation, . . . the rights of the group (society) call for a right to feel safe,
> protected. The Government wants to be helping as many voters [as possible] not
> just one. [Human rights] are for the group. Thus the installation of the camera.
> Alex is asking for individual protection of rights." (ID no. 03 in IV/IR)

This often led to statements that only those with something to hide from the police

would think it worthwhile to assert individual or subgroup rights to privacy in an

attempt to get the cameras removed:

> "I feel [that human rights] are protecting the neighbourhood as a whole. And unless
> he has something to hide, there there is not reason to be concerned as he is being
> protected too." (ID no. 32 in IV/GR)

> "Human rights should protect Alex if his privacy is invaded. Then again, if he's
> under surveillance for selling smack then tough luck to him. "(ID no. 18 in IV/IR)

Some participants claimed that human rights are meant to protect *both* individuals *and*

subgroups simultaneously by functioning as guarantees of equality as sameness

irrespective of any integroup boundaries:

> "Human rights should protect the groups and individuals equally as groups are made
> up of individuals." (ID no. 11 in GV/GR)

Therefore, participants' qualitative responses here seem to be bounded by two extreme

positions. The majority position that human rights in the presented context are meant to

protect "all individuals because everyone has rights regardless of groups they are part

of" (ID no. 22), versus the minority view that human rights are "designed to protect

humans but as a matter of reality they work to protect ethnically disadvantaged groups"

(ID no. 06).

This pattern held in participants' responses to the uncontextualized question of who

human rights are meant to protect in general. Frequencies of coded responses are given

in Table 6. Again, a minority of participants suggested that human rights in general are meant to protect vulnerable subgroups.

Table 6: Coded responses to question about who human rights should protect in general

Who human rights should protect in general:	Frequency
individuals	9
subgroups and individuals equally	8
society as a whole / all humans	8
minorities and vulnerable subgroups	9

The extreme positions were again defined by statements such as the following that outlines an individualistic, equality-as-sameness view of the purpose of human rights:

> "[Human rights] should protect everyone otherwise there's no point having them."
> (ID no. 18 in IV/IR)

> "even as members of groups we are individuals. If human rights cannot protect an individual of any group then they cannot protect human rights." (ID no. 11 in GV/GR)

> "Human rights are there to protect individuals irrespective of what group they belong to. That is how we can maintain that everyone gets the liberty they deserve."
> (ID no. 26 in GV/IR)

These statements were in contrast to those of a minority who stated that human rights in general are meant to protect vulnerable subgroups *in terms of* those subgroup identities:

> "[Human rights are meant to protect] different ethnic groups, minorities, and [the] underprivileged. It is these groups that were the original focus for human rights."
> (ID no. 06 in IV/GR)

> "I believe that human rights are meant to protect minority groups who are experiencing extreme hardship" (ID no. 28 in GV/GR)

Interestingly, little sympathy was shown by one respondent towards the idea that a law-breaking *minority group member* may shelter behind a claim of human rights. This respondent suggested that law-breaking effectively waives your claim of human rights protection:

"Human rights have been designed to protect those who are willing to abide by
society's law. If you choose not to abide, these rights are diminished, and even more
so should you choose to be part of a minority." (ID no. 08 in GV/IR)

Again, for some participants notions of the broad collective good and the most
abstractly defined "we" were central to their construals of the purpose of human rights
in general. This explanation of the purpose of human rights was even sometimes given
in lieu of a claim of human rights as individual rights:

"Rights are there for the individual. But in order to give rights to the masses the
individual is overlooked. It's a matter of the greater vs individual good. For
everyone to feel safe as a community society etc. We trade off some rights so as to
help everyone and protect the rights we have left." (ID no. 03 in IV/IR)

Notably, notions of human rights as protections of subgroups within a broader collective
was a minority view.

Discussion

The treatment of Alex in all conditions was perceived as a privacy violation by all
participants. The strength of this perception was the same irrespective of condition.
There was evidence that participants perceived this violation as causing most harm to
individual identity (in comparison to subgroup identity) in the individual violation
conditions. However, attempted manipulation of this privacy violation as harm to
subgroup identity was not successfully manipulated. The scenarios used to
operationalize subgroup identity harm did not clearly lead to perceptions of violated
subgroup identity.

Even though this prevented us from fully testing predictions based on a mismatch
between violated and remedied identity, the patterns of results are interesting in terms of
how Australians respond to harm to individual identity caused by a privacy rights
violation. These data also help us understand what participants think of using UN
complaints procedures, and what they think the purpose of human rights law is in

Australian society. Data from the one operative mismatch condition (IV/GR), indicated that participants would still be willing to use a group-based remedy – similar to a class action of people all claiming to be victims of individual rights abuse – in response to perceived harmed to individual identity. There was evidence that participants perceived the UN to be a legitimate authority that is capable of providing justice as expected by complainants. Participants also perceived that it would be appropriate for aggrieved Australians to use the UN complaints procedure.

However, the most theoretically and procedurally important type of mismatch, that caused by offering an individualised remedy to those subgroup members suffering harm to subgroup identity (e.g. the case in *Toonen*) was not conclusively tested in the study. We asked participants to consider the issues from the perspective of the target Alex as is standard in many scenario studies. However, the real intergroup relationship between the participants and the target *Alex as the indigenous subgroup member* may have confounded perceptions of the intended identity violation in two of the four experimental conditions. Participants may have struggled to perceive the privacy rights violation as a subgroup rights violation in the subgroup conditions for a number of reasons. Non-indigenous participants may have a lack experience with the nature of such subgroup injustices. They may have been unable to empathise with Alex the subgroup member, or, perhaps they were unwilling to do so.

One alternative would be to use indigenous participants in the current design since indigenous participants may take the perspective of Alex the indigenous Australian more easily than the sample of participants we used. A further alternative would be to switch from the use of scenario studies with potential for the rejection of the target's perspective to the study of reactions to felt injustices that are imposed on experimental

groups or are naturally occuring in political life. In any case, the failed manipulation of subgroup harm in this study highlights the difficulty of using scenario studies to test perceptions about subgroup rights. It also suggests the importance of adding, for example, measures of empathy with scenario targets as a way of measuring possible reasons why participants do not, and perhaps cannot, truly perceive experimental scenarios from the perspective of the target as instructed. In the context of the human rights project, it seems natural to suggest that empathy or solidarity across an intergroup boundary is important. Such empathy has been important in many human rights campaigns, for example, white America's support for the civil rights of African Americans, or Afrikaners support for abolishing the apartheid regime in South Africa.

Interestingly though, the failed manipulation of perceived subgroup rights violation here could also uncover a deeper problem. It may mean that Australians have difficulty perceiving *human* rights as responses to *subgroup* injustice. This may be the case, especially, since privacy rights have traditionally been classified as individual rights. Participants may simply perceive that the violation of privacy rights will cause psychological harm to *individual self* but not to self defined as the result of salient subgroup membership. This idea seems borne out by some of the qualitative data gathered in this study. Most participants suggested that human rights are meant to protect individuals or the broad collective. In the specific surveillance camera context presented, participants found explanations for why law-breakers, individuals concerned about privacy, and subgroup members concerned about privacy and discrimination, should often have their concerns overlooked for the greater security needs of the broader collective. Boeckmann and Tyler (1997) have reported a similar phenomenon and suggest that threats to property may be enough for people to morally exclude property offenders (or suspected offenders) from the community who otherwise enjoy

procedural protection. Even when asked who human rights are meant to protect in general, similar qualification of rights claims was evident, and, still, only a minority of participants construed human rights to be protections of vulnerable subgroups within broader societies.

From Study 1, then, it appears that there were three possible construals of the purpose of human rights used by Australians in this sample. Firstly, that the purpose of human rights is to protect individuals. Secondly, that human rights should protect individuals equally within a broader collective. The third and least common view was that human rights should be conceptualised as protections of vulnerable subgroups within society. This minority construal is, of course, the goal of many human rights activists. Not long after Bill Jonas was appointed to the office of Aboriginal and Torres Strait Islander Social Justice Commissioner within Australia's Human Rights and Equal Opportunity Commission, he told a friend that he saw his job as convincing middle Australia that Aboriginal people have to be treated differently from other Australians, and be protected in their own right. He commented to a friend who was a professor of law, 'if I can achieve that, I think I will have achieved a lot.' His friend, reportedly reflected for a moment and then replied: 'If you can achieve that, you will have achieved a miracle' (Rintoul, 1999). Perhaps the results gathered here suggest that Australians do find it hard to construe the purpose of human rights as the protection of unique subgroup rights; suggesting that the cognitive miracle hoped for by many activists is yet to be achieved.

The construals of the purpose of human rights found in this study, even those responses to questions about what human rights mean in the abstract, may have been shaped heavily by the psychology of privacy rights and related qualifications about security that

were obvious in this study. It is interesting to see if the construals found in this study are peculiar to the violation context used in Study 1 or whether they can be replicated in a range of circumstances where subgroup injustice (or collective relative deprivation) is perceived. We will test this in the remaining studies. In particular, in the next chapter, we report two studies that investigate the antecedents to these construals of the purpose of human rights, such as how Tajfelian social beliefs are used to subjectively structure perceived injustices. We also continue to specifically measure responses to perceived injustice – moving away from measuring willingness to make complaints to UN treaty bodies to investigating other ways violations of subgroup identities may be managed by Australians.

Chapter 6: Mandatory sentencing and skills test studies

When investigating the determinants of a particular construal of the purpose of human rights we can ask the following questions: (i) what are human rights for?, and, (ii) when will the use of human rights arguments be perceived as an appropriate way to express the justice motive? We address these questions in Studies 2 and 3. In these studies we examine the use of Tajfelian social beliefs of social mobility and social change to structure contexts of perceived individual and intergroup injustice. In Study 3 perceptions of subgroup injustice are created by using an explicit comparison between two subgroups. This manipulation of comparative context is used to create a perception of collective relative deprivation that enables the study of reactions to subgroup injustice.

We consider that the decision to use a particular construal of human rights is an effective "pivot" between perceptions of injustice and the political decision to use a particular identity-management strategy. The political response to injustice may or may not be crafted with human rights rhetoric. More specifically, accessible social beliefs will be used by participants to subjectively structure the injustice context. In Study 2, we investigate whether preference for a particular social belief in context determines preferences for either of the two possible construals of the purpose of human rights law in Australia. The construals of human rights examined are an "equality-driven" definition and a "vulnerable groups" definition. These construals reflect the majority individual rights or broad collective rights construals of human rights exposed in Study 1 and can be contrasted to the vulnerable groups construal held by a minority of participants in that study. In Study 3, we again determine if particular accessible social

beliefs lead to particular construals of the purpose of human rights. We also test participants' preferred attitudinal and behavioural responses to injustice.

<center>Construal of human rights and the social identity perspective</center>

The concept of a variable though constrained process of construing human rights fits comfortably with a social identity perspective. This is because, as explained earlier, the social identity perspective seeks to theorise and explain the influence of perceived intergroup relations upon perceptions of social reality (Oakes et al., 1994). It assumes that often perceivers engage in motivated relative perception from the vantage point of the perceiver (Turner & Oakes, 1997). This means that one subgroup member with a particular vantage point defined by salient social identity perceives relative intergroup relations such as intergroup injustice or collective relative deprivation by making comparisons between self and other. These comparisons will be framed by the particular comparative context used. Therefore, in different intergroup comparative contexts, different subjective structurings of perceived injustice will occur. Sometimes subjective structuring may be done with a social mobility belief orientation, and sometimes it may be done with a social change belief orientation. This subjective structuring, in turn, means that emergent products of intergroup perception such as the construal of the purpose of human rights will vary with the vantage point of the perceiver and the comparative context within which responses to injustice are seen to occur.

From a social identity perspective then, the potential variability of construals of the purpose of human rights is a natural consequence of the accessibility of different social beliefs (social mobility or social change orientation) in interaction with the salience of one of many possible social identities in a particular comparative context. We assume

that human rights can be variably construed without needing to suggest that lay understandings of human rights will result in one universally-shared social representation of human rights. We assume that a perceiver's background knowledge about social structure, the history of intergroup relations, justice and human rights contains a range of values, beliefs and norms. Since both social belief orientation and salient social identity can vary with the perceptual demands of a particular comparative context, we assume that the resultant construal of human rights is variable. Therefore, in some contexts, a perceiver may make use of, say, a social mobility belief orientation and an equality-driven construal of human rights. In a different context, subjective structuring with a social change belief orientation may lead the same perceiver to use a vulnerable-groups construal of the purpose of human rights. Despite the assumption of a perceptual process able to produce variable construals of the purpose of human rights, we claim that these construals will make subjective sense in terms of the motivated relative perception done from the vantage point of the perceiver. This vantage point helps to psychologically frame a particular instance of perceived injustice.

Hypothesis and predictions

Hypothesis 3 and two predictions derived from it will be tested in Studies 2 and 3.

Hypothesis 3

Use of Tajfelian social beliefs to subjectively structure a perceived injustice will predict the construal of the purpose of human rights

Prediction 3.1

Social mobility beliefs will predict endorsement of the view that the purpose of human rights is to provide equal treatment for all Australians (an "equality-driven construal").

Prediction 3.2

Social change beliefs will predict endorsement of the view that the purpose of human rights is to provide special treatment to protect vulnerable groups in Australia (a "vulnerable groups construal").

<center>Study 2: The mandatory sentencing study</center>

Political background to the study

In 1999-2000, there was debate amongst human rights activists in Australia over schemes of mandatory sentencing in two Australian states: the Northern Territory and Western Australia (Amnesty International, 2001; Schetzer, 1999). Relevant Northern Territory law (operative since 1997 and resulting from amendments to the *Sentencing Act 1995* (NT) and the *Juvenile Justice Act 1983* (NT)) meant that magistrates sentencing a 17-year-old convicted of stealing property of *any* value, were obliged to sentence the youth to a minimum of 14 days imprisonment in an *adult* prison for a first offence, 90 days for a second offence and 1 year for a third offence.

Debate over the Northern Territory scheme gained nationwide media attention. Many Australians were concerned about the rate and nature of incarceration of juveniles for crimes targeted by the mandatory sentencing scheme. There was considerable public outcry over the severity of the scheme. As a result of mandatory sentencing, a 15 year

old Groote Eylandt boy Johnno Warramarrba was imprisoned for 28 days for his second offence (burglary and theft of stationery) and he subsequently committed suicide in prison. Also as the result of mandatory sentencing laws, fellow Groote Eylandter Jamie Wurramara was jailed for a year for his third offence. He stole biscuits from the office of mining company Gemco one Christmas Day.

Activists claimed that the mandatory sentencing schemes breached our human rights obligations (under the ICCPR, the ICERD, and the CROC), and resulted in disproportionate incarceration of indigenous Australians relative to non-indigenous Australians. There was also controversy in judicial circles. The Northern Territory Chief Magistrate threatened to resign if the mandatory sentencing scheme was not seriously revised or abolished by the conservative coalition government who faced an upcoming State election. Many members of the judiciary suggested that their judicial discretion – their ability to select the nature and severity of punishment within the limits of prescribed maximum sentences– had been taken from them. Some suggested that the mandatory sentencing scheme was nothing more than "mandatory jailing" (Ahkit, 2000; Einfeld, 2001), where the NT parliament was allowed to dictate how judges should exercise their discretion. Many criminologists were also sceptical of the claimed long-term benefit of mandatory sentencing schemes (Roche, 1999). We attempted to use aspects of this social debate as a means of testing which construal of human rights participants preferred to use *when* they considered the mandatory sentencing scheme to be unjust.

As mentioned above, at least two main criticisms of such laws emerged during the debate. These criticisms were qualitatively different in their social justice emphasis. One criticism suggested that the laws robbed magistrates of their judicial discretion –

possibly endangering whether a particular individual receives a fair trial and fair sentencing. Amnesty International suggested that the laws prevented magistrates from sentencing children and adults according to the traditional sentencing criteria such as seriousness of the crime, the circumstances of the crime and the maturity of the offender (Amnesty International, 2001).

A second criticism was based more on asserted human rights violations flowing from the social consequences of the laws' operation. Critics here suggested that the laws violated international human rights law because international law states that jail be used as a last resort for offenders under the age of 18 (see the CROC, articles 37(b) and 40.4). Amnesty International also commented that the offence types typically included in these mandatory sentencing schemes (property offences, public order offences and some sexual offences) tend to disproportionately affect particular social groups as well as particular types of offenders. They claimed that the laws unjustifiably targeted the poor, the intellectually disabled, those with drug-related brain damage, and indigenous Australians (see Amnesty's summary of findings by the Senate Legal and Constitutional References Committee's March 2000 report into mandatory sentencing:Amnesty International, 2001). It was implied that this was hardly an unintended consequence of introducing the schemes.

After our data were collected, the Howard Government struck a deal with the Northern Territory Government assuring them that the Federal Government would not legislate to constitutionally invalidate the State scheme. The Northern Territory government promised to make diversionary programs more widely available. Also, an "adult" for the purposes of the mandatory sentencing scheme was defined to be someone 18 years and over. These changes avoided some of the alleged violations of the CROC

(Schetzer, 1999). The Federal Government provided some funding for diversionary programs as part of this deal. Note that amendments to the *Juvenile Justice Act 1983* (NT) in 1999 had already permitted the use of diversionary programs for those committing their second offence. These programs could be ordered as an alternative to 28 days imprisonment. However, these programs had been poorly funded and utilised, especially in remote communities like Groote Eylandt. Also, detention was still an available option for magistrates reviewing the outcome of the diversionary program on the offender (see Schetzer, 1999).

The Study

The experiment was designed on the basis that presenting extreme construals of the purpose of human rights to participants would provoke them into thinking about their own preferred view of the purpose of human rights law. This was consistent with the approach taken to entice participants to construct implicit theories of categorization used by Brown (1999; Brown & Turner, 2002). This approach assumes that subjective structuring of the mandatory sentencing issue with social beliefs may influence perceptions of the purpose of human rights law.

We proceeded on the assumption that most of the university students surveyed would be critical of mandatory sentencing laws in the Northern Territory. A description of the Northern Territory's mandatory sentencing laws was presented along with an example of sentencing. One of two reasons for *disagreeing* with mandatory sentencing was then presented. These were either the criticism of mandatory sentencing as ignoring everyone's right to have the individual circumstances of their crime evaluated in the sentencing (similar to the judiciary's criticism described above), *or* the criticism that the

laws lead to disproportionate incarceration of indigenous youth (similar to Amnesty International's criticism described above).

We adapted these views so that the first was based on an ideology similar to the Tajfelian social mobility belief: suggesting that mandatory sentencing does not adequately indicate to first offenders that theft from other individuals is wrong, and that *individual* circumstances of crimes were being ignored under the scheme. The second view was also adapted so that it was consistent with a Tajfelian social change belief: that mandatory sentencing should be exposed as ignoring the negative impact on indigenous groups and targeting crime that is committed by indigenous Australians.

The presented criticisms were conceptualized as different subjective modes of structuring social reality; with either individual mobility or social change beliefs used to interpret perceived injustice of mandatory sentencing. The evaluation of criticism phase of the experiment was linked to the human rights construal phase of the experiment by reminding participants that the laws were about to be reviewed by the UN to see if they complied with international human rights law. Participants were told that the UN may use the presented construal of the purpose of human rights to guide their investigation. In fact, the Federal opposition had successfully requested that Mary Robinson, the UN's High Commissioner for Human Rights, review whether Australia's mandatory sentencing schemes breached Australia's human rights obligations. Mary Robinson's role as the UN's investigating officer was mentioned in the study.

We predicted that agreement with the social mobility criticism of mandatory sentencing would lead to endorsement of an equality-driven, individualistic theory of the purpose of human rights. In contrast, agreement with a criticism of mandatory sentencing based

on social change beliefs was predicted to lead participants to construe the purpose of human rights as protecting vulnerable groups in Australia. These predicted relationships between endorsement of social beliefs and particular construals of the purpose of human rights are represented in Figure 3:

Figure 3: Predicted relationships between endorsement of the criticism of mandatory sentencing and construal of human rights

Criticism of mandatory sentencing   Who human rights are meant to protect

ignores the individual
circumstances of crime
(criticism based on
individual mobility beliefs)

individuals
(equality-driven construal)

ignores the social
circumstances of crime
(criticism based on
social change beliefs)

vulnerable groups
(vulnerable groups construal)

Method

Participants

One hundred and two first year psychology students at the Australian National University participated in this study as part of their laboratory program.

Design

A 2 (basis for criticism of mandatory sentencing: social mobility, social change) X 2 (human rights construal: equality-driven, vulnerable groups) between-participants design was used. Participants were randomly assigned to the resulting four conditions. Social belief use was provoked by presenting either the social mobility or social change criticism of mandatory sentencing. Dependent variables included endorsement of the presented criticism of mandatory sentencing, endorsement of the presented construal of

the purpose of human rights, questions about whether the mandatory sentencing laws breached human rights and the relative importance of protecting particular rights in criminal justice systems. Manipulation checks were also made on whether participants understood the intended gist of the presented criticisms and construals of the purpose of human rights.

Materials and Procedure

Presentation of social beliefs

In the *social mobility criticism conditions*, the objection to mandatory sentencing presented stated that the laws were wrong because, amongst other things, they ignored "the individual circumstances of crime" (see Appendix 2). In the *social change criticism conditions*, the objection suggested that the laws were wrong because, amongst other things, they particularly disadvantaged indigenous Australians, therefore ignoring the "social context of crime" (see Appendix 2).

Participants read through the presented criticism of mandatory sentencing, then summarised what they believed to be the gist of the presented criticism. Participants then completed two measures of endorsement of the presented view. Two items were presented for rating on 7-point Likert scales anchored by 1=disagree, and 7=agree: "This view is useful for deciding what theft laws we should have in Australia", and, "This view captures my own thoughts about mandatory sentencing". Participants were then presented with either of the two construals of the purpose of human rights according to condition.

Presentation of construal of the purpose of human rights law

The equality-driven construal was based around ideas of universal, "equality-as-sameness" protection of individuals in contrast to the vulnerable groups construal of the purpose of human rights as the need to protect vulnerable subgroups in society with unique subgroup protection. These were the extreme views evident in the qualitative data collected in Study 1. These extremes are also reminiscent of the tension between legal conceptions of human rights as individual or unique subgroup rights.

For example, in the *equality-driven construal* conditions, a paragraph stated that:

> "Human rights are meant to protect all individuals merely as a result of being human . . . . . If human rights do not equally protect individuals of any group then there is no point in having them". (see Appendix 2 for full paragraph)

In the *vulnerable groups construal conditions* a paragraph stated that:

> "Human rights are meant to protect the needs of particular vulnerable groups within society . . . . . . True protection of the individual requires protection of a particular group within society to which they belong" (see Appendix 2 for full paragraph)

Participants summarised what they understood the gist of the human rights construal to be, then rated their agreement with the presented view on two items: "This view captures my own definition of human rights", and, "I would be happy for Mary Robinson to use this view of human rights in her review of the laws". Participants were then asked to rate their agreement with the statement: "Mandatory sentencing laws breach human rights", and were further asked to elaborate the reasons for this rating in the space provided on the questionnaire. Participants then answered a forced choice question: "In general, I support / do not support the Northern Territory mandatory sentencing laws.

Violated rights selection task and ratings of the importance of human rights

In the next task, participants were asked to select human rights (from a list of 12) that they thought were violated by mandatory sentencing. The listed rights were drawn from the ICCPR, the ICERD, and the CROC. The rights were given descriptive labels though their content was not described in depth (see Appendix 2). Finally, participants were asked to rank the relative importance of protecting each of the listed 12 rights in the Australian criminal justice system.

<div align="center">Results</div>

Data screening

Opposition to the mandatory sentencing scheme

As assumed, most participants were opposed to the mandatory sentencing scheme. Only 14 participants (13.7%) supported mandatory sentencing when asked explicitly if they did or did not support the scheme. Unless otherwise stated, these participants were excluded from analyses.

Perception that mandatory sentencing laws breach human rights

The remaining sub-sample of 88 participants who opposed mandatory sentencing believed that mandatory sentencing breached human rights ($\underline{M}$ = 5.19, $\underline{sd}$ =1.50, $\underline{median}$ = 6 on the 7-point scale). The rights these participants believed were being violated by the mandatory sentencing scheme are shown in Table 7.

Table 7: Rights perceived to be breached by mandatory sentencing (n =88)

Human right	n (%) who perceive a violation	Percentage (n) thinking the right is the most important to protect
Right of a child to receive sentence proportionate to offence	75 (90.4)	14.3 (84)
Right of a child not to be imprisoned with adults	70 (84.3)	7.1 (84)
Right of a child to be imprisoned only as a last resort	69 (83.1)	7.1 (84)
Right to a fair trial	63 (75.9)	44.6 (83)
Right to be protected as a minor	62 (74.7)	1.2 (84)
Right to appeal a criminal conviction	58 (69.9)	2.4 (83)
Freedom from arbitrary detention	57 (68.7)	0 (83)
Right to a imprisonment aimed at reform and rehabilitation	53 (63.9)	7.1 (84)
Right of child to be imprisoned to promote dignity, respect for law and reintegration	53 (63.9)	3.6 (83)
Right to equality before the law	48 (57.8)	16.9 (83)
Freedom from racial discrimination	42 (50.6)	9.9 (81)
Right of a child to be protected from discrimination	40 (48.2)	7.4 (81)

It can be seen from Table 7 that procedural rights (to proportionate sentencing, fair trial etc) – rather than the freedom from racial discrimination – was judged as being breached more often by mandatory sentencing. These participants were also asked to rank the importance of protecting each of these rights in Australian criminal justice systems. Results of this task show that the right to a fair trial was perceived as the most important right to protect by the most respondents followed by equality before the law and the right to receive proportionate sentencing (see Table 7).

Using the whole sample, the reasons participants gave for their endorsement of the statement why "mandatory sentencing laws breached human rights" were coded by the experimenter. Ninety-seven participants gave these reasons, and frequencies for the coding categories are presented in Table 8. The most popular reason given in support of the view that mandatory sentencing breached human rights, was that *individual rights* were violated. This reason was dominant in the two conditions where the social

mobility criticism of mandatory sentencing was presented. However, the next most

popular reason was that there was a *subgroup rights* violation. This reason did occur

more frequently in the social change criticism conditions (see Table 8). It appears from

these results that the presented criticism of mandatory sentencing laws did influence the

type of violation of human rights perceived (individual rights violation or subgroup

rights violation).

Table 8: Reasons why mandatory sentencing breaches human rights

	Condition (presented criticism / human rights construal)				
	mobility/ equality	mobility/ vulnerable groups	change/ equality	change/ vulnerable groups	entire sample (n = 97)
Reason why human rights breached:					
Individual rights violation	11	12	5	7	35
Subgroup rights violation	3	6	10	12	31
Both individual and group rights are violated	1	0	2	1	4
Human rights not breached	7	7	5	8	27

Interestingly, there were at least four interpretations of "subgroup rights violation"

given by the 31 participants who thought that human rights were breached by having a

mandatory sentencing scheme. The first meaning was that one category of offenders

(those committing white collar crime) were treated more leniently than those people

committing other forms of crime, and that this was unfair. For example:

> "I believe that mandatory sentencing breaches human rights because it separates
> conviction for stealing property from other crimes and is therefore not equal across
> the whole." (ID no. 15, change/equality-driven condition)

> "If mandatory sentencing exists, it should be applicable to all sorts of crimes. As in
> the [stimulus materials], the indigenous people are high offenders in theft and
> receive mandatory sentencing often rather than non-indigenous people committing
> fraud. These laws should be more equal." (ID no. 43, change/equality-driven
> condition)

A second form of alleged sub-group rights violation was that the operation of the laws meant that Australians in the Northern Territory were being treated more harshly when they came to court than offenders in other Australians states:

> "Mandatory sentencing laws do not apply across Australia. Therefore, equal treatment is not being given to those in NT." (ID no. 52, mobility/equality-driven condition)

> "The laws only apply to people in the NT, which means they are receiving different treatment, when really they are human and equal and should live by the rules of our country." (ID no. 59, mobility/equality-driven condition)

The third description of subgroup rights violation was a claim that indigenous and other vulnerable groups (e.g. young people) were suffering disadvantage as a result of the laws, for example:

> "Mandatory sentencing targets a particular aspect of society (i.e. youth) and utilises the law to generate a punishment that exceeds the crime. The ramification of this situation is that individuals within a socio-economic status (ie. Aboriginal youth) are more likely to be punished, incarcerated and thus placed in a situation of perpetual disadvantage." (ID no. 52, mobility/equality-driven condition)

> "The laws were created primarily to deal with crime committed by Aboriginal people. Aboriginal people are most affected by it. Also, incarcerating Aboriginals is bad for them as individuals as their culture has a very negative view on it, leading to negative psychological effects, and potentially life-threatening situations." (ID no. 93, mobility/vulnerable groups condition)

> "Aboriginal people in the NT are more often in impoverished circumstances than white Australians and are therefore deprived of their right to equality. Also, the mandatory sentencing laws prey specifically on those who steal as do people who have less in some instances rather than crimes committed by people of all 'classes'." (ID no. 12, change/equality-driven condition)

> "[Mandatory sentencing breaches human rights] because of a population of only 25% indigenous people, the population detained in prison is 76% for adults and 73% for young people. This indicates an obvious inconsistency in sentencing resulting in apparent deliberate gaoling of members among the indigenous community." (ID no. 16, change/vulnerable groups condition)

Finally, one participant suggested that mandatory sentencing was a breach of "judges' rights":

> "Mandatory sentencing laws breach judges rights more than anything, that leads to breaching human rights because judges in this case are not doing their job." (ID no. 44, change/equality-driven condition)

A further reason participants had for believing that human rights were violated was that *both* individual and subgroup rights were violated as a result of the laws (see Table 8). The four participants who suggested that breaches occurred because *both* individual and subgroup rights violations resulted stated that:

> " . . . . An indigenous individual, by definition, is part of a minority or vulnerable group in Australian society. Therefore the laws appear to be particularly harsh because of the very high number of indigenous people convicted. This could be seen as discrimination, hence a breach of human rights. . . . . . . The laws are breaching a number of individual rights at the same time - eg. the right of a fair trial instead of being placed in a cell, which should be a last resort." (ID no. 41, change/vulnerable groups condition)

> "[The laws] are discriminatory against those committing non-"white-collar" property offences, Aboriginal Australians, the young and people of poorer (less wealthy) backgrounds. They also practically eliminate a person's rights to a defense in court, no matter what, the judge must sentence a person if found guilty." (ID no. 32, change/equality-driven condition)

> "All humans not treated equally [and the scheme] discriminates against a group." (ID no. 101, mobility/equality-driven condition)

> "Blue-collar crime, ie. theft, seems to be targeted at the exclusion of white-collar crime, such as fraud. This does not seem to engender the ideals of all individuals having equal rights, nor their group or minorities' right not to be discriminated against." (ID no. 90, change/equality-driven condition)

Also, 27 participants thought that the NT mandatory sentencing laws did not breach human rights. These qualitative reasons were supported by violation ratings of four or less on a 7-point scale when asked if the mandatory sentencing scheme breached human rights.

Interestingly, the belief that mandatory sentencing *did not* breach human rights did not simply follow participants' support or opposition to mandatory sentencing laws. Sixteen of the 27 participants who thought the laws did not lead to rights violations (59.3%) explicitly stated that they were *opposed* to the mandatory sentencing scheme. Despite this opposition to the scheme, these 16 critics of mandatory sentencing did not feel that the scheme should be claimed to violate human rights. This is important evidence that felt dissatisfaction, moral outrage, and perceived injustice do not always lead to a willingness to claim that a human rights violation has occurred.

Despite this non-intuitive result, the 11 supporters of mandatory sentencing laws who stated that there was no violation of human rights, were more confident that this was the case than were the 16 opponents of mandatory sentencing who were reluctant to claim human rights were breached. Scheme supporters ($\underline{M}$ = 1.36, $\underline{sd}$ = .50 on a 7-point scale with 1= disagree, 7 = agree) agreed significantly less than the mandatory sentencing opponents ($\underline{M}$ = 3.13, $\underline{sd}$ = .83) that there was a human rights violation ($\underline{F}$(1,24) = 38.85, $\underline{p}$ < .001).

Some examples of these responses help to further clarify the different motives in use here. Some opponents of mandatory sentencing were reluctant to claim that there was a human rights violation because the laws appeared to them to be formally equal; only *indirectly* discriminating against the subgroup:

> "Mandatory sentencing does not directly discriminate between groups. All laws indirectly discriminate between groups, yet it is only if they directly do so that they could be said to breach human rights." (ID no. 94, change/equality-driven condition)

> " . . . mandatory sentencing [is] for any individual not just one racial group. Though I accept that Aborigines are over-represented." (ID no. 70, mobility/equality-driven condition)

> "It' s not that mandatory sentencing breaches human rights, but that the unique social circumstances of the Northern Territory force it to be that way." (ID no. 99, change/equality-driven condition)

> "Mandatory sentencing is not aimed at NT's indigenous population. They are not specifically targeted, however, due to social circumstances are the ones [that] are disadvantaged most by these laws." (ID no. 49, change/vulnerable group condition)

> "While [the laws] seem to effect indigenous groups more than others, I'm not sure this is a direct violation of human rights." (ID no. 78, change/vulnerable group condition)

Other opponents of mandatory sentencing were reluctant to call the disadvantage suffered a human rights violation because they thought that human rights protection sometimes needed to be qualified by concerns or goals of the broadest collective. This

included the need to waive the human rights of those who offend against society's laws. This was reminiscent of results from Study 1:

> "If every human right is looked into, society may not operate as efficiently. There is an excuse for everyone who fights for his/her rights, but they may not be valid all the time – perhaps merely excuses to wriggle out of the trouble they are in. In any case, there's no such thing as a 'fair world' in my opinion, I accept it, even though it is not my ideal." (ID no. 10, mobility/equality-driven condition)

> "There has to be a balance. If a person commits a crime, some freedom/rights should be stripped away - but to what extent? Mandatory sentencing may not be the answer." (ID no. 85, mobility/equality-driven condition)

> "While I agree that these sentencing laws [are] directed at a particular group, I'm unsure that individual rights always outweigh the collective's right." (ID no. 38, change/equality-driven condition)

> "Human[s] have a right to fair trial, but after [a] repeat offence, the individual regardless of race, creed, colour should be punished." (ID no. 63, change/vulnerable group condition)

> "I don't know if the laws do [breach human rights] because I'm not sure if human rights really are for the vulnerable groups only." (ID no. 72, change/vulnerable groups condition)

> "Mandatory sentencing applies to people who commit crimes, which affect all parts of society. If everyone could do anything they wanted without being punished, we would all suffer from having some other basic human rights deprivation." (ID no. 95, change/vulnerable groups condition)

In contrast, mandatory sentencing *supporters* made more confident statements about why the mandatory sentencing laws *did not* breach human rights. The most confident reasons given were that the laws were not directly discriminatory, were consistent with the notion of equality before the law, and therefore did not amount to human rights violations:

> "Because the mandatory sentencing laws are applied to all people regardless of race, they do not breach human rights as they do not discriminate against one group or another." (ID no. 89, mobility/equality-driven condition)

> "Mandatory sentencing means an individual will pay [the] same 'price' as any other individual for the same crime (eg. stealing). This puts all offenders on an equal footing in the eyes of the law." (ID no. 06, mobility/vulnerable groups condition)

> "The theory behind mandatory sentencing is fair in that all criminal[s] are punished equally. Unfortunately for the case of the Northern Territory, it doesn't take into account which minority group conducts in criminal behaviour to a greater degree. All individuals live under the same laws and principles as it should be." (ID no. 23, mobility/vulnerable groups condition)

> "It does not breach human rights as it is not treating any one group unfairly. These mandatory sentencing laws apply to all citizens in that society." (ID no. 60, change/vulnerable groups condition)

Also, some scheme supporters suggested that the collective interest of society as a whole means there are no human rights violations here:

> "What about the rights of victim/s and society's well-being as a whole? Everyone (society) has the right to feel safe and unthreatened (especially by criminals)." (ID no. 83, mobility/vulnerable groups condition)

and, that there can not be a subgroup-based excuse for theft justifying non-operation of the mandatory sentencing scheme:

> "The laws are clearly set out and do not breach the security of an individual no matter what their social beliefs or standings. Stealing is not acceptable just because of one's financial hardships or any other illustrated 'disadvantage'." (ID no. 30, mobility/vulnerable groups condition)

> "I don't believe any particular group should get privileges." (ID no. 88, mobility/vulnerable groups condition)

> "It is fair to have a mandatory sentence for each act of theft. It isn't fair to say that it acts against the human right[s] of aboriginals, as if they occupy the majority of jails. There must be a problem with the people, not the laws. If a white, asian, or any other human committed the same crime, they would undergo the same punishment." (ID no. 04, change/equality-driven condition)

> "The percentage of people from a particular social group shouldn't really be taken into account – if 25% of the population group are predominantly included (grouped) as being the origin for 75% of the cases – then tough!" (ID no. 17, change/equality-driven condition)

The understood gist of the presented criticism and human rights construal

Participants' summarised gists of the presented criticisms and the presented human rights construals were screened by the experimenter to see if they accorded with the intended gist in each of the conditions. Six participants misunderstood the intended gist of the presented human rights construal, and were excluded from further analyses. One case with missing data was also excluded.

After these exclusions a sample of 81 cases remained for further analysis. These participants all disagreed with mandatory sentencing, though 16 of these 81 participants did not think that mandatory sentencing constituted a breach of human rights. The remaining analyses are aimed at testing Hypothesis 3, that the use of Tajfelian social

beliefs to subjectively structure the perceived injustice predicts endorsement of the particular construals of the purpose of human rights.

Endorsement of presented criticisms of mandatory sentencing law

Mean scores were calculated for participants' ratings of whether they thought the presented criticism of mandatory sentencing (either a social mobility criticism or a social change criticism) was useful for deciding what theft laws we should have in Australia, and whether the presented view captured the participants' own thoughts about mandatory sentencing. A combined measure of agreement with the presented criticism of mandatory sentencing ("usefulness" ratings and "captured own thoughts" ratings averaged) had low reliablity (Cronbach's α = .54), so endorsement ratings were analysed as separate measures. Ratings of whether the criticism captured the participant's view on mandatory sentencing may have been a more direct measure of criticism endorsement and is also easier to interpret.

A 2 (presented criticism of mandatory sentencing: mobility, change) X 2 (presented construal of human rights: equality-driven, vulnerable groups) between- participants ANOVA was performed on both of the endorsement measures. This analysis revealed a significant main effect for presented criticism for both the usefulness rating ($\underline{F}$(1,77) = 5.08, $\underline{p}$ < .05) and the captures own view rating ($\underline{F}$(1,77) = 8.37, $\underline{p}$ < .05; see Figure 4). These data suggest that participants presented with the social mobility criticism of human rights ($\underline{M}$ = 4.54, $\underline{sd}$ = 1.85) thought that that criticism of mandatory sentencing *was more useful* than the criticism of mandatory sentencing based on social change beliefs ($\underline{M}$ = 3.61, $\underline{sd}$ = 1.88). The same pattern was evident on the rating of whether the presented criticism captured the participants' own views, with the social mobility criticism ($\underline{M}$ = 5.78, $\underline{sd}$ = 1.08) said to capture the participants' views more than the

social change criticism ($\underline{M}$ = 4.75, $\underline{sd}$ = 1.92). The main effect for presented human rights construal condition was not significant for either measure ($\underline{F}$s < 1), and the interaction was not significant on either measure (usefulness: $\underline{F}$(1,77) = 3.07, $\underline{p}$ > .05; captures own view: $\underline{F}$ < 1).

Figure 4: Endorsement of presented criticism of mandatory sentencing
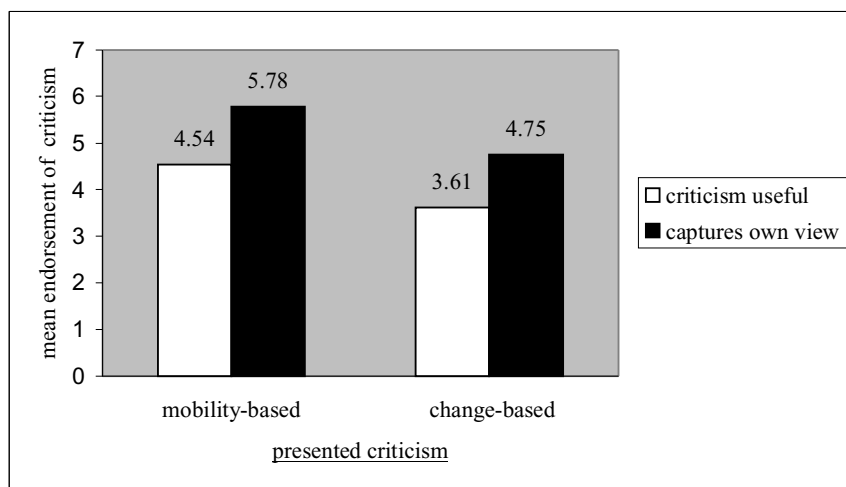
Endorsement of the presented human rights construal

A combined rating of endorsement for human rights construal had relatively low reliability (Cronbach's $\underline{\alpha}$ = .75) so analyses were performed on each endorsement rating separately. A 2 (presented criticism of mandatory sentencing: mobility, change) X 2 (presented construal of human rights: equality-driven, vulnerable groups) between-participants ANOVA was performed on each rating of human rights construal endorsement. This analysis revealed that the main effect for presented criticism and the interaction were not significant (all $\underline{F}$s <1). However, a significant main effect was

revealed for presented construal of human rights on both endorsement measures: "captures own view of human rights" and "happy for UN to use this view of human rights". On both measures, participants presented with the equality-driven construal of human rights endorsed that construal more than participants presented with the vulnerable groups construal of human rights (see Figure 5).

Figure 5: Endorsement of presented human rights construal
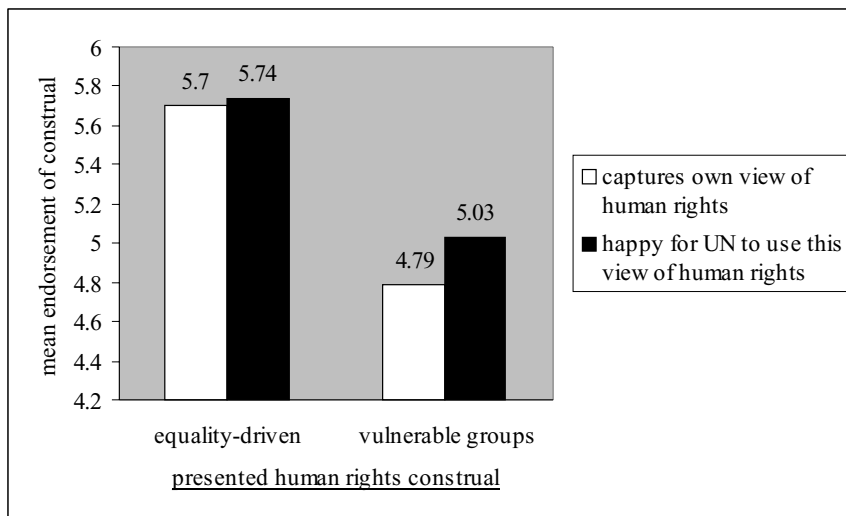
The 37 participants presented with the equality-driven construal of human rights said that it captured their own view of the purpose of human rights significantly more ($\underline{M}$ = 5.70, $\underline{sd}$ = 1.03) than did the 44 participants presented with the vulnerable groups construal of the purpose of human rights law ($\underline{M}$ = 4.79, $\underline{sd}$ = 1.40; $\underline{F}(1,77)$ = 10.89, $\underline{p}$ <.05). Also, the participants presented with the equality-driven construal were happier for Mary Robinson (the UN's High Commissioner for Human Rights) to use this view of human rights in her upcoming UN review of mandatory sentencing laws ($\underline{M}$ = 5.74, $\underline{sd}$ = 1.20) than were those presented with the vulnerable groups construal of human rights ($\underline{M}$ = 5.03, $\underline{sd}$ = 1.66; $\underline{F}(1,77)$ = 4.69, $\underline{p}$ <.05).

<u>Predicting endorsement of presented human rights construal from agreement with social mobility or social change critiques of mandatory sentencing</u>

The analyses above suggested that the equality-driven construal of human rights was more popular in the context of mandatory sentencing than was the vulnerable groups construal. The social mobility criticism of mandatory sentencing was endorsed more than the social change criticism, which may have determined ultimate preferences for a particular human rights construal. Regression analyses were used in order to test our prediction that within each condition, structuring of the mandatory sentencing issue with social mobility beliefs will lead to endorsement of an equality-driven construal of human rights, and, structuring the issue with social change beliefs will lead to a vulnerable groups construal of human rights.

Each participant's endorsement of presented human rights construal was regressed on their rated endorsement of presented criticism in each condition. These regressions were run using ratings of whether the criticism captured the participants' own view as measures of endorsement of criticism (the independent variable). The regressions were run with each of two measures of agreement with the presented human rights construal as dependent variables: (i) whether that construal captured participants' own views of the purpose of human rights, and, (ii) whether participants would be happy for Mary Robinson to use this view of the purpose of human rights when investigating alleged human rights violations caused by mandatory sentencing. Positive relationships between endorsed criticism and human rights construals were predicted in the social mobility/equality-driven condition and in the social change/vulnerable groups condition. Negative relationships – or, at least, less positive relationships than in the previous two

conditions – were predicted in the social mobility/vulnerable groups condition and in the social change/equality-driven condition.

None of the predicted relationships were significant within condition. In the mobility-based criticism/equality driven construal condition, level of endorsement of the social mobility criticism of mandatory sentencing neither predicted preference for an equality-driven construal of human rights on the captures own view of human rights measure (β = -.10, $\underline{t}$(18) =.42, $\underline{p}$>.05, $\underline{Adj\ R}^2$ = .05) nor the measure of whether the UN should use this construal in their review of mandatory sentencing (β = .27, $\underline{t}$(18) = 1.18, $\underline{p}$>.05, $\underline{Adj\ R}^2$ = .02). In the change-based criticism/vulnerable groups construal condition, the predicted positive relationship was not evident on either measure (captures own view: β = .02, $\underline{t}$(19) =.07, $\underline{p}$>.05, $\underline{Adj\ R}^2$ = .05; Mary Robinson to use: β = -.17, $\underline{t}$(19) = -.17, $\underline{p}$>.05, $\underline{Adj\ R}^2$ = .02).

The predicted relationships between endorsement of criticisms based on social beliefs and endorsement of human rights construal did not obtain. The relationship was not significant when each of the construal endorsement measures were used in the mobility/vulnerable groups condition (captures own view: β = .47, $\underline{t}$(15) = 2.05, $\underline{p}$>.05, $\underline{Adj\ R}^2$ = .17; Mary Robinson to use: β = .49, $\underline{t}$(15) = 2.15, $\underline{p}$>.05, $\underline{Adj\ R}^2$ = .18) and in the change/vulnerable groups condition (captures own view: β = .33, $\underline{t}$(21) = 1.59, $\underline{p}$>.05, $\underline{Adj\ R}^2$ = .06; Mary robinson to use: β = .08, $\underline{t}$(21) =.38, $\underline{p}$>.71, $\underline{Adj\ R}^2$ = .04).

These regression results mirror the non significant interactions achieved in the 2 (presented criticism of mandatory sentencing: mobility, change) X 2 (presented construal of human rights: equality-driven, vulnerable groups) between-participants

ANOVA that was performed on the rating sof whether the presented human rights construal captured the participant's own view.

Discussion

Participants presented with an equality-driven construal of human rights rated this construal more favourably than did the participants presented with a vulnerable groups construal of the purpose of human rights. The more specific predictions deriving from Hypothesis 3, that use of particular Tajfelian social beliefs would determine these construal preferences were not supported. Endorsing a criticism of mandatory sentencing structured around either social mobility beliefs or social change beliefs did not reliably result in endorsement of an equality-driven construal of the purpose of human rights and a vulnerable groups construal respectively. In fact, participants presented with a social mobility criticism (that mandatory sentencing was wilfully blind to the individual circumstances of crime) endorsed that criticism significantly more than participants presented with a criticism of mandatory sentencing based on social change ideology (that mandatory sentencing was wilfully blind to the social consequences of crime). As a group, most participants thought that mandatory sentencing breached the right to proportionate sentencing rather than any other subgroup right. Also, participants thought that the right to fair trial, equality before the law and proportionate sentencing were the most crucial rights to protect in the criminal justice system. These latter results are consistent with the higher endorsement of the equality-driven construal of human rights.

Data collected in this study about when the mandatory sentencing scheme breached human rights suggested that believing that a human rights violation has occurred is not determined solely by support for or rejection of the scheme. In other words, claims of

human rights violations are not simply consequent upon a perception of injustice. In this study, 16 participants opposed mandatory sentencing, but were reluctant to say that the scheme breached human rights. This reasoning seems to be influenced heavily by people's understanding of the purpose of human rights and the role they play in maintaining societal order, and political relations between subgroups within society.

The preference for an equality-driven construal of human rights warranted further investigation and explanation. This was done in Study 3 where we measured each participant's endorsement of each social belief and asked them to choose the most suitable social belief orientation for thinking about the particular injustice presented. The injustice presented in Study 3 was used to explicitly create an individual violation or a subgroup violation by manipulating the comparative context; enabling us to test how comparative context (perceptions of collective relative deprivation) and subgroup identification affect responses to injustice mediated by social belief orientation. We also continued to measure when particular responses to injustice will be expressed in terms of individual versus subgroup rights claims.

Study 3: The skills test study

Political background to the study

We used the social debate surrounding external skills testing in Australian universities and related privacy concerns to create stimulus materials for this study. During 2000, the Howard Government and some business leaders were demanding that universities allow external, quantitative measurement of the skills acquired by their graduates. This external evaluation of teaching outcomes has subsequently been trialed in a number of Australian universities.

For our purposes, scenarios were designed that described the desire for university and public service management to externally assess vocational skills acquired by their graduates and employees. We tied this issue to information privacy concerns. Privacy rights are human rights issues that universities were reviewing at the time and were also the subject of legislative review by Australian parliaments. Although there had not been explicit discussions about privacy during the skills testing debate, we thought that issues of privacy for subgroups and for individuals could be made salient here easily, especially when students considered possible publication of the results of these tests by universities to employers.

Overview of the Study

This study was designed to further test links between use of Tajfelian social beliefs to subjectively structure social reality and construals made about the purpose of human rights. Rather than manipulating the presentation of different social beliefs and construals of human rights in an orthogonal design as in Study 2, we aimed in this study to directly measure participants' endorsement of social beliefs and human rights construals. We also asked participants to choose which social belief and which human rights construal they *preferred* in the context of a perceived injustice. It was hoped that this approach would provide more direct evidence of the use of these social beliefs as well as making them more accessible for perceivers in the judgement context.

It should be noted that researchers often assume that particular Tajfelian social beliefs are operative – usually manipulating the structural conditions (e.g. permeability, stability, legitimacy) hypothesised to produce a particular social belief orientation and a particular perception of social structure – *rather than* explicitly measuring endorsement of social beliefs in the context of judgement (eg. Branscombe & Ellemers, 1998;

Breinlinger & Kelly, 1994; Ellemers et al., 1997; Ellemers & Van Rijswijk, 1997; Hogg et al., 1987; Reynolds et al., 2000). Often, measurement also focuses primarily on which identity-management strategy is used, and, from that determination, *assuming* which social belief orientation was operative. In this study, however, we attempted to measure operative social beliefs, and preferred identity-management strategies separately within the same context of perceived injustice.

We were also interested in any relationships between social beliefs and identity management strategies (attitudinal and behavioural responses to injustice) when the comparative context was explicitly manipulated to create two violation conditions. This was an attempt to further refine the approach taken in Study 1. In Study 3, the violation in each condition either resulted in differential disadvantage being suffered between two groups (*subgroup violation condition*), or resulted in each of two subgroups being disadvantaged in exactly the same way (*individual violation condition*). The measured responses to power use included construals of the purpose of human rights as well as individual and collective rights-based action strategies.

Two avenues of related social psychological literature were drawn upon when designing this study. The first is a body of social justice research that investigates perceptions of social justice and responses to perceived injustice (e.g. Fine, 1983; Lind, Kray, & Thompson, 1998). The second is a body of intergroup relations research that investigates the use of individual or collective responses to illegitimate power use (Ellemers, van Knippenberg, & Wilke, 1990; Ellemers, van Rijswijk, Bruins, & de Gilder, 1998; Ellemers et al., 1993; Reynolds et al., 2000). In some work that may bring these two avenues of research together, Foster and Rusbult (1999) describe attitudinal and behavioural reactions to injustice as "powerseeking". Foster and Rusbult

(1999) conclude that "sometimes individuals desire power for its use in maintaining or restoring justice" (p. 847). Therefore, use of human rights rhetoric may reflect a desire for power that enables agenda-setting, consciousness-raising and, exposure of unjustified power imbalances. Whatever form rights-based powerseeking behaviours takes, human rights argumentation based on a particular construal of the purpose of human rights may be used as an expression of the justice motive and the desire to regulate the use of power over you or your group by an authority or an outgroup. Human rights claims can therefore be conceived as ways to regulate power use, especially when human rights are used by devalued and relatively powerless subgroups within diverse collectives. Such powerseeking behaviour could include assertions of human rights in response to perceived injustice. Foster and Rusbult (1999) argue on the basis of two experiments that powerseeking behaviour, especially on the part of vicitms, is situationally motivated rather than being wholly dispositionally motivated. They find that powerseeking motivation and powerseeking behaviour are reliably motivated by particular perceptions of injustice in specific contexts.

Foster and Rusbult (1999) investigated how fairness norms mediated the relationship between perceptions of injustice and powerseeking behaviour. They investigated quite general statements of fairness including: "how wrong do you feel the decision was?", "did the situation violate your beliefs about fairness?". They found that the perception that a decision was wrong – based on beliefs about fairness – wholly mediated the relationship between perceived injustice and powerseeking motivations and behaviour. This may be similar to how beliefs about social structure – Tajfelian social belief orientations – may help determine the links between perceived injustice and the selection of particular powerseeking behaviours by perceivers.

Importantly, Foster and Rusbult (1999) show that the link between perceived injustice and powerseeking holds *even for disinterested observers* who do not perceive the victims to be close or similar to self (Experiment 2). This point is relevant to the methodological problems we faced in Study 1. This work on "closeness" or empathy is interesting when scenarios about victims are presented to participants who do not identify as members of victim groups. Even so, Foster and Rusbult's (1999) work suggests that non-group members may still effectively identify *with* the victims. As stated earlier, it is arguable that many people using human rights are activists of civil society broadly-defined; being members of NGOs, activist groups, or are concerned citizens who are not directly affected as victims of the injustices they protest about. Such people may often advocate on behalf of disadvantaged groups and individuals.

It would seem from Foster and Rusbult's (1999) results then, that an empathic connection may still exist between such observers and a non-similar target other as victim. This connection may be enough to motivate powerseeking behaviour in the interests of the victim. In this study we used measures of empathy derived from those used by Batson and colleagues (e.g. Batson & et al., 1983) as a way of testing the empathic connection between participants and the imagined target in the stimulus scenario. This was an attempt to add the basis for explanations of any failed manipulations as we saw in Study 1. Furthermore, the powerseeking behaviours studied by Foster and Rusbult (1999: petition -signing, organising a meeting to complain, serving on internal review committiees) can be adapted and extended to test rights-based powerseeking behaviours in response to injustice.

In terms of the perceived relationship between the powerful and the powerless, Montanda (1991) would suggests that injustice is not perceived until someone is held

responsible for the unacceptable treatment or negative consequences at the heart of the perceived injustice. Those held responsible could have power over the welfare or rights of others. This can occur when the powerless group is dependent on the powerful group for the protection of their welfare. It is a natural extension of this reasoning to use identity psychology to ask how the identity relationship between the power holder and the powerless potential or actual victim of abuse shapes the attribution of responsibility for felt disadvantage and any subsequent psychological response to it in either justice and/or human rights terms.

An example of the approaches that have explored some of these dynamics between powerful and powerless groups is work done by Ellemers et al. (1998). These researchers found that frequent (coercive) power use by an *ingroup* superior was attributed to external causes and these attributions maintained subordinates' commitment and willingness to cooperate with those with the power over their welfare. However, participants attributed an *outgroup* superior's frequent power use to internal characteristics (group membership) resulting in decreased willingness to cooperate with the outgroup superior. Similarly, identity dynamics may predict whether negative treatment and disadvantage is (i) perceived as an injustice at all, (ii) described as a human rights violation, and, (iii) used as a motivation for challenge to the status quo.

Arguably, the use of Tajfelian social beliefs as subjective modes of understanding social reality often occurs in comparative contexts where victims of power use compare their treatment to their expectations of how power will be exercised. This is where we predict that reliance on Tajfelian social beliefs will help to shape identity-mediated responses to injustice as unjustified power use. A social change belief orientation could also lead to a construal of human rights as protections of vulnerable groups against the

will of the powerful. Foster & Rusbult's (1999) research on powerseeking behaviour

has examined situationally-motivated justice judgements, though it did not explicitly

focus on how the identity relationship between perpetrator and victim influences these

perceptions. It also did not investigate how Tajfelian social beliefs – as well as

expectations of fairness – may be useful for shaping the precise expression of the justice

motive in terms of particular "powerseeking behaviours" or identity-management

strategies.

In this study, we attempted to impose relative subgroup disadvantage in one of two

experimental conditions, in contrast to a condition where commonly-shared

disadvantage was suffered by each of two target subgroups. In response to perceptions

of individual or subgroup injustice – perhaps judged against expectations of how the

powerful should protect the welfare of the powerless - we were interested in what type

of *rights-based* action strategies participants would be prepared to take and why. This

is in line with the approach taken to explicitly measuring motivations for behaviour in

Ellemers et al. (1998).

<div align="center">Method</div>

Participants

Forty third-year psychology students from the Australian National University

participated in this study as part of their laboratory program. The median age of

participants was 21 years.

There were two independent conditions in the design: an *individual disadvantage condition* and a *subgroup disadvantage condition*. In the *individual disadvantage condition*, the decision taken by university management and public service executives led to a breach of privacy that affected members from each of two subgroups (ANU students and Australian public servants) in the same way. In the *subgroup disadvantage condition*, the decision by university management led to a breach of privacy that only affected ANU students. A breach of privacy was not suffered by Australian public servants. Dependent measures included endorsement of social beliefs, forced-choice preference of social beliefs, endorsement ratings of human rights construal, forced-choice preference for human rights construal, empathy with victims, identification with victim group, identification with the perpetrator, perceived injustice, and preferred behavioural response to power use.

Materials and Procedure

Stimulus scenarios

In each condition, participants read that there had been discussions over the last year regarding the introduction of external vocational skills testing of all 18-25 year-olds studying at universities or working in the public service (see Appendix 3). Participants were asked to imagine that a Skills Test aimed at measuring skills relevant for the modern workplace had been designed. All universities and public service departments in Australia were to make the testing compulsory for their students or employees.

At this point, participants in the *individual disadvantage condition* read that the names and results of *both* the students *and* the public servants were to be published in a Skills Test Database made available to a number of employer associations. This was intended to create similar levels of perceived disadvantage for all Skills Test recipients irrespective of their subgroup membership as students or as public servants. In the *subgroup disadvantage condition* however, participants read that only the universities had decided to allow publication of their students' names and results in the Skills Test Database. Participants read that the public service administrators had not allowed publication of their employees' results. This was intended to create relative subgroup disadvantage operating to the detriment of the university students.

In both conditions, the universities were said to have amended their privacy policy so as to redefine their responsibility to protect the privacy of their students. The following text of an amended privacy policy was presented to the participants in both conditions:

> "universities have a privacy obligation not to release the results of internal
> university testing to the public. This does not prevent the public circulation
> of any student's result on externally-devised tests such as the Skills Test."

This policy text was included to highlight that the University administration had power over the students' privacy, were directly responsible for allowing publication of results, and, were willing to weaken previous privacy protections in order to facilitate publication of Skills Test results.

Manipulation checks

Two manipulation check questions were asked immediately after the participants read through the stimulus scenarios. These questions consolidated the stimulus information crucial for the success of the manipulation. The forced choice questions asked if the decisions made meant that both the results of university students and public service

employees would be made available to employers, and, if an individual university student could be identified by the information published in the Skills Test Database (see Appendix 3). Participants were then asked if they agreed with the content of the University's amended privacy policy. This question also served to highlight the extent of the University's responsibility for any injustice caused by the decision. Participants' responses to this question were also to be used as a measure of perceived injustice together with other measures included in the questionnaire.

Measuring Tajfelian social beliefs

Participants were asked to keep the university's decisions in mind while rating their agreement with four statements. The first two statements were measures of social mobility and social change beliefs and were derived from theoretical articulations of these beliefs by Tajfel (1975; 1978) and others (e.g. Hogg et al., 1987). Participants were asked the extent to which they agreed with each statement on 7-point Likert scales (1=disagree, 7=agree). The social mobility belief statement presented for rating was:

> "Society should be thought of as a collection of discrete individuals, each of whom is free to further their own individual interests in an open system"

followed by a social change belief statement

> "Society should be thought of as a collection of groups, each group member forced to further their own individual interests only by furthering their group's interests".

Participants were then asked to choose which of these two statements they agreed with most.

Measuring construal of the purpose of human rights

The third and fourth statements presented related to the purpose of the human rights in society. These statements were one sentence long and were summaries of the longer

paragraphs used to express these two construals of the purpose of human rights in Study 2. The first statement presented was the vulnerable groups construal and suggested that the "purpose of human rights is to protect vulnerable groups in society and allow them to continue associating as groups". The second statement presented for rating was the equality-driven construal of human rights, suggesting that the: "purpose of human rights is to protect all humans equally regardless of the groups to which they may belong". After rating each of these statements, participants were asked to choose the statement they agreed with the most.

Empathy and identification

Participants were then asked to rate their level of empathy with the victims in the scenario. This was done in terms of similarity to those victims (1 = no similarity, 7 = high similarity), in terms of the extent to which the participants could relate to the student victims described (1 = cannot relate, 7 = can easily relate), and to rate how much they empathized with the students in the situation described (1 = cannot empathize, 7 = can easily empathize). These questions were the same as those used by Foster & Rusbult (1999, Experiment 2) to measure participants' "closeness" to or empathy with victims in their study. The two identification items ("ties with universities in general" and "importance of being a university student", see Appendix 3) were rated as measures of salience of student identity or salience of a more abstract institutional or university identity in the context of the described disadvantage.

The next series of ten rating scales all began with the sentence "The universities' decision to make results of the Skills Test available to employers in the Skills Test Database . . . . . ". All ratings were made on 7-point Likert scales anchored with 1 = strongly disagree and 7 = strongly agree (see Appendix 3).

Perceived disadvantage

Two items related to perceived disadvantage and completed the item stem with the following phrases: "will not disadvantage university students when they leave universities", and "disempowers university students".

Perceived injustice

Three items were included as measures of perceived injustice. Completing the above sentence stem for rating were the following. Suggesting that the decision was: "the wrong decision", "just", "fair", These items were the same as the perceived injustice items used by Foster & Rusbult (1999).

Attitudinal responses to injustice

Five phrases completing the same item stem were included to measure attitudinal responses to the universities' decisions (the injustice). They were aimed at measuring the fate of the participants' expectations about the nature of power relationship, and attributions about that power relationship given the decision made in each condition. Items included that the decision: " was an unexpected decision", "does not violate my beliefs about how universities should exercise their power to make decisions that affect the welfare of their students", "shows that the universities have too much power over the fate of their students", "is a decision appropriately made within the scope of the universities power over their students welfare", and "is a decision made by the wrong people".

Preferred behavioural responses to injustice and the motivation for it

Finally, participants were asked to rate three behavioural responses to the universities' decision and to indicate the behavioural response they would be most willing to make in response to the universities' decision. These choices were to (i) accept the decision (accept), (ii) sign a petition "organized by student groups claiming that the decision is wrong because it violated *university students' right to privacy* more than it violates the public servants' right to privacy" (collective petition), and, (iii) sign a petition "saying that the decision is wrong because it breaches your *individual right to privacy*" (individual petition).

Participants were asked to indicate which of two reasons explained their response preferences (after Ellemers et al., 1998). Participants rated the extent to which their previous ratings and choice of behavioural responses were guided by the following considerations : "a desire to protect the students from suffering harm", and, "a desire to protect the reputation of the universities". Ratings were made on 7-point Likert scales anchored by 1 = "not at all" and 7 = "very much". Participants were invited to add different reasons for their ratings in a free response question.

Plausibility of the decision

Finally, participants rated the plausibility that the decisions described in the scenario could occur in the current political climate.

Understanding the scenario

The responses from five participants were discarded because these participants' responses on the manipulation checks suggested that they had misunderstood the stimulus information. This left 15 participants in the *individual disadvantage condition* and 20 participants in the *subgroup disadvantage condition*.

Empathy

There were no significant differences between the high levels of empathy for victims in the individual and subgroup disadvantage conditions. This result was achieved on separate measures of empathy as similarity between participant and victim ($\underline{M}$s = 5.27, 5.05; $\underline{sd}$s = 1.67, 1.47; $\underline{t}$(28) = .41, $\underline{p}$ > .05), as the ability to relate to victims ($\underline{M}$s = 5.60, 5.05; $\underline{sd}$s = .99, 1.43; $\underline{t}$(33) = 1.27, $\underline{p}$ > .05), and the ability to empathize with victims ($\underline{M}$s = 5.80, 5.60; $\underline{sd}$s = .94, .99; $\underline{t}$(33) = .60, $\underline{p}$ > .05). There was also no significant difference in level of self-reported empathy for victims on a combined empathy measure constructed by collapsing across these three questions (individual violation: $\underline{M}$ = 5.56; $\underline{sd}$ = .97; collective violation: $\underline{M}$ = 5.23; $\underline{sd}$ = 1.21; $\underline{t}$(33) = .85, $\underline{p}$ > .05, α = .84).

Plausibility

Participants in the individual disadvantage condition perceived the scenario to be as plausible ($\underline{M}$ = 5.00, $\underline{s.d.}$ = 2.04) as participants in the subgroup disadvantage condition ($\underline{M}$ = 5.30, $\underline{s.d.}$ = 1.22; $\underline{t}$(35) = .54, $\underline{p}$ > .05).

Perceived disadvantage

The success of manipulating individual disadvantage and relative subgroup disadvantage was evaluated by analysing ratings on the two perceived disadvantage items. These items suggested that the universities' decision would disempower university students, and, would not disadvantage university students when they were to leave university. Responses on the second item were reverse-scored so that high ratings meant greater perceived disadvantage. A 2 (disadvantage: individual, subgroup) X 2 (disadvantage measure: will disadvantage, will disempower) between-participants ANOVA with repeated measures on the last factor was conducted on these disadvantage measures. The analysis revealed that participants in both conditions perceived that the decision would disadvantage students (individual disadvantage condition: $\underline{M}$ = 5.44, $\underline{sd}$ = 1.41; subgroup disadvantage condition: $\underline{M}$ = 5.58, $\underline{sd}$ = 1.77), with the *level* of perceived student disadvantage the same between conditions ($\underline{F}(1,33)$ = .20, $\underline{p}$ > .05).

Therefore, we assumed that this equal level of perceived disadvantage translated into the intended individual injustice (disadvantage as individuals) versus the intended subgroup injustice (disadvantage as students vis-à-vis public servants) in the individual and subgroup disadvantage conditions respectively. This assumption seemed valid since all participants retained in the sample were perceiving that the targets in the scenario would suffer disadvantage *and* these participants had correctly answered the manipulation checks about the comparative context operating in each condition. This meant that the operative difference between conditions (unlike the case in Study 1) was the perceived psychological level at which the injustice is suffered (i.e. as individuals *or* as students in direct intergroup comparison to public servants).

Interestingly, this disadvantage was not perceived as disempowering in either condition ($\underline{M}$s = 2.50, 2.63; $\underline{sd}$s = 1.46, 1.50, respectively), and there was no significant difference in rated disempowerment between conditions ($\underline{F}$(1,33) = .20, $\underline{p}$ > .05). Collapsing across conditions, these data show that although perceived disadvantage was high in both conditions perceived disempowerment was significantly lower ($M_{disadvantage}$ = 5.51; sd = 1.60; $M_{disempower}$ = 2.57, sd = 1.46; $\underline{F}$(1, 33) = 46.84, $\underline{p}$ < .001).

Manipulation of perceived violation of the universities' responsibility to students

It was hoped that the scenario in both conditions would lead participants to perceive a violation of the universities' *responsibility to protect the welfare of its students*. The following question was used to check whether this was the case: "The universities decision . . . . . does not violate my beliefs about how universities should exercise their power to make decisions that affect the welfare of their students". This question is similar to a perceived violation measure by Foster & Rusbult (1999). In response to this question, participants in *both* the individual and subgroup disadvantage conditions reported that the decision violated their expectation of how universities should exercise their power over students' privacy ($\underline{M}$s = 5.27, 5.25; $\underline{sd}$s = 1.33, 1.55; $\underline{t}$(33) = .03, $\underline{p}$ > .05).

Perceived injustice of the decision

Three questions were asked to measure perceived injustice flowing from the decision. Participants' ratings of whether the decision was just and whether it was fair were reverse-coded and combined with ratings of whether the decision was wrong, such that higher scores reflected greater perceived injustice. Mean scores were calculated in each condition and a 2 (disadvantage: individual, subgroup) X 3 (injustice measure: wrong, just, fair) between-participants ANOVA with repeated measures on the last factor was

conducted. This analysis revealed that participants in both conditions rated the universities' decision equally unjust and unfair (perceived injustice: $\underline{M}$s of individual vs. subgroup conditions = 5.25, 5.37, $\underline{sd}$s = 1.61, 1.38; perceived unfairness: $\underline{M}$s of individual vs. subgroup conditions = 5.50, 5.42, $\underline{sd}$s = 1.59, 1.35; $\underline{F}(1,33)$ = .69, $\underline{p}$ > .05). However, participants did not suggest that the decision was wrong. Ratings of wrongfulness were equally low between conditions ($\underline{M}$s = 2.56, 2.79, $\underline{sd}$s = 1.46, 1.36 respectively). Collapsing across conditions, there was a significant within-participants main effect for injustice measure ($\underline{F}(1,33)$ = 36.53, $\underline{p}$ < .001), with a significant quadratic trend from low wrongfulness ratings through ratings of perceived injustice to ratings of perceived unfairness ($\underline{M}$s collapsed across condition = 2.69, 5.31, 5.46 respectively; $\underline{sd}$s = 1.39, 1.47, 1.44; $\underline{F}_{quad}(1,33)$ = 26.29, $\underline{p}$ < .001).

Social belief use and construal of the purpose of human rights

The mean level of agreement with each social belief and and each human rights construal is shown in Table 9. The preference for each belief or construal over its rival is perhaps the most important data to note, since it may give the clearest indication of the social beliefs and the preferred construals of human rights operative in context. These preferences are also reported in Table 9.

Table 9: Mean level of agreement with social and human rights construals and frequency of preference for each construal over its paired construal by disadvantage condition

	social mobility belief		social change belief		equality-driven construal of HRs		vulnerable groups construal of HRs	
	mean (sd)	prefer	mean (sd)	prefer	mean (sd)	prefer	mean (sd)	prefer
Disadvantage								
individual	4.81 (1.60)	11	3.00 (1.36)	4	6.69 (0.48)	13	5.13 (1.15)	1
subgroup	5.05 (1.65)	19	2.68 (1.49)	1	6.42 (1.02)	19	4.42 (1.54)	1

A 2 (disadvantage: individual, subgroup) X 2 (social belief: mobility, change) between-participants ANOVA with repeated measures on the last factor was conducted on social beliefs ratings and then on ratings of presented human rights construals. There was a significant within-participants main effect for human rights construal. This meant that participants, *irrespective of disadvantage condition*, endorsed the equality-driven construal of human rights more ($\underline{M}$ = 6.54, $\underline{sd}$ = .82) than the vulnerable groups construal of the purpose of human rights ($\underline{M}$ = 4.74, $\underline{sd}$ = 1.40; $\underline{F}$(1,33) = 34.33, $\underline{p}$ < .001). The predicted interaction between disadvantage condition and endorsement of human rights construal was not obtained ($\underline{F}$(1,33) = .52, $\underline{p}$ >.05). It had been predicted that the relative disadvantage in the subgroup disadvantage condition may have caused greater endorsement of the vulnerable groups construal relative to the individual disadvantage condition. Results of the forced-choice questions also clearly reveal that participants, *irrespective of disadvantage condition,* preferred to structure the injustice context with social mobility beliefs and to use an equality-driven construal of the purpose of human rights (see Table 9).

Correlational and regression analyses were conducted between ratings of social beliefs, human rights construals, and between preferred choice of belief and construal. These analyses were conducted to test for predicted links between social beliefs and human rights construals derived from Hypothesis 3. Firstly, correlations between ratings of all four statements are reported in Table 10 for the whole sample, in Table 11 for the subgroup disadvantage condition, and in Table 12 for the individual disadvantage condition.

Table 10: Correlations between ratings of social construals and human rights construals

	social mobility	social change	equality-driven construal of HRs	vulnerable groups construal of HRs
social mobility	1.00	- 0.38*	0.36*	- 0.18
social change		1.00	- 0.53**	0.18
equality-driven			1.00	- 0.23
vulnerable groups				1.00

* p < 0.05
**p < 0.01

When correlational analysis was conducted on the whole sample, there was evidence that endorsements of social mobility and social change construals were inversely related (r = -.38, p < .05). This suggests that participants distinguished between these sets of beliefs. However, there was no significant (inverse) relationship between an equality-driven construal and a vulnerable groups construal of human rights (r = -.23, p > .05). In terms of hypothesised links between beliefs and construals, there was a significant positive correlation between endorsement of the social mobility belief in context and endorsement of an equality-driven construal of human rights (r = .36, p < .05). There was also a significant negative correlation between endorsement of social change beliefs

and endorsement of an equality-driven construal of human rights ($\underline{r}$ = -.53, $\underline{p}$ < .01).

These relationships are generally consistent with predictions.

However there was neither a significant inverse correlation between social mobility and vulnerable groups construal of human rights ($\underline{r}$ = -.18, $\underline{p}$ > .05), nor a significant positive correlation between endorsement of social change beliefs and endorsement for a vulnerable groups construal (r = .18, $\underline{p}$ > .05). This observed pattern of correlations holds if responses in the *subgroup disadvantage condition* are analysed separately (see Table 11), and no significant correlations are found when the *individual disadvantage condition* is analysed separately (see Table 12).

Table 11: Correlations between ratings of social construals and human rights construals (subgroup disadvantage condition)

	social mobility	social change	equality-driven construal of HRs	vulnerable groups construal of HRs
social mobility	1.00	-0.51*	0.51*	- 0.17
social change		1.00	- 0.75**	0.16
equality-driven			1.00	- 0.42
vulnerable groups				1.00

* p < 0.05
**p < 0.01

Table 12: Correlations between ratings of social construals and human rights construals (individual disadvantage condition)

	social mobility	social change	equality-driven construal of HRs	vulnerable groups construal of HRs
social mobility	1.00	- 0.18	0.09	- 0.16
social change		1.00	- 0.07	0.11
equality-driven			1.00	0.30
vulnerable groups				1.00

* p < 0.05
**p < 0.01

Regression analyses were performed to test the predicted relationships outlined in Figure 6. In the *individual disadvantage condition* none of the predicted relationships were significant (mobility rating predicting equality-driven rating: β = .09, $\underline{t}$(14) = .35, $\underline{p}$ > .05, Adj $\underline{R}^2$ = .06; change rating predicting vulnerable-groups rating: β = .21, $\underline{t}$(14) = .81, $\underline{p}$ > .05, Adj $\underline{R}^2$ = .02; mobility or change choice predicting equality-driven or vulnerable groups choice: β = -.16, $\underline{t}$(13) = .-.59, $\underline{p}$ > .05, Adj $\underline{R}^2$ = .05). However, in the *subgroup disadvantage condition* the relationship between mobility rating and equality-driven rating was significant (β = .52, $\underline{t}$(17) = 2.48, $\underline{p}$ < .05) and explained 22% of the variance in these ratings (Adj $\underline{R}^2$ = .22). The endorsement of social mobility beliefs was unexpected in the subgroup disadvantage condition, but the significant path between mobility beliefs and an equality-driven construal of human rights here confirms the general predicted relationship between social beliefs and human rights construal. The relationship between ratings of social change belief and rating of vulnerable groups construal was not significant (β = .13, $\underline{t}$(17) = .56, $\underline{p}$ > .05, Adj $\underline{R}^2$ = .04). Consistent with ratings, all participants choosing mobility over change in the subgroup disadvantage condition chose an equality-driven construal over a vulnerable groups construal. The one participant who preferred social change beliefs, preferred the vulnerable group construal of the purpose of human rights.

Figure 6: Predicted paths between social belief endorsement and endorsement of human rights construal or choice of preferred construal

Endorsed social belief	Endorsed construal of human rights
Social mobility rating	equality-driven rating
Social change rating	vulnerable groups rating
Mobility or change choice (mobility choice = 1, change choice = 2)	Equality-driven or vulnerable groups choice (equality-driven choice = 1 vulnerable groups choice = 2)

<u>Identification as a student or as a member of the same group as the decision maker (the university)</u>

Participants had rated whether they felt strong ties with universities in general and if being a student was important to them. These identification scores as a student, or identification with the decision-maker (the university), are shown in Table 13 by disadvantage condition.

Table 13: Identification as a student or with the decision-maker (the universities) by disadvantage condition

	identification as a student	Identification with decision-maker
<u>disadvantage condition:</u>		
individual	5.60 (0.91)	4.47 (1.36)
subgroup	5.15 (1.35)	3.90 (1.25)
	5.34 (1.19)	4.14 (1.31)

A 2 (disadvantage condition: individual, subgroup) X 2 (identification: as a student, with university) between-participants ANOVA with repeated measures on the last factor was conducted on these two identification measures. This analysis revealed a significant within-participants main effect for identification measure ($\underline{F}(1,33) = 23.54$, $\underline{p} < .001$) such that, *irrespective of condition*, participants identified *as* students more ($\underline{M} = 5.34$, $\underline{sd} = 1.19$) in this context of threat to students' privacy than they identified *with* their university ($\underline{M} = 4.14$, $\underline{sd} = 1.31$). There was no significant between-participants effect for condition ($\underline{F}(1,33) = 3.04$, $\underline{p} > .05$), and no significant interaction between identification measure and condition ($\underline{F}(1,33) = .08$, $\underline{p} > .05$). Identification as a student was at the same moderate level in both the *individual disadvantage condition* ($\underline{M} = 5.62$, $\underline{sd} = .89$) and the *subgroup disadvantage condition* ($\underline{M} = 5.10$; $\underline{sd} = 1.37$), and

identification with the university did not differ between conditions (<u>Ms</u> = 4.50, 3.84, <u>sds</u>= .1.31, 1.26 respectively).

<u>Attitudinal responses to injustice</u>

The results above suggest that on the whole, participants in both conditions perceived the decision made by the universities to be disadvantageous, unjust, and unfair. Some further attitudinal responses to injustice were gathered and participants were asked to choose preferred behavioural responses to the perceived disadvantage. Mean agreement with these further attitudinal responses to injustice are reported by disadvantage condition in Table 14. Note that "decision made appropriately within scope" has been reverse scored so that higher scores in Table 14 suggest that the decision was perceived to be made outside of power.

<u>Table 14: Attitudinal responses to injustice</u>

	Disadvantage condition		
	individual	subgroup	Entire sample
Attitudinal response			
Unexpected decision	3.94 (1.65)	3.58 (1.64)	3.74 (1.63)
Violates beliefs about power use	2.81 (1.33)	2.68 (1.57)	2.74 (1.44)
Unis have too much power	3.31 (1.54)	2.53 (1.07)	2.89 (1.35)
Decision outside scope of power	5.13 (1.41)	5.32 (1.49)	5.22 (1.44)
Decision made by wrong people	3.50 (1.79)	2.63 (1.54)	3.02 (1.69)
Disgreement with privacy policy	6/16 (37.5%)	14/19 (73.7%)	20/35 (57.1%)

A 2 (disadvantage condition: individual, subgroup) X 5 (attitudinal response: decision unexpected, violates beliefs about power use, unis have too much power, inappropriate decision outside scope, decision made by wrong people) between-participants ANOVA with repeated measures on the last factor was conducted. There was a significant within-participants main effect for attitudinal response ($\underline{F}(1,33) = 5.80$, $\underline{p} < .001$) but the

between participants main effect for disadvantage condition ($F(1,33) = 1.29$, $p > .05$) and the interaction between disadvantage condition and attitudinal response ($F(1,33) = .99$, $p > .05$) were not significant. Therefore, irrespective of disadvantage condition, participants strongest attitudinal response was clearly that the decision was outside of the scope of the universities' decision-making power ($M = 5.22$, $sd = 1.44$). Contrast analyses suggested that this attitudinal response was significantly stronger than a combination of all of the other belief ratings ($F(1,33) = 23.78$, $p < .001$; statistics for each response collapsed across condition are: $M_{unexpected} = 3.74$, $sd = 1.63$; $M_{inappropriate} = 2.74$, $sd = 1.44$; $M_{too\ much\ power} = 2.89$, $sd = 1.35$; $M_{decision\ made\ by\ wrong\ people} = 3.02$, $sd = 1.69$). Also, participants, irrespective of condition, thought that the decision was more unexpected than it was an example of inappropriate power use ($F(1,33) = 14.7$, $p < .05$).

Interestingly, 14 of the 19 respondents (73.7%) participants in the subgroup disadvantage condition disagreed with the universities' amendment of their privacy policy, whereas only 6 of the 16 participants (37.5%) responding in the individual disadvantage condition disagreed with the policy reinterpretation

Behavioural responses to injustice

Participants had rated their willingness to use each behavioural response to injustice and then chose the response they would prefer to use. The results of the ratings by disadvantage condition are shown in Table 15, and the frequency of the behavioural option choice by disadvantage condition is shown in Table 16.

Table 15: Ratings of willingness to pursue each behavioural responses to injustice

	disadvantage condition	
	individual	subgroup
accept decision	2.53 (1.46)	2.50 (1.88)
sign collective petition	4.00 (2.48)	4.90 (1.97)
sign individual petition	5.47 (2.03)	5.85 (1.56)

NB 2 participants did not indicate a choice of behavioural responses

A 2 (disadvantage condition: individual, subgroup) X 3 (behavioural response: accept, collective petition, individual petition) ANOVA with repeated measures on the last factor was conducted on rated willingness to take each type of action. This analysis revealed no main effect for disdvantage condition ($\underline{F}$(1,33) = 3.05, $\underline{p}$ > .05), and no interaction between disadvantage condition and behavioural response ($\underline{F}$(1,33) =.14, $\underline{p}$ > .05). Participants in the individual disadvantage condition ($\underline{M}$s for acceptance, collective petition and individual petition = 2.53, 4.00, 5.47 respectively; $\underline{sd}$s = 1.46, 2.48, 2.03) and the subgroup disadvantage condition ($\underline{M}$s = 2.50, 4.90, 5.85; $\underline{sd}$s = 1.88, 1.97, 1.56) expressed the same pattern of willingness to engage in the offered behaviours. There was a significant within-participants main effect for type of behavioural response ($\underline{M}$s collapsed across condition = 2.52, 4.45, 5.65; $\underline{sd}$s = 1.69, 2.21, 1.76; $\underline{F}$(2,66) = 20.90, $\underline{p}$ < .001). Polynomial contrast analysis showed that participants' interest in pursuing the behavioural options in both conditions increased linearly from low support for acceptance of the decision, through support for signing the petition claiming a relative subgroup rights violation, to most interest in signing the petition claiming a breach of individual rights ($\underline{F}_{lin}$ (1,33) = 33.28, $\underline{p}$ < .001). There was no significant quadratic trend evident in the ratings of the behavioural options ($\underline{F}_{quad}$ (1,33) = .94, $\underline{p}$ > .05).

Table 16: Frequency of participants who chose each behavioural response by disadvantage condition

	disadvantage condition	
	individual (n =13)*	subgroup (n = 20)
accept decision	2 (15.4%)	2 (10.0%)
sign collective petition	3 (23.1%)	1 (5.0%)
sign individual petition	8 (61.5%)	17 (85.0%)

NB 2 participants did not indicate a choice of behavioural responses

Consistent with ratings of behavioural response options, Table 16 shows that the most popular choice in both conditions was to sign the petition stating that the decision was wrong because it breached *individual rights* to privacy. Against predictions, there was high willingness to sign the individual petition in the *subgroup disadvantage condition*, and response preferences were similar across conditions. However, this is consistent with participants' overall preference for social mobility beliefs and equality-driven construals of human rights evident in this study.

Participants were also asked to indicate to what extent two reasons (protect students from harm, and, protect reputation of universities) guided their behavioural ratings and choices. Participants could also add any further reasons for their behavioural response preferences. A 2 (disadvantage condition: individual, subgroup) X 2 (reason for behavioural choice: protect students, protect universities) ANOVA with repeated measures on the last factor was conducted on these ratings. There was a significant within-participants main effect for reason ($F(1,33) = 70.42$, $p < .001$) indicating that participants in *both* conditions made behavioural response choices based more on the desire to protect students from suffering harm ($M = 5.48$, $sd = .27$) than the desire to protect the reputation of universities ($M = 2.42$, $sd = .20$). This is consistent with participants' greater identification as students rather than with universities (as reported

above). There was no significant main effect for disadvantage condition ($\underline{F}(1,33) = .02$, $\underline{p} > .05$). and the interaction between disadvantage condition and reason was not significant ($\underline{F}(1, 33) = 2.64$, $\underline{p} > .05$).

Free response reasons were content analysed by the experimenter. Only 6 participants in the individual disadvantage condition and 12 participants in the subgroup disadvantage condition suggested that their behavioural response choice was based on other reasons. In both conditions, these could be characterised as further examples of the desire to protect students from suffering harm. A list of additional reasons given in each condition is presented in Table 17.

Table 17: Additional reasons guiding behavioural response preferences by condition

	disadvantage condition	
Reason	individual ($\underline{n}$ =6)	subgroup ($\underline{n}$ = 12)
Job prospects of students will be directly affected	3	7
To protect privacy	-	4
Database used without a student's consent	2	1
Students exploited for money-making by unis	2	-
Tolerating privacy violations here sets a dangerous precedent	-	1
To stop universities getting too much power	-	1
To express disapproval at an unfair decision	-	1
No chance to sit a retest	1	-
Test is compulsory	1	-

NB the total number of coded reasons are tallied in the table above, and some participants gave more than one reason

Interestingly, a number of participants in the subgroup disadvantage condition suggested that their behavioural response choice was based on "individualistic concerns of [protecting] privacy rights" (ID no. 7), to "protect the individual" (ID no. 22), or for reasons of "self-interest and preservation" (ID no. 35). Also, one participant in the subgroup disadvantage condition suggested that:
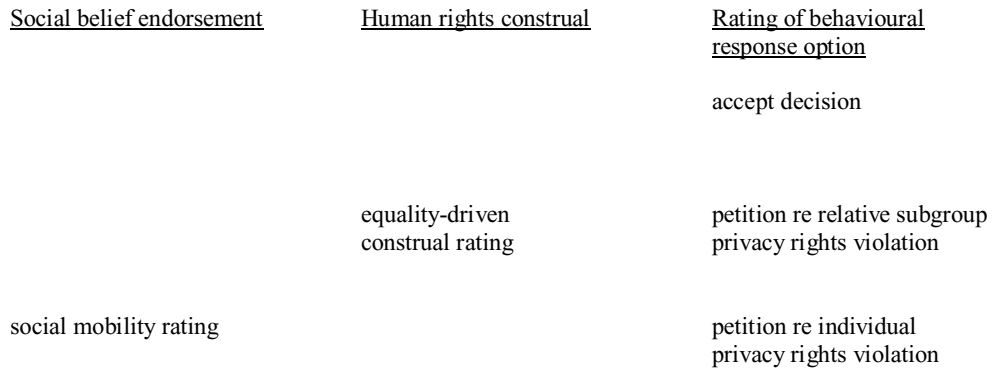
"A desire to ensure the protection of privacy, human rights, and to prevent certain institutions from gaining too much power, particularly when they have a direct impact on people's lives." (ID no. 23, subgroup disadvantage condition)

This seems to accord with the preference for signing a petition complaining of a violation of *individual privacy rights*, even in this condition where relative subgroup disadvantage was emphasized.

Links between social beliefs, human rights construals and responses to injustice

Regression analyses were conducted to test for links between social beliefs, human rights construal, and responses to injustice. We knew from previous analyses that there was some evidence of a positive correlation between social mobility belief endorsement and endorsement of an equality-driven construal of human rights when the whole sample is analysed. Regression analysis had also revealed that in the *subgroup disadvantage condition*, there was evidence of a relationship between endorsement and choice of social mobility beliefs and endorsement and choice of an equality-driven construal of human rights. We therefore tested the mediational model shown in Figure 7 based on links between social mobility beliefs, equality-driven construal and responses to perceived injustice.

Figure 7: Mediational model testing relationships between social mobility beliefs, equality-driven construals of human rights and willingness to engage in behavioural responses to injustice

Social belief endorsement   Human rights construal   Rating of behavioural
                                                               response option

                                                               accept decision

                                 equality-driven   petition re relative subgroup
                                 construal rating   privacy rights violation

social mobility rating   petition re individual
                                                               privacy rights violation

Whole sample analyses

When the whole sample was analysed, preconditions for mediational analyses were not met when any of the following dependent measures were used: ratings of (i) willingness to accept the decision, (ii) petition about subgroup privacy rights violation, or, (iii) petition about individual privacy rights violation. However, there were some significant correlational and regression results worth reporting from particular paths in the tested model. There were significant inverse relationships between endorsement of the equality-driven construal of human rights and rated willingness to accept the decision (r = -.51, p < .001; β = -.51, $t(33)$ = 3.38, p < .05, Adj R^2 = .24). There was also a significant positive correlation between higher endorsement of an equality-driven construal of human rights and the overwhelming preference for signing the petition complaining of individual privacy rights violations (r = .55, p < .001).

Individual disadvantage conditions analyses

Preconditions for testing these mediational models also did not hold in the *individual disadvantage condition*. However, a significant inverse relationship between ratings of equality-driven human rights construal and acceptance of the decision held here too ($\underline{r} = -.54$, $\underline{p} < .05$; $\underline{\beta} = -.54$, $\underline{t}(14) = 2.41$, $\underline{p} < .05$, Adj $\underline{R}^2 = .24$). Also, there was a positive relationship between equality-driven construal and willingness to sign the individual rights violation petition ($\underline{r} = .68$, $\underline{p} < .05$; $\underline{\beta} = .68$, $\underline{t}(14) = 3.51$, $\underline{p} < .05$, Adj $\underline{R}^2 = .43$).

Subgroup disadvantage condition analyses

In the *subgroup disadvantage condition*, preconditions for mediational analysis did not exist when the ratings measures were used. However, a significant inverse relationship between ratings of the equality-driven construal and willingness to accept the decision was again significant ($\underline{r} = -.52$, $\underline{p} < .05$; $\underline{\beta} = -.52$, $\underline{t}(17) = 2.49$, $\underline{p} < .05$, Adj $\underline{R}^2 = .22$), highlighting that reaction against the universities' decision was associated with equality-driven human rights construal *even* in the subgroup disadvantage condition. Also there was a significant relationship between endorsement of the equality-driven construal and willingness to sign the individual petition ($\underline{r} = .61$, $\underline{p} < .05$; $\underline{\beta} = .68$, $\underline{t}(17) = 3.17$, $\underline{p} < .05$, Adj $\underline{R}^2 = .34$).

Preconditions for mediational analysis *did exist* in the *subgroup disadvantage condition* however when forced choice preferences were used in the model. However, since there was a perfect correlation between social mobility belief choice and choice of equality-driven human rights construal in this condition, the mediational analysis was redundant here. Nonetheless, we can report significant relationships between construal choice and

action preference choice (with 1=vulnerable groups construal, 2=equality-driven construal; 1=accept, 2=subgroup rights violation petition, 3=individual rights petition). There was a significant relationship between social belief preference (1=social change, 2=social mobility) and preference for signing the individual rights petition ($\underline{\beta} = .64$, $\underline{t}(17) = 3.47$, $\underline{p} < .05$, Adj $\underline{R}^2 = .38$).

<div align="center">Discussion</div>

Participants in this study empathised with the victms of the universities' decision, perceiving that this type of decision was possible and plausible in the Australian political climate of the time. Participants perceived injustice based on perceived disadvantage to be suffered by students. Respondents did not claim that the decision was wrong but they did claim that the decision taken about privacy was unjust and unfair. Participants thought that the universities' decision had violated students' expectations about how universities should exercise their power over students' welfare. Students identified strongly as students in this context and identified relatively less *with* their university.

However, the disadvantage and injustice perceived in the subgroup disadvantage condition was no greater than that perceived in the individual disadvantage condition. This was so even though it seemed from manipulation checks that participants perceived the *type* of disadvantage as we intended between conditions: individual disadvantage versus relative subgroup disadvantage. Despite the difference in comparative context and type of disadvantage perceived, participants in both conditions showed the same responses to these injustices. Irrespective of condition, participants were most motivated to sign the individual rights petition in response to this injustice. Results also suggest that participants preferred social mobility beliefs and equality-

driven construals of human rights, irrespective of the type of disadvantage created. There was some support of links between preference for social mobility beliefs and preference for an equality-driven construal of the purpose of human rights as suggested by Prediction 3.1. Notably, this relationship held in both the individual and the subgroup disadvantage conditions. Prediction 3.2 was not supported and social change beliefs did not seem more prevalent when relative subgroup disadvantage was perceived.

The operationalisation of comparative context was tighter in this study than it had been in Study 1. Also, participant-target empathy measures and justice context manipulation checks were used to overcome some of the problems suspected of preventing clean manipulation of individual and subgroup identity harm in Study 1. There may still be a further need to improve the methodology used in such scenario studies. In particular, more explicit manipulation checking of how participants are actually perceiving the presented injustice may be needed. More explicit measures could confirm that participants perceived the psychological level and scope of the justice problem as being either an individual justice problem or an intergroup justice problem as intended.

The measures used in this study suggested that our manipulations were successful, abnd that our participants in the subgroup disadvantage condition perceived relative subgroup disadvantage. However, we did not explicitly ask participants whether they would subjectively define the injustice presented as an example of "individual injustice" or "intergroup injustice". The responses we did collect suggested that participants in both conditions favoured the use of social mobility beliefs and equality-driven construals of human rights in response to the perceived injustice. Participants were unwilling to accept a decision that they thought was a breach of individual privacy rights – and their

response was defined in this way even in a condition where they perceived relative subgroup disadvantage. The preferred protest strategy in both conditions was built around the notion of an individual rights violation.

General Discussion

One conclusion that could be drawn from both Studies 2 and 3, is that our participants had a preference for equality-driven representations of the purpose of human rights – even in contexts where they appeared to perceive subgroup injustice. In the next two studies we continued to investigate the reasons for this unexpected finding. We continued to investigate whether the social beliefs orientation used to subjectively structure the injustice context may determine how the purpose of human rights law is construed. In both Studies 4 and 5, we also investigated whether social identification as an activist could mean greater use of a social change orientation, which, in turn, could lead to greater use of a vulnerable groups construal of human rights. In Study 5, we focused on how activists may strategically choose responses to injustice in light of the intergroup relations that shape an ongoing political relationship. In that study, we investigated why a particular identity-management strategy (a form of either social competition or social creativity) may be used in response to perceptions of relative subgroup injustice. In the next chapter we firstly review some relevant literature on activist identification. Studies 4 and 5 are reported in the chapter following that review.

Chapter 7: Activist identification and perceived political conflict

The three empirical studies reported so far have provided some unexpected results. Participants in these studies either demonstrated difficulties in perceiving subgroup injustice at all, or did so though still preferred to use social mobility belief orientations to subjectively structure those injustices. In these studies participants preferred to construe the purpose of human rights as the protection of all individuals equally regardless of the subgroups to which these individuals may belong. In this, they appeared to disregard the need to specifically protect subgroups with unique subgroup rights – even when those subgroups were arguably suffering subgroup harm or when the participants did perceive relative subgroup disadvantage. Behavioural responses based on asserting individual rights rather than subgroup rights were also the preferred responses to injustice in these studies.

In light of these results we can ask the following questions. Do the people we sampled respond this way because, as SRT researchers may suggest, there is only one universally-shared construal of human rights: a representation that human rights are about individual rights or rights of the broadest collective and *not* about *unique subgroup rights*? Do our empirical results confirm that the concept of unique subgroup rights is too difficult for lay perceivers to understand and conceptualise? Are we so heavily socialised by individualistic legal theories of human rights that we cannot construe human rights from the vantage point of a disadvantaged subgroup member when it is seemingly appropriate to do so? Must apparently-salient subgroup identities fade into the background once human rights rhetoric is used?

Rather than answering these questions in the affirmative at this stage, we would like to investigate the construal of human rights in highly politicised social contexts. This may enable us to avoid a premature rejection of the relevance of a psychology of intergroup relations for understanding the use of human rights in response to intergroup injustice. This approach will also aid investigation of any *identity-based* antecedents to using social change beliefs to subjectively structure intergroup injustices. Even though we have attempted to control the comparative context of judgement in our previous studies so as to obtain perceptions of *subgroup* injustice, we have not surveyed participants who are actively committed to achieving social change *and who identify as activists*.

For activists, the use of human rights attitudes and behaviours may be more than simple responses to perceived injustice. They may become expressions of identity and reflect particular identity-management strategies carefully crafted in the context of ongoing political relationships. For many involved in social justice protests, the relevant ongoing identity relationship may determine strategy selection from individual mobility, social competition and social creativity strategies. The relevant identity relationship could be a political relationship between a committed social activist and one or more opponent or powerful groups. These groups are not only involved in an ongoing political relationship. They may also be heavily dependent on the role each plays vis-à-vis the other in Australian political life.

Two implications arise from taking this more political approach that explicitly introduces a new social identity variable into our studies. Firstly, we need to understand more about social identification *as an activist* from previous social psychological work. Based on this literature, we can formulate hypotheses about the impact of activist identification on the use of a social belief orientation, construal of human rights,

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consequent choice of identity-management strategy, and rights-based responses to injustice. In light of previous theoretical discussions (see Chapter 3), activist identification may be an identity-based – rather than a purely social-structural – antecedent to social change positioning on Tajfel's social beliefs continuum. The second implication of this approach is that we need to explicitly measure activist identification in contexts of perceived subgroup justice in our experimental paradigm. This should be done along with making contextualised measures of social belief orientation, human rights construal and preferred responses to injustice.

As a working hypothesis, perhaps the (rights) activist identifying as such perceives the social world from a vantage point that is heavily influenced by accessible social change beliefs, by a perceived "duty" to be politically-active, and by greater political optimism. If activists are more likely to use a social change orientation, they may be more likely to construe the purpose of human rights as protections of vulnerable subgroups within society – because the social structure demands this, because it is the activist's duty to fight these fights, and because of an optimistic belief that these fights can be won eventually. In fighting the fight, activists may also use socially-competitive claims of human rights as unique subgroup rights more often.

From this vantage point, however, it could also be stressed that the activist must negotiate their way through social protests fully-cognisant of the political impact of their activism on ongoing political relationships. Any competitive identity-management strategies used would be in contrast to the more politically-safe responses we could have seen participants endorse in response to perceived subgroup injustice in Studies 1-3. However, if those identifying as activists still prefer to use social mobility belief orientations and equality-based construals of human rights in contexts of relative

subgroup disadvantage, then, we should simply ask "why?". What is the political

appeal of universal, and individualistic human rights concepts, and how can this rhetoric

be used effectively in the interest of subgroups? As a result, how should the UN

proceed in attempting to codify and protect subgroup rights, if at all?

To guide us towards appropriate measurement of activist identification in context, we

will use this chapter to review research on activist identification. We will also review

research on the rhetorical demands of political persuasion and the impact of activism on

an ongoing political relationship. We will also note research findings that seem

consistent with the preference for an equality-driven construal of human rights in

political contexts in an attempt to uncover the possible political appeal of this rhetoric.

Hypotheses to be tested in Studies 4 and 5 are formalised and stated at the end of this

chapter. Studies 4 and 5 are reported in Chapter 8.

The concept of politicised identity or activist identity

Activist identity

Much research on collective action has applied the theory of reasoned action – with its

predominately individual-level political calculus – to examine responses to perceived

intergroup injustice and the psychology of collective action (e.g. Klandermans, 1997

especially his expectancy-value analyses of perceived political efficacy). However,

some of the work on collective action has moved beyond a focus on determining the

results of an individual-level calculus and has explicitly measured collective

identification (e.g. Friedman & McAdam, 1992; Kawakami & Dion, 1993; Kawakami

& Dion, 1995; Kelly & Breinlinger, 1995a; Kelly & Breinlinger, 1995b; Kelly &

Breinlinger, 1996; Kelly & Kelly, 1994). The superior predictive power of collective

identification in contrast to the individual-level political calculus has also been

demonstrated by Simon, Loewy, Stürmer, Weber, Freytag, Habig, Kampmeier, and Spahlinger (1998; see also Simon, 1998). In this work, collective identification predicted preferences for collective action better than did the individual-level calculus suggested by Klandermans (1997).

However, Simon et al. (1998) also showed that identification as a gay activist was more predictive of willingness to engage in future collective action than was the related yet different identification as a homosexual. The effect also held when collective action intentions of activists from Germany's "Gray Panthers" movement (a group formed to champion the rights of older people) were compared to action preferences of people identifying as older people. The authors therefore confirmed a conceptual distinction between "recruitment category identity" (e.g. social identification as a homosexual or an older person) versus "activist identification" (e.g. social identification as a gay activist or a Gray Panther). Klandermans and colleagues would probably term those identifying with a "recruitment category identity" as people who form part of the "mobilization potential": those who identify with a devalued group though who are not yet committed to defending it with political action by becoming an activist arguing for the survival of that subgroup identity (Klandermans, 1997; Klandermans & Oegema, 1987). Most importantly, activist identification and recruitment category identification do not always predict the *same type* of collective action intentions or behaviours (Kelly & Breinlinger, 1995b; Simon et al., 1998).

This focus on the identity implications of becoming an activist is important for three reasons. Firstly, it extends anecdotal, sociological work (e.g. Milbrath & Goel, 1977) and psychological evidence (e.g. Andrews, 1991; Kelly & Breinlinger, 1996) that identifying as an activist is psychologically different than identifying as or with

disadvantaged group members. Not only are there different action consequences, but there may also be differences in the accessibility of background knowledge that in turn leads to differential preferences for using particular social beliefs to subjectively structure injustices. Secondly, the measurement of activist identity is a more fine-grained attempt to understand *which* of a number of possible social identities is actually guiding the social construction of injustice in context (Kelly & Breinlinger, 1995b p. 53). Thirdly, considering activist identification to be a possible antecedent to the use of a social change belief orientation broadens the range of theorised antecedents to social change orientation from a focus on perceptions of social structure (variables such as permeability, stability, illegitimacy in SIT) and political efficacy, (as in rational actor models), to a study of *identity-based* antecedents. This seems important if we are to understand how cognitive alternatives to the status quo (Tajfel, 1978) are either perceived, *and/or created* by activists. This approach may provide a clearer idea of why construals of human rights and rights-based identity-management strategies are used in particular contexts by activists and non-activists alike. Kelly & Breinlinger (1995b) suggest that perceptions of social structure alone, perhaps in addition to general identification with a victim group,

> "may be insufficient to promote activism if a woman does not see herself as
> someone who gets involved in women's groups or goes on demonstrations" (p. 54).

Introducing activist identification scores into our analyses invites a closer investigation of the constant interplay between social identity, social beliefs, and social action in the subjective structuring of injustice. This may avoid theorising antecedents to collective action with variables that are too heavily-focused on perceptions of social structure which may fail to adequately describe and explain common routes to collective action (Friedman & McAdam, 1992).

The implications of a difference between recruitment category identifications and activist identifications are intriguing from the perspective of attempting to determine when social change beliefs will be used to subjectively structure injustices. Some sociological work by Milbrath and Goel (1977) discussed in Kelly & Breinlinger (1995a p. 42) suggests that something akin to strong recruitment category identity over time *eventually* will create a belief system of activism. This, in turn, could lead to greater willingness to engage in collective action. Here, a history of strong self-categorization and prototypical group behaviour is suggested to eventually transform the committed group member into an activist.

Drury and Reicher (2000), however, suggest that activist identification may also develop more quickly than this in some intergroup contexts. They suggest that crowd behaviour often leads to the construction of "new" identities along with the construction of a lively intergroup context. In this study of an environmental protest the authors comment that a radicalized self concept seemed to develop and be shared amongst the protesters. In other work, these authors have discussed the apparent rapid sense of empowerment achieved once one common identity was constructed and shared between poll-tax protesters banned from entering a town hall meeting (Drury & Reicher, 1999).

Perhaps activist identification also helps to explain how individuals and groups "can sustain activism at times when the possibility of social change is limited" (Kelly & Breinlinger, 1995b p. 54). In other words, when political efficacy is (objectively) low, activists may still be motivated to challenge illegitimate *and stable* social relations, apparently against the predictions of SIT (see Chapter 3). However, this may be because activists tend to subjectively structure social relations as being more unstable than is the case objectively. Activists may be more optimistic about the political

efficacy of their action. This optimism could translate into activists' greater endorsement of social change beliefs than social mobility beliefs relative to non-activists in some contexts. Activists may therefore not wait for illegitimate social relations to *become* unstable before taking action. Instead, they may actively try to *create* insecure relations and cognitive alternatives to the status quo.

After discussing many of the rather indirect routes to collective action including perceptions of illegitimacy, stability, permeability and political efficacy, Kelly (1993) ended her chapter with a preliminary discussion of identification as an activist as a "direct route to collective action" (p. 76). In this sense, activist identity has been referred to by Kelly & Breinlinger (1996) as "short-circuiting any other psychological determinants" (p. 53). Kelly has suggested this direct route may be the only route for mobilising participants for the more difficult, public, illegal and confrontational forms of collective action (Kelly & Kelly, 1994). For activists, collective action can be thought of as a direct expression of activist identity and diagnostic of the norms, beliefs or values that define that identity (Kelly, 1993 p. 76). In Andrews' (1991, p. 164) words:

> "Activism is not merely something which the respondents do, nor even just a part of them. It is them." (cited in Kelly & Breinlinger,).

Kelly & Breinlinger (1996) suggest that activists may be intrinsically motivated by a sense of duty as an activist. They may see consciousness-raising attempts against all these odds to be the *duty* of a committed activist and as a behaviour expected of prototypical members of the social group "activist":

> "In all these cases, and in the present research as well, activism does not revolve around considerations of perceived effectiveness but reflects a feeling of moral duty or responsibility to 'stand up and be counted', to register a protest about injustice even if one cannot hope to bring about change, at least in the short-term. *Not* to do so, would be contrary to an important aspect of self." (p. 173; see also p. 174).

Activist identities are sometimes suggested to be conceptually different to recruitment category identities, at the very least because a "belief system of activism" seems to be more accessible for activists. So, what are the implications of bringing this accessible belief system of activism into contexts of perceived intergroup injustice? Some research suggests that activist identification means that activists have relatively low thresholds for perceiving injustice. Activists may be more likely to perceive injustice in the first place, and, appear more sanguine about the political efficacy of collective action plans made in response to injustice. For example, Kelly & Kelly (1994) reported results from collective action studies where identification with a trade union was measured. To the extent that identifying with a union is an activist identification, the authors demonstrate an important role for the strength of activist identification. Those identifying strongly with the union anticipated the political efficacy of proposed collective action to be higher than did low union identifiers. Also, stronger identification with the union also led to greater perceived relative deprivation.

Two further studies measuring identification with a trade union may be useful here. Firstly, based on Kelly's (1994) experimental paradigm, Veenstra & Haslam (2000) surveyed union members and measured their identification with the union. Union identification was measured in an attempt to predict willingness to participate in future union protests. Two items were used to measure union identification and could be collapsed into one reliable index (α = .86): "how much do you identify with the union's aims and goals" and "how much do you identify with the aims and goals of the union movement in general". To the extent that this is a measure of an activist identity, Veenstra and Haslam (2000) found that high identification with the union had differential effects on willingness to engage in future industrial action *depending on the participant's understanding of the political relationship* between the union and the

government. There were three conditions in the study: a control condition and two experimental conditions. In one of the experimental conditions the ongoing relationship between the union and the government was described as involving an ideological conflict. In the second experimental condition, the relationship between the union and the government was described as involving an ideological conflict and threats made against the union by the government.

Interestingly, low-union identifiers were not willing to engage in industrial action in the "conflict only" condition. Friedman and McAdam (1992) describe such identification with a recruitment category though low identification as an activist as a free-rider problem. In Veenstra and Haslam's (2000) study, free-riding by low union identifiers was minimised in the "conflict plus threat" condition. Here, low union identifiers were more willing to engage in industrial action. Veenstra and Haslam (2000) explained this response to injustice as "stand[ing] and fight[ing] only when . . . [the lowly-identified activists] can no longer run and hide" (p. 168). In contrast, those participants highly identified with the union – arguably those most highly identified as activists – were highly motivated to engage in industrial action. They were equally willing to participate in industrial action in *both* the ideological conflict *and* the ideological conflict plus threat conditions.

In a second related study measuring collective identification with a trade union Taylor and McGarty (2001) show the impact that subjective perceptions of intergroup relations from the vantage point of an activist may have on action preferences and perceptions of power relationships. Taylor and McGarty (2001) surveyed 200 university academics during an enterprise bargaining round in which industrial protest was proposed by the campus union. Academics were asked to rate the importance of a number of relevant

campus identity groups (including "students", "managers", "academics", and "union members") to them, and to choose one identity from the list that best described themselves. Participants were asked to rate their support for the proposed industrial action on campus, and subsequent personal involvement of these participants in the industrial action was also measured. Results demonstrated that those (the non-activists) who identified with management opposed the industrial action and did not go on strike. In contrast, those identifying with the union (the activists) were more likely than non-union identifiers to support proposed industrial action and to actually participate in that action. Interestingly, the activists were more likely to accuse management rather than the campus union of using *coercive* power against the staff.

Research also suggests that there is a difference in the *type* of behavioural responses to injustice that are supported by activists and non-activists. A somewhat non-intuitive result was found by Kelly & Breinlinger (1996) who demonstrated that the behavioural response to injustice that correlated most strongly with activist identification was ongoing participation in women's groups rather participation in public political demonstrations. The researchers interpreted this to mean that:

> "people's own definition of activism is strongly bound up with participation in these sorts of formal activities. By contrast, participation in collective protest activities was much less strongly associated with identification as an activist. It seems that the longer term commitment and responsibility associated with formal activities feed more strongly into a sense of identity than the short bursts of activity associated with attending rallies and demonstrations. (see also Friedman & McAdam, 1992 p. 166; Kelly & Breinlinger, 1996, p. 65)"

Friedman & McAdam (1992) also suggest that some activist groups may develop norms against public and/or illegal action in response to injustice. They suggest, for example, that when a group expects only public activism from its members then that social movement may be in decline (p. 170). In this sense, perhaps some human rights NGOs who protest by asserting human rights politically - but not necessarily publicly - are to

be considered to be healthy activist groups. This would include groups who regularly prepare submissions for parliamentary inquiries, public consultation sessions, and government-sponsored focus groups. Perhaps for some people then, using human rights slogans as sound bites and slogans in public demonstrations is not considered the right way to use rights rhetoric. Such critics may fear that the power of rights rhetoric is too-easily dismissed if it is used by publicly-protesting activists. An example of such fears was documented by Kelly & Breinlinger (1996) who interviewed an activist who stated that:

> "They [non-activists] associate feminism with the radical, fringe, lunacy, lesbian-type view and they don't see it as something that normal, sensible, educated, rational women would be doing." (Kelly & Breinlinger, 1996 p. 160)

Therefore, it is important to acknowledge the important intergroup and intragroup consequences of activist identification and activism in practice. Researchers have found that activists, can attract "bad press" not only from outgroups, but also from fellow ingroup members. For example, intragroup tensions were evident within the National Association of Local Government Officers, a British trade union, based on qualitative descriptions of activist union leaders made by fellow union members. Kelly & Breinlinger (1996) also describe a process of "psychologisation" where activism is perceived as the behaviour of a dogmatic minority and is attributed to essentialistic personality variables possessed by the activist leader such as crankiness (p. 144). As a result they report that:

> "Activists were variously described as 'people who see things in very black and white terms' . . . . 'left wing activists who alienate people by taking on too many silly causes' . . .. and 'not in tune with the vast majority of the membership'. Respondents commonly referred to a divide between the political, extreme, militant active minority and the moderate, responsible and silent majority." (p. 144)

So, even for fellow ingroup union members who are part of the mobilisation potential, there was something distasteful about being too activist. In this case the union was perceived by some of its own members to have:

"a sharp divide between a minority of activists and the rest of the union membership, where the activists were seen as more political, more militant, unhelpful and unfriendly." (Kelly & Breinlinger, 1996, p. 150)

The rhetorical demands of political persuasion

The rhetorical and political demands placed upon activists contemplating protest action are made in the context of ongoing intra- and intergroup political relationships. Perceptions of this relationship by the activist may constrain the chosen type of activism. We can describe the selection of particular political rhetoric by activists in terms of Simon and Klanderman's (2001) theory of politicized collective identity. This theory suggests that rhetoric used by activists becomes "politicized" – and relevant identities become "politicized collective identities" – when one group member decides to relate an incident (e.g. describe their version of an injustice, or, their view of the scope of a human rights obligation) to others in the hope of achieving a political response. According to the theory, such politicization can be done between ingroup members, across a group boundary in an attempt to persuade outgroup members, or in an attempt to persuade members of non-aligned groups. The important point for our purposes is that the perceptions of identity relations implied in this process of politicization will ground important perceptions of political efficacy and the appropriateness of a response. The perceptions of these political relations will shape how political persuasion can and should proceed.

Some of these dynamics are alluded to in research on political persuasion by Reicher and Hopkins (1996a, 1996b), even though this research does not refer to the concept of activist identity and it predated the discussion of the theory of politicized collective identity. However, these studies explicitly focus on how someone with a controversial political message may use particular rhetorical techniques to control how their message is *politicized* in Simon and Klandermans (2001) terms.

Reicher and Hopkins (1996a) analysed rhetoric used by an anti-abortionist to persuade a non-aligned audience of doctors not to perform abortions. The authors predicted that to achieve maximal political influence, some of the common arguments used by anti-abortionist campaigners would need to be avoided if speakers were to win over an outgroup audience. Reicher and Hopkins (1996a) predicted and confirmed a rhetorical avoidance of traditional anti-abortionist claims based on extreme religious ideology. The authors argued that in this context rhetoric was used to define a frame of reference allowing the audience and the anti-abortionist to be categorized as fellow ingroup members. To do so, argumentation that defined the anti-abortionist's campaign as consistent with the values of a medical identity was heavily used. The new definition of the social relationship asserted one social group which included the speaker *and* the audience; providing an inclusive self-categorization that removed the categorical boundary between doctors and anti-abortionist campaigners.

In addition, the researchers showed that persuasive rhetoric would operate so as to facilitate a new construction of relations *between* the anti-abortionist protestors and the audience of doctors – unifying both the speaker and audience against a common outgroup enemy: the demanding pro-abortionists (p. 303). The discourse analysis showed that traditional religious and metaphysical arguments based on the assertion that the foetus is human – and that it has a right to life – were avoided. Instead, arguments used tended to demonize the outgroup (the pro-abortionists) as demanding individuals who misused their rights to freedom of expression by demanding abortions from morally-compromised and overworked doctors. The speech to doctors contained passages suggesting that those asserting reproductive rights were selfish, egocentric and greedy:

"I want to say a word about society and its attitudes to, if you like, place this argument in the seamless garment of issues which I feel we need to address. For me, living in our society today is like living in a greedy grab bag, where people are encouraged to take bigger, faster, better and more grand, whatever they can for themselves and never mind the consequences. It is my *right* to pollute the countryside, my *right* to do this, my *right* to do that, regardless of the consequences to others. That to me is a selfish society and I believe that the way that we treat the vulnerable, powerless, unborn child epitomises our own contemporary selfishness."
(Reicher & Hopkins, 1996a, p. 303, emphasis added)

Therefore, the pro-choice activists were described as intolerant bullies, with an oppressive and irrational approach to the issue. The speaker described them as coercive and disrespectful of the truth; as selfish, uncaring individuals using rights arguments as part of a grab bag society focused on greed and a world of one. Here, rights assertions by pro-choice protesters were construed negatively as the assertion of rights for selfish ends and not for the collective good. In contrast, the alliance suggested by the speaker between anti-abortionists and doctors who refused to perform abortions in response to unjustified pressure, was depicted as demonstrating courage, patience, and thoughtfulness; demonstrating the ability to show steadfastness and to make sacrifices in the interests of the common good and a shared morality.

Therefore, as discussed in Chapter 3, a socially-creative identity-management strategy (the use of inclusive rhetoric) is used by the speaker in this political speech to categorize traditional political adversaries as members of the same social group. This strategy may also psychologically-include those who are politically non-aligned or those supporters whose support is waning. Inclusive rhetoric may be used to directly control the categorical boundaries that structure the politicization of the message. In particular, we will ask how the use of particular construals of the purpose of human rights and the use of particular human rights rhetoric may achieve similar control over relationships of politicized identity.

These authors have conducted similar analyses of political campaigning by British politicians during the ongoing 1984-5 British coal miners' strike (Reicher & Hopkins, 1996b). These researchers analysed separate election speeches delivered on the same topic of managing the 1984-5 British coal miner's strike. The two speeches analysed were made by Margaret Thatcher (then conservative British Prime Minister) and Neil Kinnock (the opposition leader from the British Labor Party) to their respective party faithful. The analysis demonstrated a detailed level of selective framing, selective category use, and selective elaboration of category content; all done with the goal of including the speaker and the audience in the same ingroup. As in the study of anti-abortion campaigning, any dissenters were categorized as outgroup members belonging to a third group who used deviant construals of the issues based on a different set of values and beliefs to the group including the speaker and the audience. As in the speech made by the anti-abortion campaigner to doctors, traditional sub-group or party-political conflicts between the speaker and audience were de-emphasized in order to maximize the persuasive impact of the inclusive message.

Thatcher achieved these rhetorical goals by framing the miners' strike as a battle between democrats and terrorists, while Kinnock framed the miners' strike in terms of a battle between the people and "Thatcher the destructive political leader". In each case, inclusion was emphasised by using lists of polar opposites: references to otherwise diametrically-opposed political groups who now can join together as one group facing a common outgroup enemy. When the speakers described the common outgroup enemy, the process of rhetorical inclusion via the use of polar opposites worked in reverse. This time, the rhetoric flowed "like peeling away layers of an onion" (p. 367) until a small identifiable outgroup (not including the new alliance of speaker and audience) was revealed as standing alone and being quite distinct from the asserted inclusive

group made up of speaker and audience. For example, in Thatcher's speech, the strike was said to be perpetuated by violent, irrational, law-breaking members of the union *executive*. In Kinnock's speech, the enemy was "Thatcher the *non-prototypical*, conservative, politician" who was dictatorial, arrogant, vain, irrational and prejudiced.

In these two political persuasion studies then, Reicher and Hopkins (1996a; 1996b) show how political speakers use rhetoric to (i) define the frame of reference of a political issue, (ii) assert the social categorizations relevant to the issue (iii) define the membership of those categories, (iv) emphasize the shared category membership and shared normative framework of speaker and audience, and, (v) demonstrate that any opponents of the speaker's message clearly constitute a small and uninfluential outgroup, with different values, goals, and construals to the speaker and audience. The assertion of individual human rights or rights of a broad collective may achieve the same form of socially-creative, rights-based inclusion of otherwise-opposed or highly-dissimilar subgroups. In contrast, the assertion of subgroup rights here would constitute a socially-competitive response to perceived injustice. In contrast to a socially-creative response, the strategy of social competition may be likely to strengthen rather than de-emphasise intergroup conflict and an intergroup boundary.

The study of the political utility of inclusiveness rhetoric is therefore highly relevant to the study of the construal of the purpose of human rights law in political contexts. It may help to explain our previous results and any political pressure faced by activists wishing to assert unique subgroup rights. Adding audience variables into our paradigm – as well as sampling activist groups and measuring activist identification – appears necessary to allow us to determine the use of rights-based identity-management strategies in response to perceived injustices that are socially-structured with social

belief orientations. This approach has the potential to explain the apparent and unpredicted preference for *both* conservative perpetrators and the morally outraged (and committed activists) alike to use equality-driven construals of human rights rather than vulnerable groups construals of human rights. If a human rights issue can be shown to "include" or be psychologically relevant for most Australians (based on the need to honour an equality-driven construal of the purpose of human rights), the potential for political persuasion may be enhanced and may work to indirectly protect subgroup interests. This approach, however, neither works to legitimate the concept of subgroup rights nor to emphasise that subgroup diversity demands celebration. That aside, the inclusive approach may be a socially-creative way of translating a social change orientation into a politicized and palatable argument for the political audience.

For some activists, this approach may be inadequate. Use of inclusive human rights rhetoric may be too similar to the construal of the purpose of human rights law held by those structuring the injustice with social mobility beliefs. The political decision to express social change orientation directly (social competition) or indirectly (social creativity) may be guided by the identity-based dynamics of politicizing an issue.

A preference for inclusive rhetoric in response to perceived injustice

Some social psychological work suggests that equality-as-sameness and inclusive human rights rhetoric may be preferred due to the desire to honour a higher-order principle of non-discrimination. For example, Tougas and Veilleux (1988) found that affirmative action programs aimed at ameliorating relative subgroup disadvantage would be judged negatively if they were perceived as being discriminatory. In both conditions of this experiment, the aim of affirmative action was stated as increasing the percentage of women at "higher levels of the heirarchy as well as in job categories

traditionally held by men". In one condition though, affirmative action was described in "equality" terms. Here the employer encouraged a new focus on eliminating discriminatory administrative practices, helping *all* employees to prepare for job interviews and giving them information as to career paths leading to employment at high levels of the organisation. In a second condition, affirmative action was described as being implemented in "needs-based" or "special treatment" terms by the adoption of a rule that female candidates would be given preference over males if their qualifications for a particular job were similar. The results of this study suggest that violation of a non-discrimination principle may be one of the major reasons people are reluctant to justify the use of affirmative action (or, by extension, human rights as unique subgroup rights in the interest of the subgroup. Haslam (2001) paraphrases the results of this study in the following way:

> "Women were more supportive of affirmative action when it was described as involving procedures for removing discrimination than when it was described in terms of procedures which could themselves be seen as discriminatory. Interestingly too, this experimental manipulation also affected respondents' support for the goals of affirmative action, even though these goals were stated identically in both versions of the questionnaire." (Haslam, 2001 p. 284)

Also, some of the SRT research on human rights may indirectly suggest the popularity of equality-driven construals of human rights. In some of this work (reviewed in Chapter 4), participants were asked to rate uncontextualised items derived from the UDHR. This UN declaration – like many of the UN's human rights treaties – commonly uses equality-driven rhetoric including the concept of universal, non-discrimination (Charlesworth, 2002). Notably, equality norms described in terms of the celebration of diversity is used less often in the text of these international instruments. Therefore, representations of rights that appear consistent with the text of the UDHR may simply reflect successful socialisation of the equality-driven construal of the purpose of human rights law. Participants' UDHR-consistent representations of rights may reflect socialisation that individual and inclusive human rights are the *only* rights-

based claims that should be made in response to all forms of injustice, including in response to perceived subgroup disadvantage. This may explain why our participants found it difficult to depart from such thinking even in cases where they perceived relative sub-group.

Ironically, a further example of using the equality-driven construal of human rights is the drafting of the *International Bill of Gender Rights* by sexuality rights activists (the latest version adopted on 17 June 1995 as discussed by Whittle, 1998). Whittle (1998) explains that the aim of this project was the reformulation of basic human rights *from a transgender(i.e. subgroup) perspective*, in order to address moral exclusion of and/or ongoing discrimination against transgendered people, the bi-gendered, gays, lesbians, bisexuals, transsexuals, and transvestites. An explicit motivation for drafting this bill of rights by was to counteract discrimination experienced by these subgroup members wishing to consent to medical procedures and to bear or raise children. The resulting text, however, is based on an equality-driven construal of the purpose of human rights. This bill of rights explicitly states that: "These rights are not seen as special rights, but rather as universal statements of human rights". The attempt to mainstream these subgroup identities within the "'revolutionary' framework of a unified humanity" (Whittle, 1998, p. 53) is clearly at the expense of achieving an appropriate level of emphasis on the ongoing need to protect subgroups from direct and indirect forms of discrimination and moral exclusion. Arguably, use of an equality-driven construal of human rights and of inclusiveness rhetoric here may eventually work to achieve some form of moral inclusion. It may also achieve better political relationships with traditional political opponents. However, there is clearly at the expense of achieving rhetorical recognition of subgroups. For example, article 10 of the *International Bill of*

Gender Rights seeks to protect a universal right to parenting and is expressed in the following terms:

> '*individuals* shall not be denied the right to conceive, bear or adopt children, nor to nurture and have custody of children, nor to exercise parental capacity with respect to children, natural or adopted, on the basis of their own, their partner's, or their children's cromosomal sex, genitalia, assigned birth sex, initial gender role, or by virtue of a self-defined gender identity of the expression thereof'

The similarities with the non-discrimination principle in UN human rights treaties is clear, and it is subject to the same critiques made by Charlesworth (2002; see Chapter1).

However, this example possibly demonstrates how common it is for (legal) responses to subgroup injustice to be justified by relying on inclusive rights rhetoric. The landmark American abortion rights case *Roe vs. Wade* is an interesting example. Reproductive rights of women were defined not in terms of subgroup rights of women. Instead, a right to abortion was defined in terms of an individual right to privacy existing in the text of the American Constitution. Even though the outcome was palatable to the aggrieved sub-group the symbolic opportunity to endorse reproductive rights as subgroup rights of women was lost here. There was no construal of the purpose of human rights as the protection of a vulnerable subgroup. Other individual rights that may and have been susceptible to use as a responses to sub-group injustice based on inclusiveness rhetoric include equality, privacy, autonomy and absence of public harm (c.f. the US Supreme Court case of *Bowers vs. Haedwick* as discussed by Moran, Monk, & Beresford, 1998).

In Australian political life, we have seen a reliance on inclusiveness rhetoric by both the Howard Government and Pauline Hanson's populist One Nation Party (see Rapley, 1998). Here, inclusiveness rhetoric is used to justify equality-driven policies that benefit all "ordinary" Australians in the abstract. This rhetoric is a justification for not

targeting programs and policies towards subgroups of vulnerable Australians who may require special protection and who may benefit from the celebration of their unique subgroup identity.

A preference for using a vulnerable groups construal of human rights?

In light of the apparent preference for an equality-driven construal of the purpose of human rights we can ask when people may prefer a vulnerable groups construal of human rights. Activists may wish to protect subgroup identity by asserting unique subgroup rights, using a vulnerable groups construal of the purpose of human rights, and use of social competition strategies. If competitive identity-management strategies are not used, social change orientation may find expression in the use of inclusive rhetoric which functions as a social creativity strategy. A socially creative strategy may achieve moral inclusion though it may not always achieve long term protection from (in)direct discrimination against the subgroup, and it may not achieve explicit legitimation of subgroup diversity. This choice of identity-management strategy may be inherently political, and based on the need to politicize the need for rights protection in a way that is not unduly harmful for a range of ongoing political relationships. However, the main criticism of the use of inclusive rhetoric or "mainstreaming" is that it results in a "disavowal of difference" (see Bateup, 2000 in the context of reproductive rights for lesbians and single women; Lake, 2001) that may be politically-effective in the short term, but may prevent and delegitimise true recognition of sub-group diversity *within* the moral community in the long term.

Therefore, it is possible that some activists may perceive that you can only really stretch the alluring concept of "no discrimination of any kind" so far within a regime aimed at protecting human rights in a diverse society before it "snaps" and is incapable of being

an effective and appropriate response to subgroup injustice. At times an equality-driven or "equality-as-sameness" construal of the purpose of human rights law is perceived as dangerous simply because it fails to adequately protect subgroup members and can cause offence to their identity. Offence may be caused to the integrity and history of their identity and their legitimate claim to subgroup identification. Good examples of such offence being caused in the name of inclusivity include the impact of political doctrines such as colonialism, and, the assimilationist agenda of Australia's once White Australia Policy. The politics of the White Australia Policy has been rekindled somewhat by Pauline Hanson's One Nation Party. The policy of separating indigenous Australians from their parents and tribes to breed out their race so they can become good Australians is a further example of a disavowing difference in the name of inclusion.

In contrast, activists may perceive that there is a need to promote subgroup identity, to celebrate diversity, and to specifically protect subgroup interests such as *women's rights*. However, once the women's rights project becomes transformed by a sole focus on inclusivity, for example, women's rights are mainstreamed and recast as *universal human rights* (perhaps via the transitional rhetoric of "women's human rights"). Admittedly, tensions between political groups may be temporarily soothed as a result. There may be some indirect recognition – via inclusive human rights protection – for subgroup interests. However, this recognition may merely be a consequence of subgroup members' capacity to also be members of a broader collective (e.g. to also be Australian women, indigenous Australians, or human beings) rather than as a consequence of legitimating subgroup identity. Some activists and subgroup members may perceive this "inclusion at all costs" strategy as an appropriate response to some perceived injustices. However, some activists may perceive that social competition is

required. If this happens, Haslam (2001) would suggest, paraphrasing Tajfel (1978 p. 58), that there is a need to "intensify the impact of group memberships" (p. 35). In Tajfel's (1978 p. 58) own terms, we could argue that there would be a need to establish "clear cut and impenetrable social dichotomies" (see Chapter 3). This need to assert subgroup identity – that does not flow straightforwardly from commonly-cited SIT predictions based on perceived stability and security of intergroup relations – is claimed to be an antecedent to the adoption of a social change belief orientation.

In this sense, the most disappointing consequence of equating a set of subgroup rights (e.g. women's rights) with human rights construed as equality-driven justice concepts is that it weakens the rhetorical importance of defining rights in subgroup terms and delegitimates subgroup identity. It weakens the claim by vulnerable subgroups and their supporters that subgroup human rights should sometimes be asserted as tools for achieving relative subgroup justice between subgroups within a broader society, or between a subgroup and the dominant group. An inclusive approach, though understandable in some contexts, may fail to acknowledge the psychological inevitability of political conflict between social groups. The use of rights arguments to resolve intergroup conflict may naturally involve intergroup comparisons perceived from the vantage point of victim groups. As emphasised in Chapter 2, motivated relative perception from the vantage point of the perceiver has been a useful way to describe how stereotypes are used to make sense of the social reality of intergroup relations (Oakes et al., 1994) where categorical though about the politics of intergroup relations is "part of life's rich tapestry" (Oakes et al., 1999).

In any case, the apparent preference for an equality-driven construal of human rights demands further research. More specifically, we are interested in whether

this preference persists in radical, highly-mobilized and politically-active subgroups in Australian society. In other words, do victims and activists as well as non-victims and non-activists share this preference for the equality-based construal of human rights? Will these groups ever use a lay theory of human rights that is based on subgroup need or vulnerability rather than on equality and universalism? Will some subgroup members realize the inadequacy of "stretching" the equality-driven construal of human rights in some cases of intergroup injustice, in particular, the case of explicit subgroup exclusion from the moral community?

Haslam (2001) has emphasized that we must look *beyond* simple measures of the perceptions of injustice to understand what motivates the psychological reaction to perceived subgroup injustice:

> "it is much more common for feelings of injustice to be ignored than for them to be acted upon. Given this fact, the real question is not why collective action to redress industrial grievances occurs but why it occurs *so rarely*. A sense of relative deprivation may be a necessary condition for groups to revolt, but it is certainly not sufficient." (p. 279)

There are further Australian examples of activists claiming that inclusive responses to subgroup injustice are inadequate. Activist reaction to the Australian legislative response to the UNHCR's view of the *Toonen* complaint (see Chapter 1) – the passing of *Human Rights (Sexual Conduct) Act 1994* (Cth) that protected the sexual privacy of all Australians – is one case where some believed the inclusive approach to be inadequate. The Tasmanian Gay and Lesbian Rights Group (TGLRG) and academic commentators (Morgan, 1994a; Morgan, 1994b) claimed that this response was a missed opportunity. They have stated that the Federal Government could have acknowledged the subgroup interests of homosexual Australians explicitly in the *Human Rights (Sexual Conduct) Act 1994* (Cth). The political relationship between the government and the TGLRG was not effectively managed by relying on inclusiveness

rhetoric here. The Australian legislative approach was consistent with an equality-driven view of the purpose of human rights, and activists judged it to be a blunt weapon for fighting against the long-term threat of homophobic violence in Australia as well as against specific forms of (in)direct discrimination and vilification. The TGLRG remain disillusioned over the missed opportunity to abandon inclusiveness rhetoric by symbolically acknowledging and protecting gay rights *as unique subgroup rights*.

It would seem that if the UN's more recent attempts to protect economic, social and cultural rights and group rights are to resist the temptation of "mainstreaming", exclusive use of an equality-driven construal of human rights and inclusive rights rhetoric must be avoided. Economic, social and cultural rights (for example, the right to development) and subgroup rights (such as the right to collective self-determintion) may sometimes require more than universalist notions of equality for their very definition and effective protection.

Hypotheses and predictions

If there are some political disadvantages to using an equality-driven construal of human rights and even using inclusiveness rhetoric in some cases, it is possible that some activists may endorse vulnerable group construals of human rights in particular political contexts. Activists may generally be motivated towards using a social change orientation more often than non-activists as a consequence of their more radicalised identifications. This may mean that activists would be more likely to construe human rights as protections of vulnerable groups. Activists may also prefer different identity-management strategies to non-activists; being motivated to use socially-competitive *as well as* socially-creative responses to subgroup injustice as a way of expressing a social change orientation.

From the review and theoretical work in this chapter we derive the following three additional hypotheses.

<u>Hypothesis 4</u>

Activist identification will make social change beliefs more accessible leading to a preference for the vulnerable groups construal of the purpose of human rights and possible use of socially-competitive identity-management strategies.

Prediction 4.1

People identifying as activists will endorse social change beliefs more in response to perceived subgroup injustice. Therefore, higher levels of activist identification will predict endorsement of social change beliefs, but be negatively related to endorsement of social mobility beliefs. People identifying as activists will also *prefer* the view that the purpose of human rights is to protect vulnerable subgroups in Australia.

Prediction 4.2

Social change beliefs will mediate the relationship between activist identification and a vulnerable groups construal of the purpose of human rights. Social change beliefs will also mediate the relationship between activist identification, a vulnerable groups construal of the purpose of human rights, and the endorsement and preference for socially-competitive strategies such as asserting a right of subgroup identity recognition, legitimization and protection.

Activist identification will increase perceived political efficacy

Prediction 5.1

People identifying as activists will perceive the use of human rights to be more efficacious than do non-activists.

Hypothesis 6

Activist identification will make people sensitive to the ongoing identity relationships inherent in a political context.

Prediction 6.1

People identifying as activists will prefer to use inclusive human rights rhetoric more when making justice claims to hostile outgroup audiences.

Prediction 6.2

People identifying as activists will prefer to use arguments demanding sub-group identity recognition, legitimization and protection when making justice claims to sympathetic ingroups.

The final two studies in this empirical program are reported in the next chapter. In Study 4, we developed a scale of activist identification, gathered ratings of and forced-choice preferences for Tafjelian social beliefs and human rights construals. For the first time in this research program we measured the perceived political efficacy of using human rights as a response to perceived injustice. We also surveyed both activists and

non-activists by sampling different political populations and confirming their relative activist identification with scores on our activist identification scale.

In Study 5 we sampled only committed activists. We included all variables given a causal role in Hypotheses 4-6. We measured social belief orientation (accessible background knowledge), preferences for particular construals of human rights, expectations of the political opponents' and supporters' reactions to a political influence attempt (as meta-stereotypes), and identity-management strategy preference (as a choice between delivering inclusive rhetoric or rhetoric arguing for recognition of subgroup identity). Activists were asked to explain how they preferred to politicize their campaign message to either an audience of political supporters or to an audience of political opponents.

Chapter 8: Activists' human rights construals and the politicization of a rights-based responses to subgroup injustice: The refugee rights and reproductive rights studies

In Studies 4 and 5, we investigated how salient activist identification may influence the accessibility of social beliefs and lead to a particular construal of the purpose of human rights in contexts where subgroup disadvantage is perceived. In Study 5 in particular, we considered how activists politicize their responses to perceived injustice and strategically planned which identity-management strategies should be adopted in a particular political debate with a particular audience. In these studies we hypothesized that activists may respond to subgroup injustice in ways that differ from the dominant, equality-driven rights responses we have seen endorsed so far.

Study 4: The refugee rights study

Political background to the study

In 2000, the Australian Government continued to be concerned about the number of asylum seekers arriving in Australia on boats organised by people smugglers based primarily in China or Indonesia. During this period, asylum seekers arriving in Australia were mainly fleeing from alleged political, gender, and religious persecution in Iraq, Afghanistan and China. In response to the increased number of arrivals of asylum seekers by this method, the Australian Government had made a number of changes to visa classes and refugee processing. A three-year "temporary protection visa (TPV)" class had been instituted to apply to "onshore asylum" seekers who arrived in Australia without identification and without having been granted refugee status by the UN High Commission for Refugees in another country. This visa – unlike those granted to "offshore" applicants – prohibited family reunion, and if the visa holder

returns to their country of origin for any reason whilst holding a TPV their visa is terminated.

The practice of detaining all asylum seekers awaiting refugee status determination by the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs continued during this period. The administration of all detention centres in Australia is outsourced to a private company, a subsiduary of an American company who run private prisons in the United States. Media reports and reports from the NGO sector highlighted poor conditions in the detention centres. These complaints included claims of inadequate medical, psychiatric, and psychological care of detainees, complaints of prolonged confinement for families with children and the separation of family members.

All of these practices had been roundly criticised by refugee rights organisations. The Federal Human Rights and Equal Opportunity Commission (HREOC) conducted a review of the detention of children in terms of Australia's compliance with UN human rights treaties. The Federal Government also commissioned their own review by a former Government bureaucrat (The Flood Review). There were further complaints of asylum seekers living in impoverished and dangerous conditions in detention centres and complaints of detainees being denied access to particular facilities including phones. There were concerns about the effectively limited access detainees had to lawyers, usually because lawyers found it difficult to constantly travel between their urban offices and the remote detention centre locations. Many activists suggested that Australia was distinct from other Western countries because the Australian Government had not implemented residential options other than detention (e.g. home detention, migrant hostels, community-fostering, and community living on probation) during the

period of refugee status determination and appeal. Heated political debate ensued over claims by refugee rights activists that Australia's treatment of their asylum seekers violated its obligations under the UN's *Convention Relating to the Status of Refugees* (1951) as well as possibly violating the ICCPR and the CROC.

The Study

This study was designed to test Hypotheses 4 and 5 (see Chapter 7) with an activist and non-activist sample in the climate of activism surrounding the debate over refugee rights issues. An activist identification scale was constructed to test identification as an activist of the human rights movement.

We suspected that there may have been problems with the operationalisation of social beliefs, especially in Study 3. The statement we used to express social change beliefs may have been perceived as more negative than the statement used to describe social mobility beliefs. The social mobility belief statement used in Study 3 suggested people were "*free* to further their own individual interests in an open system" (emphasis added), whereas the social change belief statement used suggested that "each group member is *forced* to further their own individual interests only by furthering their group's interest" (emphasis added). The difference reflects problematic conceptualisations of these beliefs by previous SIT researchers (see critique on this point in Chapter 3). This problem was addressed by dropping the word "forced" and using a statement of social change beliefs that read: "Society should be thought of as a collection of groups, where each group member furthers their own individual interests by furthering their group's interest".

A measure of perceived political efficacy was included to investigate if participants were optimistic about the consequences of rights-based protest on behalf of a subgroup (asylum seekers) and if activist identification would lead to higher perceptions of political efficacy for activists than for non-activist groups (see Hypothesis 5, Chapter 6).

The measures of human rights construals used were also slightly altered from those used in Study 3. We thought it wise to clarify that we were asking participants for their views on *prescriptive* statements of the preferred purpose of human rights (i.e. what *ought* to be) rather than their *descriptions* of what *is*. It is a possibility that some participants may have responded to the Study 3 wording by merely rating what they thought the current social, legal, and political thinking was about the purpose of human rights, rather than by responding in terms of their own moral and political preference, i.e. in terms of what they would be happy for the purpose of human rights *to be* if that were to differ from the status quo. We aimed to make the items more prescriptive by replacing "is" with "should be" in each of the human rights construal statements (see Appendix 4). Doing this brought the form of these statements into line with the prescriptive tone of the social beliefs statements used in this study and in Study 3. Each social belief statement began with the phrase "Society *should* be thought of as . . . " (emphasis added).

Method

Participants

Thirty-seven people participated in this study. Fourteen participants were students enrolled in a university bridging course in 2000 and 23 participants were refugee rights activists attending a conference on human rights protection for refugees held in Sydney on 20 October 2000. The publicised aims of the conference were to: (i) link academics,

practitioners, and students in work that aids asylum seekers and refugees, (ii) to propose alternative frameworks for action and advocacy in promoting the integrity of asylum seekers and refugees, (iii) to formulate responses to official positions on the 'integrity of our shores', and to (iv) provide a forum for the discussion of strategies for utilising the media and to interrogate representations of asylum seekers and refugees. The one day conference consisted of the presentation of academic papers and statements by activist groups and NGO representatives. It was assumed that conference attendees would self-categorize as human rights activists in the context of the conference. Most of the conference attendees were actively involved in some form of service provision if not advocacy on behalf of refugees and asylum seekers in Australia.

Design

The study had two conditions. The same questionnaire was administered to the activists sample and the non-activist sample. Dependent measures were: an activist identification scale, rating of and choice of social beliefs and human rights construals, a measure of perceived inadequacy of Australia's treatment of refugees (the perceived subgroup injustice measure), and a measure of the political efficacy of using human rights arguments to criticize the treatment of refugees in Australia.

Materials and Procedure

The questionnaire was introduced as a study of Australians' perceptions of human rights. The following introductory paragraph was used (see Appendix 4):

> "We are interested in how people prefer to think about human rights. There are a number of different possible conceptions of human rights and ideas about how human rights should be pursued. In this sense, people may respond to this questionnaire in different ways. We would be grateful if you could read through the questions carefully and indicate your preferred responses to the following items. Please remember that all responses are anonymous."

Participants then completed a six-item activist identity scale, designed to measure identification as a human rights activist. Five of these six item stems were similar to those used by Simon et al. (1998): "I see myself as a member of the human rights movement"; "I feel strong ties with the human rights movement"; "I identify with the human rights movement"; "It is important to me to belong to the human rights movement"; "I consider myself an activist of the human rights movement". The final item rated was similar to the item stem used by Kelly & Breinlinger (1995b) to measure activist identification: "I would describe myself as someone who is actively involved in promoting human rights".

Participants then rated the extent to which they agreed with the vulnerable groups construal of human rights and the equality-driven definition of human rights. As in Study 3, participants were asked to choose which of these human rights construals they agreed with most in the context of thinking about refugee rights. Participants then rated their level of endorsement of each social beliefs statement and chose which of these statements they agreed with most in the context of thinking about refugee rights.

Participants rated all these items on 7-point Likert scales anchored with 1= strongly disagree, 7=strongly agree. The same scale was used for rating two final statements as well. The first of these statements was: "There are currently problems that need to be addressed regarding Australia's treatment of asylum seekers and refugees". This item was included to test perceived subgroup injustice towards refugees. The final statement was a measure of the perceived efficacy of using human rights arguments to improve justice to refugees: "Using human rights arguments to criticise Australia's treatment of asylum seekers and refugees can lead to an improvement in the way they are treated."

It should be noted that in Study 3 participants considered the social beliefs statements first, then considered the human rights construals. However, in this study, the order of presentation was reversed with human rights construals presented for evaluation first, and the social beliefs were evaluated second. This was done in order to increase the likelihood that the evaluation of the human rights construal was a direct result of the salience of activist identity. This order meant that evaluation of the human rights construal came directly after the activist identification scale.

Also, in Study 3 the equality-driven construal of the purpose of human rights was evaluated first, followed by the vulnerable groups construal of human rights. In this study we reversed the order of presentation of the human rights construals, to see if this would alter the preference for the equality-driven construal of human rights. Although this is not the same as counterbalancing the statement presentation order within the one study, if the equality-driven construal preference persists in this study, this reversal may go some way to ruling out explanations for preference that are based on presentation order alone.

Results

Missing Data and Exclusions

Data from three respondents was excluded due to missing data on the forced choice preferences for human rights theory and social beliefs. Four respondents disagreed with the statement that there are currently problems that need to be addressed regarding Australia's treatment of asylum seekers and refugees. Their responses were less than or equal to the mid-point of the scale in contrast to responses from all other participants. Data from these four respondents were excluded. We wished to retain for analysis only the participants who perceived subgroup injustice but who differed in terms of their

activist identification. This would allow comparisons by activism of social belief

preference, preferred construal of human rights, and, perceived political efficacy of

human rights arguments all in response to perceptions of subgroup injustice held equally

by both activists and non-activists.

Description of activist and non-activist samples

Activist identification score

After the above exclusions were made, the sample consisted of data from 30

respondents: 16 participants in the conference sample and 14 participants in the student

sample. An activist identification score was calculated to confirm that the activist

identification of these participants was in the direction assumed during sampling.

In order to do this, a principal components analysis was performed on the activist

identification scale items. An unrotated solution demonstrated that these six activist

identification items all loaded onto one factor explaining 71.7% of the variance. Each

participant's responses to the six activist identity items were averaged into one activist

identification score with adequate reliability (α = .92).

Across the whole sample the mean activist identification score was 5.38 (sd = 1.39) and

the median score was 5.67. A median split was performed on the sample so that

respondents with a mean activist identification score of 5.67 or higher were labelled as

"activists" and those with a mean activist identification score of less than 5.67 were

labeled as "non-activists". There was some rearrangement of participants from the

original conference and student samples. The final sample of activists (n =16) included

13 conference attendees and 3 students, and the final sample of non-activists (n = 14)

included 7 conference attendees and 7 students. Identification as a human rights activist

was significantly higher in this activist sample ($\underline{M}$ = 6.31, $\underline{sd}$ = .49) than in the non-activist sample ($\underline{M}$ = 4.31, $\underline{sd}$ = 1.30; $\underline{t}$(28) = 5.71, $\underline{p}$ < .001).

Preference for human rights construal

Participants had rated each human rights construal and chosen the construal they most preferred. This meant that two analyses could be done to explore the operative construal of human rights. Firstly, the frequency of participants choosing each construal as their preferred choice was tallied separately for activists and non-activists. Secondly, a 2 (activist identification: activist, non-activist) X 2 (human rights construal: equality-driven, vulnerable groups) between participants ANOVA with repeated measures on the last factor was performed on the construal ratings. The frequencies and relevant means are presented in Table 18.

Table 18: Human rights construal preferences (frequencies and ratings) by activism

	construal choice		construal rating	
	prefer vulnerable group construal	prefer equality-driven construal	vulnerable group construal rating ($\underline{sd}$)	equality-driven construal rating ($\underline{sd}$)
Activists (n=16)	4 (25%)	12 (75%)	5.81 (1.22)	6.81 (0.54)
Non-activists (n=14)	4 (28.6%)	10 (71.4%)	5.50 (2.21)	6.36 (1.22)
Entire sample	8 (26.67%)	22 (73.33%)	5.67 (1.73)[†]	6.60 (.93)[†]

[†] $\underline{F}$(1,28) = 6.46, $\underline{p}$ < .05

The frequency analysis shows that the equality-driven construal of the purpose of human rights is preferred over the vulnerable groups construal by both 75% of activists and 71.4% of non-activists. Considering responses for the entire sample ($\underline{n}$ = 30), 8

participants (26.7%) preferred the vulnerable groups construal of human rights, whereas 22 participants (73.3%) preferred the equality-driven construal of human rights.

Against predictions the ANOVA revealed that the activist identification main effect was not significant ($\underline{F}(1,28) = 1.15$, $\underline{p} > .05$). Also, there was no significant activist identification X human rights construal interaction ($\underline{F}(1, 28) = .04$, $\underline{p} > .05$). Instead, this analysis revealed a within-participants main effect for human rights construal, indicating that all participants agreed more with the equality-driven construal of the purpose of human rights ($\underline{M} = 6.60$) than with the vulnerable groups ($\underline{M} = 5.67$; $\underline{F}(1,28)$ $= 6.46$, $\underline{p} < .05$; $\eta^2 = .19$, power $= .69$).

Preference for social beliefs

The same frequency and ANOVA analyses were run on participants' evaluations of social beliefs. Results of these analyses are shown in Table 19. One non-activist did not choose between human rights construals.

Table 19: Social beliefs preferences (frequencies and ratings) by activism

	social beliefs choice		social beliefs rating	
	prefer social change	prefer social mobility	social change rating (sd)	social mobility rating (sd)
Activists (n=16)	11 (68.8%)	5 (31.3%)	4.75 (1.88)	4.06 (1.81)
Non-activists (n=13)	7 (53.8%)	6 (46.2%)	4.21 (1.85)	4.50 (1.95)
Entire sample (n=29)	18 (62.1%)	11 (37.9%)	4.50 (1.85)	4.27 (1.87)

The frequency analysis shows that activists prefer social change beliefs (68.8%) to social mobility beliefs (31.3%). However, non-activists' preferences were more evenly

distributed between the preference for social change (53.8%) and the preference for

social mobility (46.2%). For the entire sample, any trend in social belief preference was

in favour of social change beliefs (62.1% of choices) instead of social mobility beliefs

(37.9% of choices).

A 2 (activist identification: activist, non-activist) X 2 (social beliefs: change, mobility)

between-participants ANOVA with repeated measures on the last factor was performed

on social beliefs ratings. No significant main effects (activist identification: $\underline{F}(1, 28) =$

.01, $\underline{p} > 0.05$; social beliefs: $\underline{F}(1, 28) = 1.74$, $\underline{p} > 0.05$) were revealed by this analysis

and the interaction between activist identification and social belief endorsement did not

reach significance ($\underline{F}(1, 28) = 1.02$, $\underline{p} > 0.05$). Relevant means are reported in Table 19.

The frequency analyses suggested that the equality-driven construal of human rights

was the most popular construal of the purpose of human rights for participants in this

study irrespective of differences in activist identification. However, the frequency

analyses on social beliefs suggested that twice as many activists endorsed social change

beliefs than endorsed social mobility beliefs and there was also a trend towards

preference for social change beliefs in the entire sample. However the apparent

preference for social change beliefs by activists did not appear to lead to the predicted

higher level of endorsement of the vulnerable groups construal of human rights in these

group-level analyses. Also, against expectations, non-activists' preferences for social

beliefs were evenly distributed between social change and social mobility.
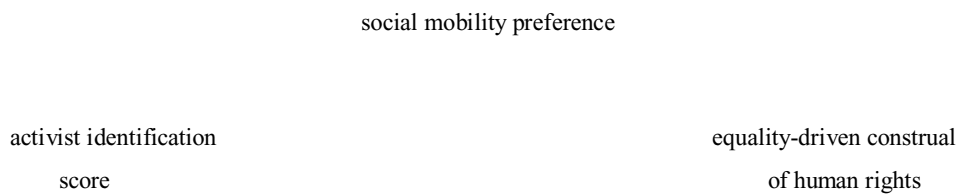
Mediational analyses

Mediational analysis can further test the predicted paths from activist identification through social belief to construal of human rights for each participant. The predicted paths in Figure 8 were tested using the whole sample.

Figure 8: Mediational models

Predicted paths for activists

social change preference

activist identification   vulnerable groups construal
score   of human rights
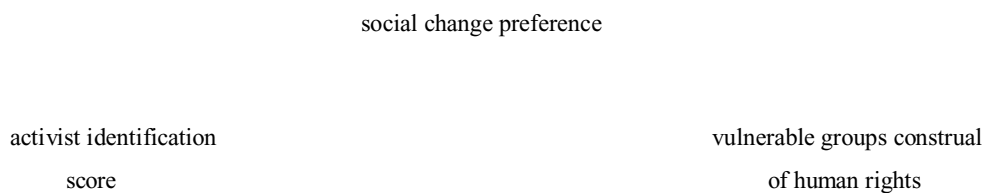
Predicted paths for non-activists

social mobility preference

activist identification   equality-driven construal
score   of human rights

Each participant's activist identification score was centred by subtracting individual scores from the mean activist identification score for the entire sample ($\underline{M} = 5.38$). Preconditions for mediational analysis were not met, despite analysis with ratings of social beliefs and human rights construals as well as with participants' social belief choices (coded as social mobility preference = 1 and social change preference = 2) and choice of human rights construal (coded as equality-driven preference = 1 and vulnerable groups construal = 2).

<u>Predicting human rights construal from endorsed social belief</u>

Regression analyses testing whether social beliefs endorsement (measured as social mobility ratings, social change ratings, and as choice of preferred belief) predicted endorsement of human rights construal (measured as ratings of the equality-driven human rights construal, the vulnerable groups construal, or choice of construal) were also not significant.

<u>Perceptions of the political efficacy of using human rights arguments in this context</u>

There was no significant difference between political efficacy perceived by activists ($\underline{M}$ = 6.06, $\underline{sd}$ = .93) and non-activists ($\underline{M}$ = 6.00, $\underline{sd}$ = 1.24; $\underline{F}(1,28)$ = .25, $\underline{p}$ > .05). All participants thought that using human rights arguments could lead to an improvement in the way asylum seekers are treated in Australia.

<div align="center"><u>Discussion</u></div>

The activist identification scale was reliable and demonstrated adequate discriminant validity. Our sample was able to be split into those identifying highly as activists and those who did not identify as activists. Participants in the analysed sample perceived subgroup injustice and thought that refugees were being treated inappropriately at the time of the study. They agreed that there were problems that needed to be addressed regarding Australia's treatment of asylum seekers in order to provide justice for that group. Against predictions based on activist identification, *all* of these participants – irrespective of identification as an activist – perceived that using human rights arguments to redress the injustice for refugees and asylum seekers in Australia in this context would be politically efficacious.

Also, against predictions based on activist identification, there was an overwhelming preference for the equality-driven construal of human rights, reinforcing the results from Studies 2 and 3. Our regression analyses could not demonstrate predicted relationships between social belief orientation and construal of human rights. Preference for the equality-based construal of human rights was neither shaped by activist identification nor by endorsed social belief.

There was some suggestion, however, that more activists endorsed (and arguably used) social change beliefs than social mobility beliefs. This result is based on participants' choices of one belief over the other, though it was not reinforced by patterns obtained on the social belief ratings. However, mediational analyses did not confirm that the activists preferring social change beliefs did so due to the level of their identification as an activist of the human rights movement. Further, our predictions about the causal path between social belief endorsement and preferred human rights construal (i.e. mobility beliefs lead to equality driven construals; change beliefs lead to vulnerable groups construals) was not confirmed by regression analyses conducted on this sample.

Therefore in Study 5 we attempted to test for relationships between activist identification in the context of perceived subgroup injustice, subjective structuring of that social reality with social change beliefs, and use of a vulnerable groups construal of the purpose of human rights in a more explicitly politicized context. In this context, we may be able to further investigate the preference for equality-driven construals of human rights by seeing how activists consider the (historical) political relationship involved in attempts to politicize a message. This was done in Study 5 by including reference to a political audience in the paradigm. An experimental context which investigated the explicit politicization (Simon & Klandermans, 2001) of decisions to use

human rights rhetoric may reveal more of the psychological processes underlying responses to injustice. In light of the continued preference for the equality-driven construal of human rights, this innovation may also help to reveal strategic explanations for why some paths in our predicted mediational model do not hold. Also, we sought explanations of why both non-activists *and* activists may sometimes prefer equality-driven construals and inclusive human rights responses to perceived subgroup injustice rather than responses defined in terms of unique subgroup rights. Therefore, Study 5 was an attempt to uncover how the political context in which the activist responds to injustice may apparently result in less radical responses than otherwise expected.

In Study 5 we also incorporated measures of metastereotyping into the design as a way of moving beyond the simple measure of political efficacy used in this study. Metastereotyping measures can provide more direct insights into how the relevant political relationships are perceived. Examining metastereotypes also reveals *why* perceptions of political efficacy occur in context. In Study 5, metastereotypes may add greater understanding of why presenting a protest message with either socially-competitive or socially-creative rhetoric to either a hostile outgroup audience or a potentially-sympathetic ingroup audience is preferred.

Study 5: The reproductive rights study

Political background

The issue of access to assisted reproductive technology (ART) was debated quite intensely in Australia following a Federal Court decision in August 2000 (*McBain v State of Victoria* (2000) 99 FCR 116; this Federal Court decision was subsequently upheld by the High Court on 18 April 2002 in *Re McBain* [2002] HCA 16). The relevant political debate surrounded the Federal Government's support of three State

governments' legislative schemes. This schemes denied single women and lesbians access to using ART (including IVF, donor insemination at a fertility clinic, and a range of other procedures and testing) offered by fertility clinics in those States. One example of this State legislation was the *Infertility Treatment Act 1995* (Vic). The regime of exclusion was so clear that a Victorian doctor, Dr McBain – a doctor treating a single woman Leesa Meldrum who had unsuccessfully sought access to ART in Victoria and obtained unsuccessful treatment in NSW – sought a declaration from the Federal Court as to whether the exclusory legislation in Victoria was constitutionally valid. This litigation followed a number of complaints being made by single women and lesbians to State anti-discrimination boards. Many of these women had been seeking ART across borders to their physical, mental and financial cost. The constitutional question was whether the Victorian legislation breached Federal anti-discrimination protections in the *Sex Discrimination Act 1986* (Cth).

In August 2000, Justice Sundberg of the Federal court answered the constitutional question in favour of single women and lesbians. His Honour found direct inconsistency between the *Sex Discrimination Act 1986* (Cth) and the *Infertility Treatment Act 1995* (Vic). To the extent of the judged inconsistencies, the Victorian legislation was rendered inoperative under s109 of the Australian Constitution. The Victorian Government had a right to appeal this finding to the Full Court of the Federal Court, though they did not seek that appeal. However, the Federal Government subsequently introduced a bill into parliament aimed at overturning the effect of the Federal Court decision. The Federal Government sought to allow discrimination against single women and lesbians in the provision of ART services. This would allow State governments to (in)directly discriminate against lesbians and single women by

excluding them from ART services. To allow this discrimination, the Federal Government had to propose amendments to the *Sex Discrimination Act 1986* (Cth).

In the political debate that ensued, the Howard Government claimed that protection of subgroup rights – the rights of the child – was the justificatory basis for the proposed *Sex Discrimination Amendment Bill.* The Government suggested, in press releases and the explanatory memorandum to the bill, that if lesbians and single women were given access to ART without being in a legally-recognised relationship with a man, this would deny the children born to these women the right to the care and affection of both a mother and a father. This right is arguably based on article 7.1 of the CROC which states that "the child . . . shall have the right to know and be cared for by his or her parents". Therefore, the Government claimed that exclusion of lesbians and single women from ART services was consistent with the rights of the child. Adding insult to injury for lesbians and single women, the Bill was hastily amended to clarify that women in *de facto* relationships would still be able to apply to use State-based ART services. This bill was stalled in the Senate (the upper house of the Australian Federal Parliament) before the 2001 Federal Election. An unfavourable report of the Senate's Legal and Constitutional Legislation Committee was also tabled in parliament on the 27 February 2001. The Committee members had doubts over the bill's compliance with international human rights law.

In a legally-bizarre twist, the Australian Catholic Bishops Conference, the Episcopal Conference of the Australian Catholic Church, the Family Planning Association of Australia and the Commonwealth Attorney-General sought and obtained leave to argue against the Federal Court decision in the High Court of Australia in September 2001. The Federal Human Rights and Equal Opportunity Commission, and the Women's

Electoral Lobby (a nation-wide women's rights group) successfully joined this High Court action to argue in support of the *McBain* decision, and by extension, against the *Sex Discrimination Act Amendment Bill*. The case was heard shortly after data was collected for Study 5. Therefore, political debate over this issue had been ignited in August 2000, had peaked before and after the February 2001 Senate inquiry report, and was again gaining momentum around the time of data collection in the lead-up to the High Court case.

Shortly after the hearing there was a Federal election at which the Howard Government was returned to office. At the time of writing, the *Sex Discrimination Amendment Bill* was still before the Senate having been reintroduced by the Howard Government after the election win on the same rhetorical basis: the protection of the rights of the child.

The Study

Conducting a study based on the ART debate was useful for further testing activists' strategic choice of human rights construals in a context of perceived subgroup injustice. A variety of women's rights NGOs and other activist groups of women had intensified their campaigns for legal recognition of same-sex parenting in general – and broad access to ART for lesbians and single women in particular – after the introduction of the *Sex Discrimination Act Amendment Bill*. Following the introduction of this bill into parliament, the parliamentary inquiry into the issue and the High Court litigation, there was a clear and explicit legal threat of disadvantaging lesbians and single women *vis-à-vis* heterosexual women who are married or in *de facto* relationships. The subgroup identity recognition and practical rights won by lesbians and single women in the Federal Court case was under threat during the data collection phase of this study. This gave rise to a rich context of perceived subgroup injustice in which activists would have

to make choices about how to challenge that injustice. Since Studies 2, 3 and 4 had suggested a preference for using equality-driven theories of human rights, we now had a politically-charged context within which to re-test this preference and its relationship to activist identification, and social beliefs endorsement.

Also there was a clear outgroup audience (the Howard Government) who were in an ongoing political relationship with the activists. This seemed a highly appropriate context in which to add audience variables to our measures of perceived injustice, social beliefs and responses to injustice. The responses to injustice tested were the type of identity-management strategies used, or, in other words, the way a protest message was directly communicated to political audiences. This created a situation where politicized collective identities would be salient and we could observe the dynamics of the politicization of protest rhetoric. This politicization was naturally occurring around this time too, as activists prepared submissions to the Senate inquiry and as the High Court case was prepared with significant activist input from both sides of politics. This study enabled us to investigate when and why pro-access activists would make arguments against the *Sex Discrimination Amendment Bill* with statements explicitly suggesting the need to protect vulnerable subgroup interests and recognise subgroup identity. Alternatively, activists could make pro-access arguments based on inclusive human rights rhetoric consistent with an equality-driven construal of human rights. Therefore, Study 5 was designed in an attempt to reveal the strategic thinking of activists who were cognisant of long-term political goals and the nature of ongoing political relationships between activists, opponents and supporters.

Our previous results – if accurate and generalisable – suggest that Australians have conceptual difficulty conceiving human rights as protections of subgroup interests, as

political justifications for affirmative action campaigning, and as the basis for encouraging an acknowledgment of diversity. However in this context of threats to the reproductive rights of single women and lesbians – of threats to exclude them from the moral community of "mothers" – we were interested to see whether women's rights activists would use the socially-competitive strategy of protecting subgroup diversity directly. The alternative would be for activists to use the more indirect and socially-creative strategy of attempting to protect the subgroup interests of lesbians and single women by invoking inclusive human rights arguments In the lead up to this study we saw the Howard Government depart from inclusive human rights rhetoric and rely on the rhetoric of the subgroup rights of children to support the exclusion of lesbians and single women from ART. In this political context, with a clash of subgroup rights manufactured by the Government, we thought activists may engage in this debate at the subgroup rights level.

We did not set out to re-test construals of human rights explicitly in this study. Instead, we offered participants a selection from two possible identity-management strategies for arguing against restricted access to ART. We offered them the chance to chose between a protest speech using either (i) inclusive human rights rhetoric based on individual rights to privacy, to health and to found a family, or, (ii) the use of arguments for subgroup identity recognition (lesbians and single women can be good mothers) and the celebration of diversity of non-traditional family structures. The chosen speech was to be delivered to either an ingroup or outgroup political audience in order to test strategy choice in a politicized communicative context.

Even though the second speech did not assert a particular codified subgroup right, the "sectional interest" arguments used were similar to those that may support any yet-to-be

defined sexuality rights or reproductive rights of single women. Importantly, these arguments were expressed in subgroup terms. The arguments were consistent with the *type* of arguments mounted to support *unique subgroup rights* such as collective self-determination, or, say rights of indigenous peoples – human rights that are also arguably defined and protected in subgroup terms.

We measured the operative social beliefs orientation held by activists in the context of considering the *Sex Discrimination Amendment Bill* which participants from the participating activist groups had been actively protesting against. We also wanted to investigate any role that identification as an activist of the "women's movement" and/or endorsement of broad social beliefs may have on speech choice – the strategic response based on perceptions of the political relationship. Therefore, this study was an attempt to test Hypotheses 5 and 6 (see Chapter 7).

Consistent with the research on political influence reviewed earlier (Reicher & Hopkins, 1996a; Reicher & Hopkins, 1996b) we predicted that responses to subgroup injustice may rely on use of inclusive human rights rhetoric when addressing outgroups, and on the use of sectional interests rhetoric when addressing ingroups (see Predictions 6.1 and 6.2, Chapter 7).

Meta-stereotyping research

We also asked activists to justify their preferred response (speech choice). This was done by asking participants to describe on adjective and valence rating scales what political impression is likely to be created by the speaker by the delivery of the preferred and non-preferred campaign speech. This involves the measurement of a "metastereotype". Metastereotyping work suggests that ingroup members readily

construct expectations about the impressions or stereotypes other people or group members have of the ingroup. This expectation has been called a "metastereotype" to distinguish it from a social stereotype that the ingroup has of an outgroup (Gomez & Huici, 2001; Vorauer, Hunter, Main, & Roy, 2000; Vorauer & Kumhyr, 2001; Vorauer, Main, & O'Connell, 1998). The content and valence of metastereotypes can be used to shape strategic thinking and political campaigns. Analysis of metastereotype content can reveal perceptions of the identity relationship between the speaker and audience held by the speaker and are relevant for the planning of campaign strategy. The links between holding metastereotypes and using them to consider how to politicize a message seem clear. These links are consistent with the theory of politicized collective identity (Simon & Klandermans, 2001).

Predictions

Our predictions derived in Chapter 7 can be briefly restated as follows:

(i)   those identifying as activists of the women's movement and faced with the injustice threatened by the *Sex Discrimination Amendment Bill*, would prefer to represent society as a collection of subgroups needing to assert their identities (i.e. a social change belief orientation) rather than representing society as a collection of individuals (i.e. a social mobility belief orientation);

(ii)   activists using social change beliefs to subjectively structure the injustice would prefer the sectional interests speech (i.e. would use a socially-competitive identity-management strategy) most when they contemplated addressing a sympathetic ingroup audience of fellow women's group campaigners supporting liberal access to ART;

(iii)   activists contemplating an address to a hostile outgroup audience of Howard

Government MPs supporting the *Sex Discrimination Amendment Bill 2000*

would prefer the inclusive human rights speech (i.e. would prefer to use a

socially-creative strategy based on emphasising inclusiveness);

(iv)   activists would prefer a particular speech *because* they expect that it would

create the most positive impression of the speaker in the minds of the audience

(i.e. the metasterotypes associated with considering delivery of the preferred

speech will be positive);

(v)   activists would expect that the audience's impression of the speaker would be

most positive when the speaker was to present inclusive human rights rhetoric to

outgroups but sectional interest rhetoric to ingroup audiences.

Method

Participants

Participants were members of women's groups who accessed an online study via a URL

advertised on their action email networks in July-August 2001. A *Sitemeter*

(http://www.sitemeter.com) web traffic monitor logged 262 visits to the study site

during the data collection period. One hundred and eighty nine records were created in

our database. A proportion of these records were incomplete. Two males completed

the survey but their responses were excluded from the sample, leaving a sample

comprised exclusively of those identifying as women.

<u>Design</u>

Participants were randomly assigned to one of two conditions: an ingroup audience condition and an outgroup audience condition. The dependent variables were: ratings of and choice between social beliefs, choice of most persuasive speech, reasons for speech choice, metastereotypes generated, and attitudes to access to ART.

<u>Procedure</u>

On arrival at the study website, participants read through a brief description of the study procedure and a consent form. If participants agreed to participate in the study, they were asked to click on a hyperlink marked "I Agree to These Conditions" which then took them to the first page of the online survey.

This link was split invisibly into two sections in order to randomly assign participants into conditions. Clicking on the left half of the link sent the participant to the outgroup audience condition, whilst clicking on the right half on the link sent the participant to the ingroup audience condition (see a similar method used by Mylecharane, 1996). JavaScript was used to hide the destination of the next page from the participant (this is usually displayed in the status line of web browsers at the bottom of the screen). As a result of the scripting, those participants browsing with JavaScript enabled would not become aware that the link was split and could send them to different conditions depending on where the link was clicked.

Participants in both conditions read some introductory information and then answered the same questions about activist identification and social beliefs. This preliminary information read (see Appendix 5):

"We would like you to think about the issue of access to assisted reproductive technology (ART). In 2000, the Federal Government introduced the *Sex Discrimination Amendment Bill* into parliament. This bill proposes to amend the Federal *Sex Discrimination Act*, and would allow State Governments to restrict the access to ART services to married women and women in recognized *de facto* relationships. The amendment would allow discrimination on the basis of marital status by clinics in Australia that provide the following services: artificial insemination; IVF; gamete, zygote or embryo transfer; or any other services provided in the course of these procedures or to assist 'non-coital fertilization'. This would mean that States could lawfully deny lesbians and single women access to these services."

Activist identification scale

Participants read an introduction to the activist identification scale which stated that "the following statements relate to whether you feel part of the women's movement" (Appendix 5). These item stems were the same as those used in Study 5 which had been derived from statements used in other studies on activist identity and collective action (Kelly & Breinlinger, 1995b; Simon et al., 1998). For this study we merely substituted "women's movement" for "human rights movement" in the items used in Study 4 (see Appendix 5). Ratings were made on 7-point Likert scales anchored by 1 = "strongly disagree", 7 = "strongly agree".

Social beliefs

Participants were then asked to rate the degree to which they agreed with two "statements about society" on 7-point Likert scales (1 = "strongly disagree", 7 = "strongly agree"). These statements (see Appendix 5) were identical to the statements of social beliefs used in Study 4. In an attempt to contextualize the measurement of these belief statements even further than we did in Study 4, we explicitly asked participants to rate the extent to which they agreed with each statement "*when thinking about the debate surrounding access to assisted reproductive technology*".

"Statement 1" expressed the social mobility belief and "Statement 2" the social change belief. After rating each of these statements, participants chose which of these two statements they preferred (Appendix 5), and this choice was again contextualized by asking participants to make a choice of the social belief they preferred "when thinking about the debate surrounding access to assisted reproductive technology".

Speech evaluation task

In both conditions, the next screen (see "Description of the speech evaluation task", Appendix 5) gave participants information needed for the speech evaluation task. Participants in both conditions were asked to think about themselves as members of "the action committee of a women's organization". The instructions continued:

> "This organization has been campaigning against the proposed *Sex Discrimination Amendment Bill* since its proposal last August. The organization has argued that lesbians and single women should be granted access to assisted reproductive technology (ART) in addition to the access provided to married women and women in *de facto* relationships."

From this point onwards, instructions differed between conditions in order to operationalise the audience variable. In the *ingroup audience condition*, the instructions were:

> "The action committee is interested in getting your view on how a spokesperson should address this issue *at an upcoming general meeting of the women's organization*. The action committee agrees that the spokesperson's purpose should be *to persuade fellow members* at the general meeting *of the importance of continuing a campaign* for access to ART for lesbians and single women. However, the spokesperson would like to hear your view on which of two draft versions of a speech should *be finally delivered at the general meeting*. You are asked to read the two versions of the speech and advise the committee on which speech you think the spokesperson should deliver." (emphasis added)

The instructions in the *outgroup audience condition* that varied from the above read:

> "The action committee is interested in getting your view on how a spokesperson should address this issue *at an upcoming meeting with Howard Government MPs who support restricting access to ART* to married women and women in de facto relationships. The action committee agrees that the spokesperson's purpose should be to *persuade these politicians to rethink their view* on denying lesbians and single women access to ART. However, the spokesperson would like to hear your view on which of two draft versions of a speech should be *finally delivered to the Howard*

Government MPs. You are asked to read the two versions of the speech and advise the committee on which speech you think the spokesperson should deliver."
(emphasis added)

Participants in both conditions were asked to follow a link to a "speech window" displaying the two speeches (see Appendix 5). Both speeches were written by the experimenter. Speech A was intended to express inclusive, human rights-based arguments for more liberal access to ART. Speech B was an argument for more liberal access to ART based on emphasising the ability of lesbians and single women to parent, the need to protect them from subgroup discrimination, and to legitimate and recognise their subgroup identification. In the *ingroup audience condition*, both speeches were labeled "Presentation to a general meeting of the women's organization". In the *outgroup audience condition*, participants read speeches labeled "Presentation to Howard Government MPs".

Clicking on a "View Speeches Now" link opened up a separate window in the web browser that displayed the speeches, and the participants could spend as much time as they liked reading through both speeches. When participants were prepared to make their speech choice, they hit a button in the original questionnaire window that took them to the remaining questions. Participants could therefore continue to refer to the speeches in the speech window if they wished for the remainder of the time they were logged on to the experiment.

Next, participants were asked to type into a text box what they thought was the main difference in content between Speech A and Speech B (see Appendix 5). This question was included as a check to determine that participants perceived the difference in content as intended, ie. they perceived that Speech A used more inclusive human rights arguments and they perceived that Speech B used more sectional interests arguments in

the defence of the subgroup identities. It was hoped that needing to complete the content check question would force participants to read the speeches well, to explicitly compare the speeches, and to think about the possible reception of each speech *before* they made their speech choice.

Participants then chose which speech they thought the spokesperson should give to the audience (to fellow activists in the ingroup condition; and to Government MPs in the outgroup condition) by clicking the appropriate radio button. Participants were asked to type brief reasons for their choice of speech into a text box (Appendix 5).

Meta-stereotyping measures

Participants were then asked to think about "what the audience's impression of the speaker is likely to be if they deliver the speech you have chosen" (see Appendix 5). To do this, participants rated each of 12 adjectives in terms of how likely it would be that the audience would describe the speaker with that adjective. Ratings were made on 7-point Likert scales anchored by 1 = "not very likely", 7 = "very likely". The descriptors presented were: cooperative, un-Australian, constructive, radical, political, divisive, reasonable, community-minded, provocative, and, inspirational. Participants also rated whether each adjective was a positive description in the context, a negative description or a neutral description. Participants then had the opportunity to type reasons *why* they thought "the speaker would create the impression" they had indicated (see Appendix 5).

Participants then rated the likelihood of each trait becoming part of the audience's impression of the speaker *if the non-preferred speech was delivered* (see Appendix 5). Participants were not asked to remake valence ratings of the adjectives, and it was assumed that participants' valence ratings of the descriptors would not change much, if

at all, from the last task. Participants were asked to type the reasons why they thought the speaker would create the rated impression if the non-preferred speech was delivered to the audience (see Appendix 5).

Final measures

Finally, participants were asked to rate the extent to which they agreed with the statement "ART services should be restricted to married couples and *de facto* couples" on 7-point Likert scales (1 = "strongly disagree", 7 = "strongly agree"). The next question asked participants to disclose if they had "ever been involved in political action over other issues?" and to describe that action if they wished to. Participants were asked to indicate their gender and to answer either yes or no to the question: "Would you use ART if you had a need to and were given access to these services?".

<div align="center">Results</div>

Data screening

One hundred and eighty nine records were created in our database, though many of these records were incomplete (e.g. they were duplicates created by false-starts or incomplete records created by participants withdrawing from the experiment). We retained those cases where at least the activist identification scale, the speech choice and the speech content check question were completed, and tolerated missing data on other measures in an attempt to retain the maximum number of cases for the analysis of speech choice.

Previous political action

Of the 108 participants who answered this question, 87 respondents (80.6%) disclosed that they had previously taken part in political action over other issues. The number of participants who had been involved in previous political action did not differ between conditions (ingroup audience condition = 35 of 40 (87.5%), outgroup audience condition = 40 of 49 (81.6%); χ^2 = 2.10, $\underline{p}$ > .05). Where this action was further described by participants ($\underline{n}$ = 55), the action had been supportive of up to 40 separate causes, including a range of contemporary campaigns such as the Australian republic debate, East Timor, mandatory sentencing, and refugee rights campaigns. Some participants had been actively involved in social justice campaigning for a number of decades, having taken part in anti-nuclear protests, anti-Vietnam protests and anti-apartheid protests.

Consistent with some of the the literature on consequences of "activist" identification reviewed in Chapter 7, some respondents were willing to label themselves as general activists or noted that activism was part of their lifestyle and/or job. These participants admitted that they were constantly motivated towards political action (e.g. ID nos 30, 54, 95, 108, 131). At the other extreme, two people explicitly rejected the label "activist" fearing that it was the wrong term to describe the fact that they were politically-active, had often defended their political views publicly or supported protest campaigns (e.g. ID nos 119 and 192). One participant (ID no.131) suggested that experience as an activist teaches you that some forms of activism are "more conducive to change than others" (Appendix 5).

Content difference between speeches manipulation check

Further screening was done based on the answers to the speech content check question "what is the main difference in content between Speech A and Speech B?". Generally, the level of detail given in responses to the speech content check and other open-ended questions suggested that participants read and analysed the speeches in detail, and that they compared the content of speeches explicitly before choosing the speech they preferred. The gist of responses provided was coded by the experimenter to reflect whether the participant had detected the intended content difference between the speeches: that Speech A used arguments based on inclusive human rights of all women, and Speech B used arguments based on sectional interests of lesbians and single women.

The reasons given for ultimate speech choice were analysed in six cases where there was no response to the speech content check. It was clear that one of these cases could be included as satisfying the speech content check on the basis of the reasons given for speech choice. Data from the manipulation check coding is reported in Table 20. Participants often reported more reasons for difference between the conditions. Responses from participants who gave more than one reason for difference between conditions are coded as "primary responses" and "secondary responses" (any responses from a participant in addition to the expected gist) in Table 20.

Table 20: Frequencies of coded speech content check responses by condition

	Outgroup condition (n = 51)	Ingroup condition (n = 45)
Primary response		
expected response	42	38
unexpected (tone)	9	7
Secondary response		
tone	10	18
who advocating for	1	-
radical feminism	1	-
appeal vs demand	2	-

Eighty participants (42/51 or 82.4% of participants in the outgroup condition, plus 38/45 or 84.4% of participants in the ingroup condition) satisfied the speech content check by detecting the expected content difference between the content of the speeches: that Speech A was based more on inclusive human rights and Speech B was based more on sectional interests arguments. The participants articulated the expected difference in a variety of ways. To summarize the responses, Speech A was described as being based on inclusive rights (health and privacy rights), equality of all women, a principle of anti-discrimination for all, justice, a liberal concept of fairness, and individual choice. One participant (ID no 181) suggested that Speech A "[dealt] better with fundamental women's / human rights instead of muddying the issue with morality, homophobia, and family ideals". Descriptions of Speech B consistent with the expected gist can be summarized as: advocating a focus on sectional interests including acceptance of non-traditional relations and parents (lesbians and singles), a focus on the views and feelings of the affected women, outlining the psychological impact on the affected women, and providing more personalized and subjective arguments based on detail of the lives of women who have experienced discrimination.

Coding of the speech content check responses also allowed the identification of unexpected dimensions of difference. These responses were detected as the only difference between the speeches by 16 respondents (9 in the ingroup audience condition, and 7 in the outgroup audience condition). The most frequent unexpected difference detected between the speeches was that each speech used a different tone. One interpretation is that these unexpected perceptions of difference mean that we failed to cleanly operationalize the intended content difference between Speech A and Speech B, and that some participants failed to perceive the intended content difference as a result.

However, these 16 participants were retained in the sample in order to maximize sample size. The inclusion of these 16 participants can be further justified in the following way. Detection of this unexpected difference (and perhaps the secondary responses as well) may reflect *conclusions* or *consequences* drawn by participants on the basis of detecting the intended content difference between speeches. In other words, the expected difference could have been detected by these 16 participants but was articulated as a tone difference rather than being articulated as a difference between inclusive rights versus sectional interests. This interpretation suggests that our expected content difference caused related but unexpected primary and secondary responses to be reported by participants and is an argument against excluding the participants who reported them. This allows us to retain the 16 cases where a tone difference was the primary *and only* articulated difference between the speeches.

This detected tone difference(either as a primary or a secondary difference) can be summarised across participants as the perception that Speech A was sometimes

perceived as more factual, neutral, rational, logical, structured, precise, formal, simple, and succinct than Speech B. Participants perceiving differences in tone between the speeches also suggested that Speech A was unbiased, soft, diplomatic, conciliatory, was more political and persuasive, and had a greater likelihood of appealing to broad or conservative audiences. In contrast, the tone of Speech B was often thought to be emotive, inflammatory, unsubstantiated, angry, negative, direct, harsh, attacking, aggressive, confrontational, antagonistic, insulting and offensive to the audience (by especially suggesting that opponents to liberal access to ART were "homophobes" – a reference made in the text – or that they were "misogynists" – not in the text). Some participants suggested that Speech B blamed the audience, was more desperate, and defensive than Speech A, and assumed that the audience would not agree with the speaker's points. Note that 32 participants (14 or 27.5% in the outgroup audience condition, and 18 or 40% in the ingroup audience condition) *did* include secondary responses after correctly describing the intended difference between the speeches.

To complete the description of the speech content check responses, we note that three secondary differences were detected between the speeches (other than tone) by four participants. These included that Speech A advocated for a group the speaker did not belong to whereas Speech B advocated for the speaker's own membership group. One participant thought the differences between the speeches was that Speech B was more left wing and based in radical feminism, and another participant thought that Speech A was an appeal whereas speech B was a demand. Note that in the ingroup audience condition, the only secondary response made was to add that there seemed to be a tone difference between the speeches.

As a result of this screening (and the decision to retain the 16 participants detecting tone as the main difference between the speeches) a usable sample of 96 cases was analysed further.

<u>Attitudes on access to ART</u>

Responses to the item "ART services should be restricted to married couples and *de facto* couples" was reverse scored so that high scores reflected pro-access attitudes. Overall, the entire sample of participants held strong pro-access attitudes ($\underline{M}$ = 6.80, $\underline{sd}$ = .79, <u>median</u> = 7, $\underline{n}$ = 89) and pro-access attitude did not differ between conditions (outgroup audience condition: $\underline{M}$ = 6.69, $\underline{sd}$ = .96, <u>median</u> = 7, $\underline{n}$ = 49; ingroup audience condition: $\underline{M}$ = 6.93, $\underline{sd}$ = .47, <u>median</u> = 7, $\underline{n}$ = 40; $\underline{t}$ (72.9) = 1.48, $\underline{p}$ > .05).

Respondents were also asked the forced-choice question "would you use ART if you had a need to and were given access to these services". There were 11 participants who did not respond to this question. Responses showed that 69.4% of participants who replied to this question (58 of 85) agreed they would use ART, although 30.6% of respondents (26 of 85) did not think they would use ART if they needed to and could do so. This rate of agreement did not differ significantly between the ingroup and outgroup conditions (outgroup: yes = 35 (76.1%), no = 11 (23.9%); ingroup: yes = 24 (61.5%), no = 15 (12.5%); χ^2 = 2.10, $\underline{p}$ > .05).

This level of reluctance to use ART suggests that any decision to use ART is one that is not taken lightly, even by those actively campaigning for liberal access to these services. For example, two participants pointed out that the forced choice question did not allow them to explain the complex reasons behind personal choices to use or not use ART (ID nos 13 and 126 in "Previous political action"). For example, they argued that

a decision to use ART could not be defined as simply having a *need* to use the services – particularly since the issue can be construed as a right to choose issue rather than a need to choose issue. This difference is interesting and relates to wider debates about "medical infertility" (said to be beyond choice) and "social infertility" (said to involve some choice; Hogg & Collins, 2001 para 1.70). One of these participants (ID no. 13) also suggested that many other factors apart from need bear on the decision to use ART including: the level of available support from family and partner, willingness to have another child, the intrusiveness of the procedures, and health insurance coverage.

Activist identification

A principal components analysis was performed on ratings of the 6 items measuring identification as an activist of the women's movement. An unrotated solution extracted one factor. Collapsing across the six items to create one activist identification score demonstrated adequate reliability as was the case in Study 4 (α = .94). The mean activist identity score for the entire sample was ($\underline{M}$ = 5.65, $\underline{sd}$ = 1.45, $\underline{median}$ = 6.17, $\underline{n}$ = 96), and there was no difference in level of activist identification between the outgroup condition ($\underline{M}$ = 5.60, $\underline{sd}$ = 1.33, $\underline{median}$ = 6.00, $\underline{n}$ = 51) and the ingroup condition ($\underline{M}$ = 5.71, $\underline{sd}$ = 1.59, $\underline{median}$ = 6.17, $\underline{n}$ = 45; $\underline{t}$(94) = .36, $\underline{p}$ > .05).

Social beliefs

A 2 (condition: ingroup, outgroup) X 2 (social belief: mobility, change) between-participants ANOVA with repeated measures on the last factor was performed on mean social belief ratings. The within-participants effect for social belief ($\underline{F}$(1,94) = 1.61 , $\underline{p}$ > .05), and the condition X social belief interaction ($\underline{F}$(1,94) = 0.10 , $\underline{p}$ > .05) both failed to reach significance. This meant that each social belief was endorsed to an equal extent

in the outgroup condition (social mobility: $\underline{M}$ = 3.94, $\underline{sd}$ = 1.93; social change: $\underline{M}$ = 4.20, $\underline{sd}$ = 1.54) and in the ingroup condition (social mobility: $\underline{M}$ = 4.11, $\underline{sd}$ = 1.74; social change: $\underline{M}$ = 4.53, $\underline{sd}$ = 1.49).

Participants were also asked to choose which social belief statement they preferred when thinking about the debate surrounding access to assisted reproductive technology. Results from this forced-choice question (see Figure 9) suggest, against predictions, that equal numbers of participants preferred mobility and change beliefs (mobility preferred = 42; change preferred = 51). This balanced preference pattern did not vary between conditions (outgroup condition: mobility preferred = 24, change preferred = 25; ingroup condition: mobility preferred = 18, change preferred = 26; χ^2 = .61, $\underline{p}$ > .05, $\underline{n}$ = 93). Also, activist identification scores did not predict social belief preference (with activist identification scores centred for the analysis, mobility preferred coded as "1" and change preferred coded as "2"; $\underline{\beta}$ = .07, $\underline{t}$(92) = .63, $\underline{p}$ > .53, $\underline{\text{adjusted R}}^2$ = .007).

Figure 9: Social beliefs choice when thinking about ART issue
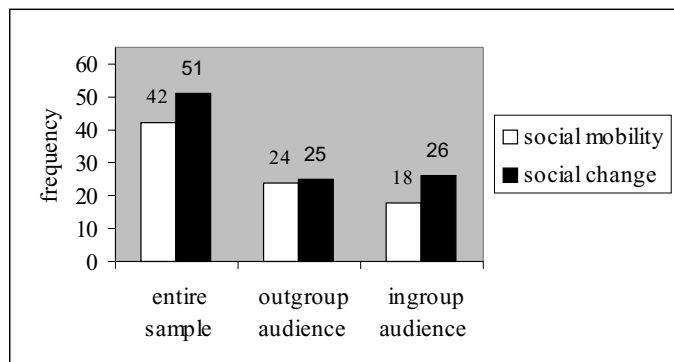
Speech choice

There was a preference for the inclusive human rights speech (Speech A) over the sectional interests speech (Speech B) irrespective of condition (Speech A preferred = 79

(82.3%); Speech B preferred = 17 (17.7%); see Figure 10). The relative level of

preference for the inclusive human rights speech was the same in each condition

(outgroup condition: Speech A preferred = 42 (82.4%), Speech B preferred = 9 (17.6%)

ID nos 28, 65, 90, 105, 118, 119, 120, 150, 157; ingroup condition: Speech A preferred

= 37 (82.2%), Speech B preferred = 8 (17.8%) ID nos 9, 53, 63, 72, 123, 125, 163, 193;

χ^2 = .01, p > .05; see Figure 10).

Figure 10: Speech preference by condition and for the entire sample
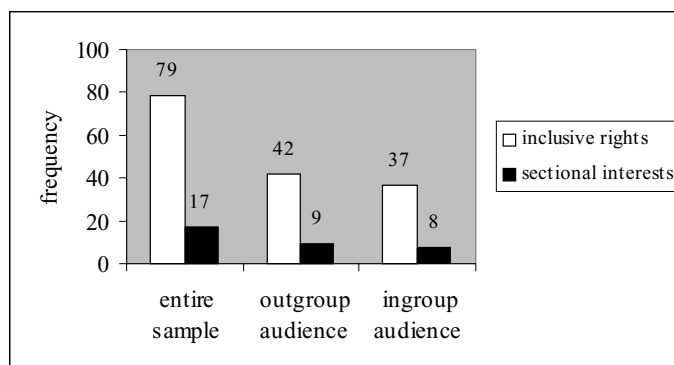
Mediational effect of social belief orientation on the relationship between activist identification and speech preference

We planned to test the mediational model in Figure 11 within each condition to

investigate predicted paths from activist identification scores through ratings of each

social belief (*and* participants' choice between beliefs), to speech preference.

Whole sample analyses

The regression of change belief rating, mobility belief rating, belief preference, and

speech preference on participants' activist identification scores *for the entire sample* did

not yield any significant results.

<u>Figure 11: Mediational models with activist identification, social beliefs and speech preference</u>

social beliefs preference

activist identification   speech preference
     score
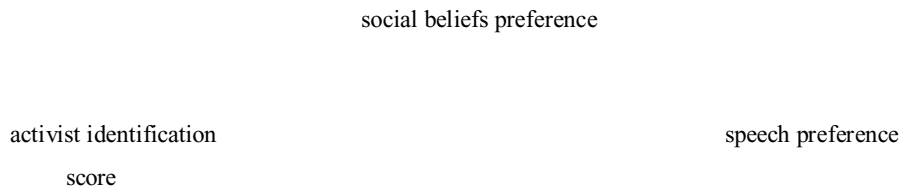
Outgroup audience condition

Preconditions for mediational analysis were not met in this condition, so the mediational models could not be tested. However, there was one significant relationship between participants' activist identification scores and their mobility beliefs rating (β = -.35, $\underline{t}$(49) = 2.61, $\underline{p}$< .05, <u>adjusted R</u>^{2} = .11). This result supports the finding from Study 4 and the prediction that participants with higher activist identity scores rate social mobility beliefs as *less* useful for giving meaning to the context of perceived injustice. This could constitute indirect evidence for the adoption of a social change orientation by activists in this study, though, the relationship between activist identification and social change beliefs was not significant in this condition (β = 1.24, $\underline{t}$(49) = 1.24, $\underline{p}$ >.05). Concentrating only on the path between social beliefs and speech preference, mobility belief ratings did significantly predict speech preferences, in line with an interpretation that a desire to use inclusive rhetoric flows from a social mobility belief orientation (β = .28, $\underline{t}$(49) = 2.07, $\underline{p}$ <.05, <u>adjusted R</u>^{2} = .06).

Ingroup audience condition

None of the preconditions for mediation held in this condition so the models were not tested. In addition, no significant paths between variables were revealed.

Reasons for speech choice

The reasons given for preferring one speech over the other were coded into four categories by the experimenter and frequencies for each reason category are shown in Table 21 by condition and by chosen speech. Participants could give more than one reason for speech preference. The main reason for preferring Speech A (the inclusive human rights speech) in both conditions was that it was perceived to be inclusive and to have an appropriate tone which was more likely to persuade the audience. A less popular reason for choosing Speech A was that the speech sounded more sophisticated and intelligent. The main reasons participants gave for preferring the sectional interest speech (Speech B) in both audience conditions was that it was perceived as giving a more direct, concrete, and personalised message encouraging the celebration of diversity, and highlighting the experience of affected women.

Table 21: Reasons for speech preference by condition and by preferred speech

	Outgroup	Ingroup
Speech A choosers	(n = 42)	(n = 37)
(inclusive rights speech)		
inclusive	22	24
tone	30	22
sophisticated / intelligent	2	2
diversity message	-	1
Speech B choosers	(n = 9)	(n = 8)
(sectional interests speech)		
diversity message	7	7
tone	1	1
inclusive	1	-

Some reasons for choosing the inclusive rights speech (Speech A): Inclusion and tone

Some of the participants' responses are reproduced below to give examples of how reasons for speech choice were articulated. Support for the inclusive human rights speech in *both conditions* was articulated in strategic terms; with Speech A thought to

increase the likelihood of influence (eg. ID nos: 76, 95, 96, 99, 127, 138, 144, 145, 152, 160, 174, 183). At times support for Speech A was articulated as avoiding the unnecessary creation of an intergroup boundary that may lead to even greater discrimination against some sub-groups of women already affected by restrictive ART access laws (ID nos: 76, 138, 144, 145).

Speech A was also preferred because it was thought to provide a softer tone. This was perceived to be more useful for the presentation to an *outgroup audience* in the examples below:

> "I don't always believe that the most radical line is the most effective. When in Rome, speak as the Romans do . . . talk to them in their speak . . . . and maybe they will hear what you have to say." (*ID no. 64, outgroup audience condition*).

> "I am a lawyer and the lesbian mother of twin boys. I do not feel the need to banner wave. Only logical arguments make any sense to governments. Change and recognition will only come about by ordered logical argument." (*ID no. 83, outgroup audience condition*).

> "I think that [Speech] A is better communication. I perceive that [Speech] B is written in the 'mother-tongue' of the activists, but [Speech] A will be better received. I think it is crucial to be able to speak in one's own language, but [as far as] the success of this course is concerned, A will take a larger step towards it. Perhaps the course for this 'mother-tongue' could be dealt with in another course, but from my observation, it does create barriers." (*ID no. 136, outgroup audience condition*).

> "Speech A fits with some of the rhetoric of the current government (the individualistic tone does anyway, if not the emphasis on human rights). It is more likely to be heard than Speech B. Speech B will not change the mind of anyone who is proud to discriminate against lesbians. Talk of 'celebrating' the lives of lesbians and single mothers is too challenging for the government." (*ID no.141, outgroup audience condition*).

> "I choose Speech A because this is an issue of fundamental rights and their equal availability. We have a medical/health service being withheld to some women simply because of the absence of an intimate relationship with a man. This issue is about women's human rights to be treated as individuals and not as male property. . . . . While I agree with the contents of . . [Speech B], I feel that this approach to the issue clouds it and allows prejudices and homophobia to enter the debate." (*ID no. 160, outgroup audience condition*).

> "I am an Australian who currently resides in the USA. I am actively involved in lobbying for the rights of people with disabilities in the USA. . . . . . I have gained a deep respect for the American constitution and for the rights of the individual. By protecting the rights of the individual you ensure the rights of the group. This is not an issue of access to ART for a part of our community but about restricting the rights of the individual because of a label." (*ID no. 171, outgroup audience condition*).

In the *ingroup condition*, there were suggestions that even though a social change and/or celebration of diversity message may be more palatable to a knowledgeable audience (e.g., ID no. 125), the existence of a consensus of pro-access opinions should not be overestimated by the speaker. Some activists (ID nos 59, 72, 158, 183) suggested that the speaker should err on the side of caution, and choose an inclusive approach if they were not entirely sure of the attitudes held by the audience, even if they knew the identity of the audience:

> "To me, Speech A is softer in language, it is not confrontative and for women who are not familiar with women's issues or the women's movement I believe that it would be more appropriate for a larger general audience." (*ID no. 59, ingroup audience condition*).

> "I would argue that unless it is predicted that the audience is predominately made up of individuals who identify with the groups identified in Speech B, Speech A may appeal more generally because it appeals to the values that we have been taught by dominant Western culture, and women have not been excluded from this training." (*ID no. 158, ingroup audience condition*).

> "It would very much depend on the type of women's organization – conservative types . . . [*example given here*] you'd need to be very careful, as opposed to openly feminist, community-based organizations which would respond better to Speech B." (*ID no. 183, ingroup audience condition*).

Some reasons for choosing the sectional interests speech (Speech B): The importance of the diversity message

Reasons given for choosing Speech B (the sectional interests speech), by the minority of participants who did so, appeared to suggest that these participants were using a *social change* orientation perhaps based on norms of an activist identity. For example:

> "I don't think that there is really a need to beat around the bush on any issue, why waste time namby pambying around the real issues through fear of being labeled, or offending someone." (*ID no. 118, outgroup audience condition*).

> "The Government needs to know what would the effects be for those who are subjected to their discriminative decision-making. I believe being straightforward is the best strategy in this case because this way they can't hide behind foggy explanations that may avoid the 'hot spot'. (*ID no. 150, outgroup audience condition*).

Metastereotyping

Participants rated both the preferred speech *and the* non-preferred speech on the same set of metastereotype dimensions.

Valence of metastereotype dimensions

The valences participants ascribed to each metastereotyping dimension are presented in Table 22 by condition and for the entire sample. Based on the frequencies for the entire sample, five dimensions of the metastereotype were perceived as being clearly positive: "cooperative", "constructive", "reasonable", "community-minded", and "inspirational". These dimensions were all judged as clearly positive in both the ingroup and outgroup conditions. One apparent difference between conditions is a trend in the ingroup condition for the metastereotype dimension "political" to be viewed more as a positive than a negative or neutral dimension.

Table 22: Frequency of ascribed valence (positive, negative or neutral) for each metastereotype dimension by condition and for entire sample

Dimension	Outgroup				Ingroup				Entire sample			
	pos	neg	neut	n	pos	neg	neut	n	pos	neg	neut	n
cooperative	42	2	6	50	33	0	8	41	75	2	14	91
un-Australian	3	22	25	50	5	23	13	41	8	45	38	91
constructive	45	1	4	50	39	1	1	41	84	2	5	91
radical	16	15	17	48	18	7	16	41	34	22	33	89
political	24	13	12	49	28	5	8	41	52	18	20	90
divisive	8	29	12	49	1	32	8	41	9	61	20	90
reasonable	41	4	4	49	35	1	5	41	76	5	9	90
community-minded	40	5	4	49	34	1	6	41	74	6	10	90
provocative	19	17	12	48	17	10	14	41	36	27	26	89
inspirational	36	4	8	48	34	0	4	38	70	4	12	86

To further confirm the valence of the rated dimensions, a principal components analysis with varimax rotation was conducted on the valence ratings made by participants.

Ratings were coded as 1 = positive, 2 = negative, and 3 = neutral. This analysis suggested that for the entire sample, the five positive dimensions identified above loaded on one factor and the other dimensions loaded on two more factors that could be labelled as "negative" dimensions of the metastereotype (Factor 2 = radical, political, provocative; Factor 3 = un-Australian, divisive).

These factor analyses were repeated on valence ratings made in each condition. Note that when these analyses were done within each audience condition, the case to variable ratio dropped from around 9:1 (entire sample) to 4.5:1 (maximum in ingroup) and 5.1:1 (maximum in outgroup). The lower case to variable ratios remain adequate for factor analysis in the view of some authors (Tabachnick & Fidell, 1989, p. 603). However it is worth noting that the absolute number of cases per condition was low and this may have weakened the analysis and further complicated the obtained factor structure. In the outgroup condition, the three factors that were obtained in the analysis of the entire sample were confirmed: one "positive" factor (cooperative, constructive, reasonable, community-minded, and inspirational), and two negative factors (Factor 2: radical political, provocative; Factor 3: un-Australian, divisive). However, in the ingroup condition, four factors were identified: two positive factors (Factor 1: constructive, inspirational; Factor 2: cooperative, reasonable), one negative factor obtained in other analyses (Factor 3: radical, political, provocative) and a fourth, predominantly negative factor (Factor 4: un-Australian, divisive, community-minded).

Perhaps the best way of interpreting the obtained valence factor structure of the metastereotype dimensions is to do so with reference to a principal components analysis of dimension ratings for both the preferred and non-preferred speeches. When this is done, the same two factors were extracted in both audience conditions (positive:

cooperative, constructive, reasonable, community-minded, inspirational; negative: un-Australian, radical, political, divisive, provocative) with one exception being the meta-stereotype dimension ratings of the non-preferred speech in the outgroup condition. In this condition, the negative factor was clearly identified in the rotated solution, but ratings on the positive dimensions loaded on two separate factors (Factor 2: reasonable, community-minded, inspirational, explaining 14.1% of the variance; Factor 3: cooperative, constructive, explaining 11.5% of the variance).

Metastereotype content

In light of the factor analyses above, metastereotype dimension ratings made by each participant on their preferred speech were averaged across all "positive" dimensions (cooperative, constructive, reasonable, community-minded, inspirational) to create the "pospref" score, and across all "negative" dimensions (un-Australian, radical, political, divisive, provocative) to create the "negpref" score. The same was done for ratings of the non-preferred speech, resulting in the "posnpref" score and the "negnpref" score. Across the whole sample, these scores showed adequate reliabilities ("pospref": $M =$ 4.75, $\underline{sd} = 1.25$, $\alpha = .84$; "negpref": $M = 4.05$, $\underline{sd} = 1.23$, $\alpha = .79$; "posnpref": $M =$ 2.99, $\underline{sd} = 1.17$, $\alpha = .84$; "negnpref": $M = 5.29$, $\underline{sd} = 1.42$, $\alpha = .86$).

In a factor analysis with the entire sample, the positive dimensions as a factor explained 42.9% of the variance in likelihood ratings when the preferred speech was to be delivered, and 14.2% of the variance when the non-preferred speech was to be delivered. Negative dimensions as a factor explained 17.0% and 52.4% of the variance in metastereotype likelihood ratings for the preferred speech and the non-preferred speech respectively. These results accord with the meta-stereotyping prediction that activists will prefer a speech because they think it is most likely to create a positive

impression of the speaker in the minds of the audience, and that they will reject the speech they think is most likely to cause the audience to create a negative impression of the speaker.

A score was then computed to reflect how positive the metastereotype was perceived to be by each participant. This was done for the ratings of the preferred and the non-preferred speeches separately by subtracting the mean metastereotype rating on all negative traits from the mean metastereotype rating on all positive traits, such that for the preferred speech, "valpref" equalled "pospref" minus "negpref" and, for the non-preferred speech, "valnpref" equalled "posnpref" minus "negnpref".

Since pospref, negpref, posnpref and negnpref ranged from 1 to 7, valpref and valnpref ranged between -7 (least positive metastereotype) through 0 (netural metastereotype) to +7 (most positive metastereotype).

A relative valence score was then calculated to reflect how positive the metastereotype for the preferred speech was compared to how positive the metastereotype for the non-preferred speech was. This "relval" score was equal to "valpref" minus "valnpref", and could range from -7 (metastereotype for the non-preferred speech is most positive) through 0 (metastereotypes for the preferred and non-preferred speech are as positive as each other) to 14 (metastereotype for the preferred speech is most positive).

Table 23: Mean ratings of the positivity of metastereotype for preferred (valpref) and non-preferred (valnpref) speeches and the positivity of the preferred speech relative to the non-preferred speech (relval) by condition

audience	valpref	n	valnpref	n	relval	n
outgroup	0.11 (2.12)	46	-2.90 (2.15)	48	3.03 (2.74)	45
ingroup	1.49 (1.82)	39	-1.46 (2.36)	37	3.16 (3.05)	35

"valpref" and "valnpref" ranges between -7 (least positive metastereotype) through 0 (netural metastereotype) to +7 (most positive metastereotype); "relval" ranges from -7 (metastereotype for non-preferred speech is most positive) through 0 (metastereotypes for the preferred and non-preferred speech are equally positive) to 14 (metastereotype for preferred speech is most positive); standard deviations for the measures are given in brackets

Values of valpref, valnpref and relval are shown in Table 23 by condition and for the entire sample. Basically, these measures show that the metastereotype created by participants after they expected the preferred speech would be presented (valpref) is positive in both conditions, though it was expected to be negative after presentation of the non-preferred speech (valnpref). T-tests conducted between conditions on valpref, valnpref, and relval reveal that the metastereotype is significantly more positive when the preferred speech is to be delivered to the ingroup (M = 1.49, sd = 1.82) than the outgroup (M = .11, sd = 1.82; $t(83)$ = 3.18, p < .01). The same pattern holds when participants consider what impression is likely to be generated of the speaker by presentation of the non-preferred speech – with the valence of the metastereotype more positive when the non-preferred speech is presented to ingroup (M = -1.46, sd = 2.36) than the outgroup (M = 2.90, sd = 2.15; $t(83)$ = 2.92, p < .01).

This result may suggest that the choice of speech for presentation to the outgroup is considered to be more crucial than choice of speech for the ingroup audience.

Participants appeared less confident of a positive reaction from the outgroup audience (i.e. less confident that the outgroup will have a positive stereotype of the speaker). More positivity is expected from ingroup audiences compared to outgroup audiences, though not enough to change the valence of the metastereotype to positive when the non-preferred speech is delivered to the ingroup audience.

However, the relative positivity of the preferred speech compared to the non-preferred speech does not differ between audience conditions (presentation to ingroup: $\underline{M}$ = 3.16, $\underline{sd}$ = 3.05; presentation to outgroup: $\underline{M}$ = 3.03, $\underline{sd}$ = 2.74; $\underline{t}$(78) = .83, p > .05). This result again suggests that participants are preferring speeches in each condition *because* they believe that the chosen speech is more likely to create a positive impression of the speaker in the minds of the audience than the non-preferred speech.

The mean meta-stereotype ratings presented as valpref, valnpref and relval can also be analysed by grouping results according to which particular speech was preferred in each audience condition (see Table 24). T-testing revealed that *participants who preferred the inclusive human rights speech* for presentation to the ingroup audience condition expected the metastereotype would be more positive ($\underline{M}$ = 1.81, $\underline{sd}$ = 1.74) than did those participants who preferred that the same speech be presented to the outgroup audience ($\underline{M}$ = .29, $\underline{sd}$ = 1.98; $\underline{t}$(69) = 3.39, $\underline{p}$ <.01). As above, participants' metastereotypes created when considering presentation of the non-preferred speech (in this case the sectional interests speech) was more negative when the audience was outgroup ($\underline{M}$ = -3.21, $\underline{sd}$ = 2.00) than when it was ingroup ($\underline{M}$ = -2.19, $\underline{sd}$ = 1.95; $\underline{t}$(69) = 2.15, $\underline{p}$ <.05). These results confirm the trend above, that selection of the speech for the outgroup audience is particularly crucial, in that the "wrong" choice is feared to create a greater negative backlash.

Again, the relval scores for those preferring Speech A suggested that the preferred speech was chosen in each audience condition because the metastereotype was expected to be positive (presentation to outgroup: $\underline{M}$ = 3.48, $\underline{sd}$ = 2.29; presentation to ingroup: $\underline{M}$ = 4.12, $\underline{sd}$ = 2.17). Again, there was no difference in the relative positivity of the metastereotype created for preferred versus non-preferred speech delivery between conditions ($\underline{t}$(66) = 1.16, $\underline{p}$ > .05).

Table 24: Valpref, Valnpref and relval by condition and preferred speech

	valpref	n	valnpref	n	relval	n
Speech A preferred						
outgroup audience	.29 (1.98)	39	-3.21 (2.00)	41	3.48 (2.29)	39
ingroup audience	1.81 (1.74)	32	-2.19 (1.95)	30	4.12 (2.17)	29
Speech B preferred						
outgroup audience	-.89 (2.72)	7	-1.09 (2.27)	7	.07 (3.78)	6
ingroup audience	.03 (1.56)	7	1.63 (1.20)	7	-1.47 (2.44)	6

Note: standard deviations in brackets

Table 24 also reports data for these metastereotype valence measures for *the participants who preferred the sectional interests speech*. Claims here should not be overstated due to small cell sizes. Firstly, the metastereotype created by presentation of the preferred sectional interests speech is not significantly different between conditions, and is not clearly positive (outgroup audience: $\underline{M}$ = -.89, $\underline{sd}$ = 2.72; ingroup audience: $\underline{M}$ = .03, $\underline{sd}$ = 1.56; $\underline{t}$(12) = .77, $\underline{p}$ > .05). This result is supported by the results on relval, that are not significantly different between condition (outgroup audience: $\underline{M}$ = .07, $\underline{sd}$ = 3.78; ingroup audience: $\underline{M}$ = -1.47, $\underline{sd}$ = 2.44; $\underline{t}$(10) = .84, $\underline{p}$ > .05) and are not as positive as other scores for the entire sample or the inclusive rights speech choosers. However, it appears that the participants preferring presentation of the sectional interest

speech, expected that the metastereotype created would be significantly more negative if the inclusive rights speech is presented to the outgroup ($\underline{M}$ = -1.09, sd = 2.27) than if this non-preferred speech is presented to the ingroup ($\underline{M}$ = 1.63, $\underline{sd}$ = 1.20; $\underline{t}$(12) = 2.80, $\underline{p}$ < .05). Together these results may indicate that for the minority of participants preferring presentation of the sectional interests speech, being negatively stereotyped by the audience is not a problem. Perhaps the minority who prefer the sectional interests speech understand that they do so at the expense of a generating a negative impression of the ingroup speaker in the minds of the outgroup.

Reasons for the metastereotype when the preferred speech is to be delivered

Participants were free to list as many reasons as they considered appropriate to explain why they thought the speaker would create the impression the participant indicated on the metastereotype rating scales. These data was coded by the experimenter and reported in Table 25 by condition and by preferred speech. The participants used a variety of reasons to explain their metastereotypes. We have seen already that participants chose speeches because they thought the speech caused the audience to stereotype the speaker positively.

Table 25: Coded reasons for the metastereotype generated by considering the delivery of either speech by condition and speech preference

	Preferred speech delivered		Non-preferred speech delivered	
	Outgroup	Ingroup	Outgroup	Ingroup
Speech A choosers	($\underline{n}$ = 42)	($\underline{n}$ = 37)	($\underline{n}$ = 42)	($\underline{n}$ = 37)
inclusive	19	24	-	-
audience closed-minded	14	1	14	4
positive tone	6	10	-	-
ART issue is provocative	4	2	-	-
unsure of audience diversity	1	4	-	3
depends on presentation style	-	2	-	-
diversity message	-	1	14	14
negative tone	-	2	9	17
not inclusive enough	-	-	11	6
speech too inclusive	-	-	1	1
audience made part of the problem	-	-	4	1
no reason given at all	4	5	6	7
Speech B choosers	($\underline{n}$ = 9)	($\underline{n}$ = 8)	($\underline{n}$ = 9)	($\underline{n}$ = 8)
diversity message	2	4	-	1
negative tone	1	2	-	-
audience fears loss of control	2	-	1	-
inclusive	2	2	-	-
unsure of audience diversity	1	1	-	-
speech too inclusive	-	-	4	5
audience closed-minded	1	-	2	1
willing to work within system	-	-	-	1
ART issue is provocative	-	-	-	1
no reason given at all	1	-	2	1

Note: entries are the number of times these reasons were mentioned by participants and some of the reasons were mentioned by the same participant

When the inclusive human rights speech (Speech A) is preferred: When the inclusive human rights speech (Speech A) was preferred the metastereotype was predominantly attributed to the inclusive, mainstream, and equality-driven focus of the speech. Reasons given by participants for the metastereotype in both conditions suggested that Speech A did not create intergroup boundaries but, instead, would encourage debate due to its focus on the legitimized rhetoric of individualism. Participants in the *outgroup audience condition* also thought the impression of the speaker may be driven by the

closed-mindedness of the Howard Government MPs. Some participants also based their metastereotypes on the positive or negative tone of the speech, or the fact that the ART issue was provocative itself. Some participants' explained that their metastereotype ratings were affected by some uncertainty, for example, that they were unsure of the level of diversity within the Howard Government or the women's group on this issue. Further, some participants suggested that the impression created of the speaker in the minds of the audience would depend on how the speech content was actually delivered.

Some responses are reproduced below to further illustrate these patterns. For example some participants preferred delivery of Speech A to an *outgroup audience* since they were keen not to cause further undue discrimination against lesbians by making lesbians appear different and therefore vulnerable to a negative social stereotyping:

> "The speaker is not putting lesbians and single mothers in the outfield. They are including them as part of the broader community. The argument is clearly about human rights not lesbian rights. The subject rather than the speech is both provocative and political." (*ID no. 95, outgroup audience condition*).

Some participants spoke very strategically about who their audience was, and why Speech A would create the better impression of the speaker:

> "Tories tend to see people invoking universalist notions of rights as constructive and not divisive. They tend to see group-based thinking as divisive, and possibly communist. In order not to be seen as overly negative, unreasonable or divisive, they refer to individuals rather than groups as the basic political unit." (*ID no. 117, outgroup audience condition*).

> "I think that Speech A is not particularly confrontational in an intimidating way. It sounds quite logical and reasonable providing solid arguments for points made. It is however, not particularly inspirational either, but I would not know how that could be improved. Unfortunately, this is a topic where most people probably already have an opinion and there would only be a small minority open to changing that opinion." (*ID no. 171, outgroup audience condition*)

Other participants seemed to reluctantly agree that needing to control the impression created by the speaker unfortunately dictates that the safer, more inclusive, and less inspirational speech should be delivered:

"The speech is logical , sounds professional, is a little radical in that the views of maintstream Australia may not be reflected in this speech. The speech I don't consider is inspirational, it doesn't inspire me to get out and protest or write to any one to express my concern." (ID no. 142, *outgroup audience condition*).

"it is not too provocative in that it is not too 'in your face', the person may be perceived as being community-minded and reasonable, obviously politically active but in the reasonable and considered approach of the speech could possibly be perceived as being approachable rather than divisive and radical. To keep them engaged, this is important . . . . I know that it is playing into the 'Backlash' but it is important to win this one . . . sometimes you just have to play the game by their rules . . . and use them against them." (*ID no. 64, outgroup audience condition*).

In contrast, some participants preferring Speech A for delivery to an *ingroup audience*, suggested that not all women in women's groups are radical (ID no.s 32, 40, 59, 154, 163, 174, 183). For these reasons, metastereotypes were often thought to be shaped by the ideological diversity that may be found even in ingroup audiences. These participants expressed this reason, in the following ways which emphasise why they support an inclusive strategy even for ingroup mobilization:

"[Speech A] weaves around and does a good job to accommodate different views on the issue . . . . . it isn't divisive from the point of view of the audience . . . . . there may be a few who want it said differently – in a more extreme way – . . . . it says things clearly, and it talks about values and human rights . . . " (*ID no. 13, ingroup audience*).

"Speech A is [a] reasonable, logical argument about the Bill which focuses on concepts that are generally known and agreed with ie. health and right to privacy. For those reasons it is not particularly provocative or inspiring but it would probably appeal more to the people with power in our community because of those reasons. It needs to be remembered that women with power in our community, including those who associate themselves with a women's organization are not necessarily radical." (*ID no. 40, ingroup audience condition*).

"The subject matter is explosive and can be misconstrued by each individual audience member depending on their own moral grounds, the issue needs to be assessed by the audience on independent human rights grounds." (*ID no. 154, ingroup audience condition*).

"There are going to be people in the audience who are from all ages and from all walks of life. More conservative, older members of our community may feel that the issue is radical, not because of the issues surrounding lesbian/single women's rights but because they view IVF and GIFT as radical. People who believe that all people should have equal rights irrespective of sexual preference or marital status would find the speech inspirational." (*ID no. 174, ingroup audience condition*).

"My very neutral [metastereotype likelihood] responses are because I can think of two quite different women's health organisations and I would get extremely different responses, mainly because of the subject matter. I think a more pertinent question is, are you speaking to a group of people who are neutral to start with or have a leaning (dare I say a bias), one way or the other." (*ID no. 183, ingroup audience condition*).

As was the case for the outgroup audience, the inclusive human rights speech presented

to the ingroup was thought to minimize intergroup boundaries that further discriminate

marginalized women:

> "The speech avoids creating an 'other' and make[s] the issue one of a fair go for all women. It speaks the language of national day to day political debate." (*ID no. 31, ingroup audience condition*).

When the sectional interests speech (Speech B) is preferred: Of the minority of

participants who preferred the sectional interests speech (Speech B), those in the

ingroup audience condition suggested that their metastereotype was shaped by the fact

that the speech was direct, challenging, and urged a celebration of diversity:

> "The speaker does appear to be not overly cooperative with oppositional voices due to the highly radical and political nature of the speech. I do believe that these divisive measures are positive as it is necessary when pursuing political change that conflicts with the dominant agenda to present alternative views. The person is definitely community-minded in regards to a community of interest (women who choose to parent without men). It is provocative and inspirational because you think to yourself this person really is willing to put their views on the table in a highly radical manner to pursue political change." (*ID no. 63, ingroup audience condition*).

Participants in the *outgroup audience condition* also explained that their

metastereotypes were shaped by the direct nature of the diversity message put by

Speech B. One further factor said to shape metastereotyping was that the (especially

male) audience feared losing control over women or childbirth.

Reasons for the metastereotype when the non-preferred speech is to be delivered

Participants listed reasons to explain their metastereotypes when considering delivery of

the non-preferred speech. These data was coded by the experimenter and is also

reported in Table 25.

When the inclusive human rights speech (Speech A) is preferred: Participants in the

outgroup audience condition, who preferred Speech A, thought that their

metastereotype created by presentation of Speech B would be due to the presentation of

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a direct and radical pro-diversity message, the closed-mindedness of the Howard

Government MPs, the negative tone of the speech and the fact that the speech was not

inclusive enough. For example:

> "[Speech B] would be seen to be about only a small group of women, who are taking
> it upon themselves to say these things on behalf of all women, this I would find
> insulting, and while I agree with the fact that all women should have the right of
> access to fertilization, I would disagree with this speech because it focuses mostly
> on lesbian women. Anyway, you catch more flies with honey." (*ID no. 50, outgroup
> audience condition*).

> "Speech B would totally put people offside, and the speaker would probably be seen
> as some left radical lezzo type, trying to prove that gay parents are just as good as
> 'normal' parents, but we know that's not true right??? Speech B would not endear
> the audience to the speaker, because it does not focus as much on the legislation, it
> tries more to justify the lifestyle in a pleading kind of way, and that will never work
> because the audience from the PM's office will never never never be convinced by
> those kinds of arguments – need to appeal to their sense of individual rights." (*ID
> no. 66, outgroup audience condition*).

> "Because [Speech B] is more hostile in nature . . . .the speaker could possibly come
> across as an angry lesbian . . [to] a conservative audience." (*ID no. 132, outgroup
> audience*)

> "[Speech B] sets lesbians and single mothers [up] as special groups that appear to be
> asking for special rights. It would be an OK speech within the community, but it is
> likely to close people's minds, rather than setting them to question the fairness of the
> sexual discrimination bill." (*ID no. 95, outgroup audience condition*).

Some participants made direct comparisons between the rhetorical choices when

suggesting the pro-diversity sectional interests speech was too divisive:

> "Using the more florid language about lesbians and sole parents being insulted and
> about legitimising lesbian lifestyles is likely to sound more radical than appealing to
> rights/justice." (*ID no. 49, outgroup audience condition*).

> "Because this speaker would be seen to be pushing the rights and interests of
> lesbians without regard to the self-perceived 'rights' of those in the community who
> disapprove of their lifestyles to remain oblivious to them. . . . .The generalised
> notion of equal rights and anti-discrimination, on the other hand, while once radical
> are now considered passe and are generally (rather than once specfics are got down
> to) accepted by most people." (*ID no. 186, outgroup audience condition*)

> "Group-based politics, especially when applied to women and queers, is seen as
> overly radical and divisive. Tories are more likely to respond to universalist rights
> based rhetoric." (*ID no. 117, outgroup audience condition*).

Participants who preferred Speech A in the *ingroup audience condition* gave similar

reasons for the metastereotypes related to the presentation of the non-preffered Speech

B. For example:

> "[Speech B is] a negative-based speech that, while about rights, is unstrategic in
> hitting people over the head about 'how hard lesbians already have it' – which is

true, but guaranteed to get people's backs up. It's potentially branding the audience
as part of the problem rather than drawing them in as part of higher minded cause."
(*ID no. 12, ingroup audience condition*).

Also, sub-group rights were expected to be more divisive than rights of women, *even when presented to an ingroup audience*:

> "The issue of rights for lesbians would be regarded as more radical and provocative than the issue of human rights" (*ID no. 34, ingroup audience condition*)

> "[Speech B] is quite emotive. It focuses on lesbian rights as opposed to women's rights and I believe this is divisive and would create division within the audience."
> (*ID no. 76, ingroup audience condition*).

When the sectional interests speech (Speech B) is preferred: Those with a more radical perspective and were willing to see Speech B presented explained their metastereotype created by presentation of Speech A as resulting because that speech was too inclusive, vague and soft, and did not refer, as Speech B did, to the specific experience of affected women. The non-preferred Speech A was also criticised for use in the *outgroup audience condition* because:

> "it sounds like it came out of a spin doctoring machine." (*ID no. 118, outgroup audience condition*)

> "[the] writer doesn't elaborate on other single women and their reasons or desires for ART. It doesn't discuss the issue of single, homosexual or extended family situations. It doesn't talk of cultural reasons for rejecting the bill (other countries' attitudes, human rights commission and UN attitudes to this kind of discrimination)." (*ID no. 119, outgroup audience condition*)

and in the *ingroup audience condition* because:

> "The arguments are so mild as to be easy and not scary (this doesn't mean they are not valid). This means that they are 'reasonable' but lack the ability to be inspirational as they risk nothing." (*ID no. 125, ingroup audience condition*).

Discussion

In Study 5, we aimed to determine when activists may "risk something" and defend subgroup injustice with rhetoric aimed at protecting subgroups *qua* subgroups – the rhetorical effect of asserting unique subgroup rights. Even though all participants in our

sample identified strongly as activists of the women's movement, against predictions activist identification scores neither predicted the endorsement of social beliefs nor the socially competitive speech choice, either directly or mediated by social belief orientation. Interestingly, although activist identification was high across the sample, the preference for social mobility and social change beliefs in the context was equal.

Our measure of adopting an identity management strategy of either social creativity or social competition in response to the perceived injustice in the context of a politicized communicative context was the choice of the inclusive human rights speech versus the sectional interests speech. Participants considered which speech would be best delivered to either an ingroup or an outgroup audience. There was unexpected support by a clear majority of participants for the delivery of the inclusive human rights speech to *both* audiences. This demonstrating use of a socially-creative response; the use of inclusive human rights rhetoric. In contrast, the reasons for speech choice and for metastereotyping given by those who preferred delivery of the sectional interests speech (the socially competitive response) seemed to suggest that they were unwilling to compromise their activist, social change orientation by endorsing the use of a socially-creative response based on inclusion. Instead, they preferred a response that helped to protect and celebrate subgroup identity on its own terms.

We had predicted that activists attempting to change the views of a potentially hostile outgroup audience would prefer to deliver the more inclusive human rights speech rather than the sectional interests speech in support of access to ART. This prediction was supported. This is an interesting result suggesting that a fourth type of social creativity strategy –the use of inclusive rhetoric to categorize opposed political speakers and audiences as the same social group – was used by committed activists during a

particularly controversial political fight. This strategy is often available as a rights-based response to subgroup injustice. There is often the ability to reframe the suffered subgroup injustice as a violation of individual rights that we all share as members of a common collective. This is consistent with use of an equality-driven construal of human rights. However, in this study, its relation to activist identification and social belief orientation was less clear. In any case, the use of inclusive rhetoric as a socially-creative identity-management strategy is clear and seems to be in line with work on political influence by Reicher & Hopkins (1996a) and Reicher & Hopkins (1996b). The metastereotype measures confirmed that choice of speech was related to beliefs that the speech would create favourable intergroup impressions in the minds of the audience.

We did not get support for the prediction that activists attempting to motivate a sympathetic *ingroup* audience would prefer to deliver the socially-competitive sectional interests speech. Within the minority of participants who supported the use of that speech, however, some suggested that the inclusive rights rhetoric was uninspirational. One possible post-hoc explanation for failure of this prediction is that participants were not assuming that the ingroup would be attitudinally homogenous on the ART issue presented. Some participants remained wary of the possible diversity of opinion that may exist within an ingroup audience. Activists seemed more cautious about addressing the ingroup with sectional interests rhetoric than was expected. Metastereotype responses suggested that participants expected to be more negatively stereotyped by the outgroup when Speech B was used, especially to the outgroup audience. It is interesting that the metastereotyping measures show that participants did not expect an overwhelmingly positive stereotypical response from the ingroup – even when the inclusive rights speech was to be delivered. In any case, the belief that it may be easier to induce ingroup audiences rather than outgroup audiences to positively

stereotype the speaker did not preclude the obvious use of strategic thinking when considering addressing *both* the ingroup and outgroup audiences. These results again imply a level of sensitivity to the dynamic nature of politicized collective identities. Adding measures of perceived attitudinal homogeneity of ingroup and outgroup political audiences in future work may help to clarify the nature of this caution by those attempting political persuasion.

The obtained results also mean that it is oversimplification and caricature to suggest that activists always take the most highly radical and provocative response to perceived injustice. These data suggest that responses aimed at outgroup members with the aim of conversion or aimed at ingroup members with the aim of ongoing mobilization can both be structured around quite safe inclusive rights rhetoric. Therefore, the use of inclusive human rights rhetoric, in addition to being a rhetoric of choice to hostile outgroups, may also be considered a good way for activists to mobilise ingroup support as well. This may especially be the case on controversial issues with the ability to split activist groups. Inclusive campaign rhetoric may avoid schismatic processes developing in diverse political ingroups and may protect alliances of political convenience between like-minded groups on an issue that is not central to the political identity and agenda of groups within that alliance. Perhaps this cautious approach to both the outgroup and the ingroup audience is a reflection of what Mugny (1975) would label the use of a flexible negotiation style rather than argumentation by rigid minorities. These concepts relating to rhetorical style may assist our understanding of using socially-creative identity-management strategies as a politicized response to perceived subgroup injustice motivated by a social change orientation.

It is worth noting that, despite these interesting results about relations within ingroups or between ideologically-similar groups, we did have evidence that the participants preferring more radical responses, sometimes found the inclusive human rights rhetoric to be uninspirational and contrived.

One weakness of this study was the participants' unexpected detection of a tone difference between the speeches. The perceived negative tone of the sectional interests speech relative to the inclusive rights speech is an interesting result. We argued that the difference does not necessarily reflect a failed manipulation of intended speech content. However, for some participants, this tone difference may have been the central reason for choosing the inclusive human rights speech over the sectional interests speech, escpecially in the outgroup condition. For some activists, the tone difference reflected their belief that it is almost impossible to argue from a subgroup perspective with less hostile or less combative speech. In any case, it is interesting that inclusive rights rhetoric is perceived as less problematic and less offensive than pleas from a subgroup perspective. It is also interesting that the speech with safer tone was still preferred for presentation to an ingroup audience. In future work using such a paradigm, piloting of speeches for tone differences would be advised in order to confirm that the speeches used were more comparable in terms of tone. One alternative would be to use real speeches presented as part of actual political debate. However, those considered when planning the study used very colourful tone or were not sufficiently focused on the issues we hoped to target with the speeches. It would be interesting to systematically determine whether the differences in tone between inclusive human rights and sectional interests speeches naturally occur in political rhetoric used in social justice debates.

One way to further improve the paradigm may be to remeasure social belief endorsement *after* the audience manipulation instead of only in response to the description of the target issue or justice problem. This may contextualise the measurement of social beliefs even more strongly in the context of considering the range of politicized collective identities. In this way, measures of social beliefs orientation taken at this stage in the experimental sequence may more closely reflect the subjective structuring of both the justice problem *and* the relationships between politicized collective identities within a particular communicative context. This may help to clarify the links between tested variables further, and may help achieve a clearer understanding of the impact of operative social belief orientation.

<u>General Discussion</u>

Together, the results of Studies 4 and 5 do not clearly support Hypotheses 4 and 5. Firstly, activist identification did not reliably lead to adoption of a social change beliefs orientation clearly leading to a preference for a vulnerable group construal of the purpose of human rights. In Study 4, the perception of political efficacy was not a function of activist identification *per se*. In Study 5, the measurement of metastereotypes may better address the question of efficacy and may better capture the psychological reality of making efficacy judgements in the context of an ongoing political relationship. In this study, inclusive human rights rhetoric was considered to be a more politically-useful campaign strategy for influencing clearly hostile outgroup audiences and for mobilising potentially sympathetic ingroup audiences. This insight into an intergroup relations model of perceiving political efficacy exposes a rich set of collective dynamics. This approach is quite different to the extrapolations from an individual-level calculus that may be overused in supposedly *social* psychological

theories of collective responses to injustice (e.g. expectancy-value analysis, Klandermans, 1997).

Hypothesis 6 was confirmed in Study 5 and participants seemed highly sensitive to the political relationships in the communicative contexts presented. However, at least in the context of the ART debate, the specific prediction about using socially-competitive subgroup rhetoric to ingroup audiences was not supported. Inclusive human rights rhetoric was not only perceived as a politically useful way to manage ingroup-outgroup relations, but it was also seen as useful for the political mobilisation of ingroups.

In these two studies then, we have confirmed the preference for equality-driven construals of the purpose of human rights. We have also demonstrated a preference for a socially-creative use of inclusive human rights rhetoric in response to perceived subgroup injustice. This was the case even for a majority of committed activists who identified as activists. These results demonstrated the impact of politicized collective identities upon strategic campaign planning. However, we are left facing the reality of a dominant equality-driven construal of the purpose of human rights. We are left with the question of when or if assimilationist thinking will ever be completely divorced from rights-based responses to subgroup injustice. In terms of possible antecedents to social change orientations and to strategies of social competition, we still must ask when activists (or, even non-activists) will perceive a need to assert subgroup identities by asserting unique subgroup rights which may help to increase the impact of subgroup memberships within the broader collective. In Study 5, despite the preference for using inclusive human rights rhetoric, some participants acknowledged possible short-term and long-term problems with using an equality-as-sameness approach to remedying harm to subgroup identity. For these participants, the need to recognise, celebrate and

protect unique subgroup rights as subgroup rather than individualised human rights was obvious. So we are left to ask the question: "unique subgroup rights – *quo vadis*?" And, importantly, "how can social psychology follow?"

Chapter 9: What is the future for unique subgroup rights and a social psychology of them?

One important reason for running this program of research was to better understand when a subgroup will prefer to "intensify the impact of its group membership" (Haslam, 2001, p. 35) by asserting unique subgroup rights in the political context of perceived subgroup injustice. This desire was rarely displayed in the studies reported in this thesis. In Study 1, qualitative data suggested that in the context of protecting neighbourhoods from burglary with added surveillance, privacy rights violations were seldom claimed. If they were claimed, they were very rarely claimed to be subgroup rights violations. In Studies 2, 3, and 4 in the context of the mandatory sentencing debate, privacy rights in the skill testing debate and refugee rights, the purpose of human rights was overwhelmingly construed as the protection of all Australians irrespective of the subgroups to which they may belong (the equality-driven construal of human rights). This was in preference to construing the purpose of human rights law as the protection of vulnerable subgroups within Australian society. Beyond the measured construals of the purpose of human rights in these studies, those preferring socially-competitive identity management strategies to the use of inclusive rights rhetoric were clearly in the minority. Study 5 demonstrated that socially-creative responses to injustice adopted even by activists addressing outgroup and ingroup audiences may be explained by the use of strategic thinking in the context of the demands of a specific ideological and political dispute. In Studies 4 and 5, overwhelming preferences for equality-driven construals of human rights and for social creativity as an identity-management strategy were evident irrespective of identification as a human rights activist.

As mentioned earlier, perhaps historical analyses of the socialisation of rights concepts during the League of Nations and the United Nations regimes show a shift from celebrating diversity to embracing equality-as-sameness rhetoric. However, the legal evolution of human rights concepts from first generation individual rights, through second generation economic, social and cultural rights in the broad collective interest to attempted protection of unique subgroup rights by the UN may now demand a richer representation of the purpose of human rights.

We can speculate, as we began to do in Chapter 7, about why equality-driven construals of human rights may be psychologically and politically inadequate, despite our results. The testing of these speculations more fully will require additional social psychological work. Firstly, it appears strategically and psychologically sensible to respond to moral exclusion (Boeckmann & Tyler, 1997; Opotow, 1990) with socially-creative, inclusive human rights rhetoric. This may simply be because the scope of the justice problem is defined by the question of membership of a "primary category" or broad collective (Platow et al., in press; Wenzel, 2000; Wenzel, 2001) *rather than* merely protection from relative subgroup discrimination *within* the moral community (Nolan & Oakes, in press). But, there is the rub. Tokenistic moral inclusion that leaves a subgroup vulnerable to ongoing (in)direct subgroup discrimination may need more than socially-creative responses consistent with an equality-driven construal of human rights in order to provide adequate protection and recognition of subgroup identity.

For example, in Australia following the Federal Court decision in *McBain v Victoria* and the High Court's affirmation of that decision in *Re McBain*, lesbians and single women have achieved some form of moral inclusion. If the *Sex Discrimination Amendment Bill* does not become law, fertility clinics Australia-wide will face

complaints if they refuse services to lesbians and single women. Now that this moral inclusion has been achieved, will it alone be effective protection against subgroup disadvantage. Will the assertion of inclusive human rights be adequate to protect lesbians and single women from direct *and indirect* subgroup discrimination? What if the discrimination suffered by lesbians and single women within the moral community is indirect discrimination or discrimination of a form that is unique to the nature of their subgroup identity? For example, suppose that these women do not receive counselling otherwise afforded to men and women seeking ART – what is the best response to this injustice? What if these women only receive counselling and treatment that is designed for heterosexual couples but inadequate for lesbians or single women? What if medical insurance schemes or government subsidies are not extended to lesbians and single women seeking ART in the same way they are to heterosexual married and *de facto* couples – despite the fact that lesbians and single women have been given access to ART services? In response to all of these situations, will subgroup rights arguments still be avoided? Will the purpose of human rights still be widely construed as the protection of all Australians irrespective of the subgroups to which they belong?

This speculation suggests how specific forms of identity-based harm experienced *over time* may warrant different rights-based responses to injustice than may be adequate for claims of moral inclusion. In our studies of contextualised responses to specific injustices we found that the equality driven construal of the purpose of human rights was perceived to be the appropriate response to both relative subgroup disadvantage and to moral exclusion. However, there may be at least two further examples of a need for a subgroup to establish "clear-cut and impenetrable social dichotomies" (Tajfel, 1978, p. 58) and possibly use a socially-competitive, subgroup rights-based response to perceived subgroup injustice.

Drawing on the ART example once more, if the *Sex Discrimination Bill* eventually does become law – if not during the life of this Senate, perhaps in the next – we would see a triumph for the rights of the child over the asserted reproductive rights of lesbians and single women. Such a clash of subgroup rights is not a new concept (see Sniderman et al., 1996). However, resolution of this clash of subgroup rights *to the benefit of lesbians and single women* (i.e. consistent with their needs and vantage point) would not seem possible in this context if the dispute were merely taken to the next most inclusive level of categorization where inclusive human rights are argued. The arguments for inclusion now are weakened by the conflicting claim of child's rights over the reproductive rights of lesbian and single women. This changes the rules of Dworkin's (1981c) game in which "rights are trumps" to a whole new level. It forces us to consider "what is equality" as Dworkin (1981a; 1981b) also has. In the case of a clash of subgroup rights rather than simply moral exclusion or relative subgroup disadvantage, we are faced with a real choice between equality as sameness and equality as the celebration of diversity.

Perhaps there is also a different and more common intergroup clash involved in the Howard Government's support of the *Sex Discrimination Amendment Bill* and the policy of excluding lesbians and single women from ART services. That is the subgroup injustice caused by a clash of the majority or "collective good" over the claims of a less powerful minority. In these circumstances, will an equality-driven construal of the purpose of human rights or use of socially-creative inclusive human rights arguments really suffice? Will equality as tolerance of subgroup diversity be required instead?

Therefore, despite the evidence we have gathered suggesting the popularity of equality-driven construals of human rights and the use of socially-creative identity management

strategies (the use of inclusive human rights rhetoric) it would seem neccessary to study how the *type* of identity harm suffered, and the type of failed recognition and failed protection of identity will shape perceptions of the adequacy of remedies offered to victims. We attempted to begin the study of this question Study 1 and the importance of studying the perceived match between violated and remedied identities remains important. These and further suggestions for future research are detailed at the end of this chapter. First, we summarise the theoretical and methodological implications of this the research conducted for this thesis.

<center>Theoretical significance</center>

Implications for theories of social justice

This research program has emphasised the utility of using intergroup relations research to inform theories of responses to intergroup injustice. This follows some work suggesting that an intergroup theory of justice is desirable (Bruins et al., 1995; Platow et al., in press; Syroit, 1991). Together with suggesting a theoretical role for variable construals of the purpose of human rights, social belief orientation, and politicized collective identities, this approach brings us closer to an understanding of how the justice motive is expressed with rights rhetoric. This approach assists our understanding of how justice norms and justice concepts such as human rights are socially constructed in response to in various intergroup conflicts (see Nolan & Oakes, 2000).

For example, even though the equality-as-sameness justice norm was popular in these studies, we stress that it is important to know why this is so if we are to understand how human rights are used as tools for achieving political solutions to perceived intergroup injustices (Nolan & Oakes, in press). From Study 5, especially, we see the importance of understanding the apparent preference for inclusive rights rhetoric (and, in other

studies the preference for equality-driven construals of human rights), not as the *only* representation of human rights possible, but as *one possible* construal of rights that emerges from a contextualised intergroup process. Despite the fact that there has possibly been a history of political and legal socialisation in favour of the equality-driven construal of human rights, we need not assert that subgroup members are always psychologically-trapped within this representational frame.

The fact participants in our studies did sometimes favour the vulnerable groups construal of human rights or socially-competitive rhetoric, suggests a more dynamic use of rights representations in responses to perceived injustice. We do *not* conclude, therefore, that our results show that justice principles other than equality are irrelevant. It seems important to study how the *type* of identity-harm inherent in perceived disadvantage (individual disadvantage, subgroup disadvantage, and moral exclusion) shapes the political response to injustice (for some speculations on this research direction see Nolan & Oakes, in press).

For example, the type of perceived identity harm (subgroup discrimination versus subgroup exclusion) may determine the salience of particular social identities and the accessibility of background knowledge, that motivates a justice response shaped by a *particular* construal of the purpose of human rights. We need to be able to predict what type of response to injustice is perceived as most psychologically fitting in the context of the identity harm caused. Perhaps in struggles for *moral inclusion* and *subgroup identity legitimation*, inclusive human rights arguments may be hard for opponents to refute, though, in some political contexts, socially-competitive strategies will be chosen to perform consciousness raising leading to a celebration of subgroup difference that seems to be a more direct expression of a social change belief structure.

Future research may help us discover how psychological responses to subgroup discrimination change over the political life of a group. For example, if lesbians and single women are granted access to ART in Australia (and included in the moral community of legitimate mothers and consumers of ART in Australia), they may still suffer from human rights abuse in the form of indirect discrimination and subgroup disadvantage in aspects of service provision, care, and the social responses to their parenting. When the type of potential harm suffered changes from moral exclusion to subgroup discrimination, identity-management strategies and/or construals of the purpose of human rights, may change in line with the new demands for identity and rights protection.

Implications for the SRT approach to studying representations of rights

Despite some evidence of a "shared" equality-driven representation of the purpose of human rights, we stand by our critique of the underlying assumption of the SRT approach that there is only one basic representation of human rights. We fear that this approach has the potential to ignore the important intergroup dynamics that we have attempted to investigate in this research program. As suggested in Chapter 4, a number of recent SRT studies have focused on political influences on the representation of rights, and these studies seem important. In Study 5, we see that some activists defend the less popular, and socially-competitive sectional interest rhetoric that is at odds with the inclusive, equality-driven construal of the purpose of human rights. This confirms our concern that SRT underemphasises the reality that two (or more) groups may work from two (or more) different subjective structurings of a justice problem and, thereby, express their justice motivations with vastly different construals of the purpose of

human rights and with vastly different types of human rights arguments (individual, subgroup, rights or the broad collective).

Such groups would not seem to *share* in any real sense, the same social representation of human rights. Sometimes such opposing groups will not base their construals of human rights on the same objectification of the text of the UDHR. Instead, the sense-making done by these different groups may reflect potentially-opposing perceptual vantage points. The respective sense-making may use different sets of accessible background knowledge (social belief orientations), different identity histories and different understandings of current identity relationships.

What must be avoided at all costs is a restriction of the social psychological explanation of human rights attitudes and behaviours to either the individual level or the "human" level. Doing either of these things may overstate the degree to which the UN's "no discrimination of any kind" rhetoric is internalised and used by those making rights-based social justice claims. The latter is particularly dangerous when relatively-untested concepts of globalisation or globalised identities are also given undue weight in causal theories. Perhaps the popularity of using globalisation and globalised identities in theories has faded with the turn of the millenium and recent developments in international politics. In any case, this approach does not seem well suited to uncovering all of the dynamics relevant to the construction of human rights attitudes and behaviours. Even in this new millenium, the need for a theoretical interactionism between the individual, intergroup, and intraspecies levels of self-categorization remains relevant.

Implications for the social identity perspective

Antecedents to social belief orientations

We emphasised in Chapter 3 that the full range of antecedents originally theorised in SIT had been neglected in much of the work on use of identity management strategies. This may especially hinder social psychological understanding of representing and asserting subgroup rights in response to perceived subgroup injustice. One of the most unfortunate omissions is that sometimes subgroups will perceive it neccessary to assert that a group boundary exists (maybe under conditions of moral exclusion) or that a subgroup identity is of value (maybe under conditions of ongoing relative subgroup disadvantage), *even when* illegitimate status differences are stable. It is precisely when low status group members suffer under a stability and secure regime that social change orientation leading to socially-competitive responses may be more important than using social creativity. The latter strategy allows the subgroup or the activist to use inclusive human rights rhetoric to "mainstream" a violated subgroup identity. However, the former strategy allows the assertion of unique subgroup rights. Some activists may even realise that there can be a long-term political benefit in asserting subgroup rights as almost in vain as some of our participants suggested in Study 5. Otherwise, it is hard to see how the motivation for consciousness-raising exists.

In our use of activist identification measures, we shared with Mummendey, Klink, Mielke, Wenzel, and Blanz (1999) the belief that social identity importantly shapes the subjective structuring of social reality. Our claim was that activist identification was an antecedent to social change orientation and consequent identity-management strategies of social competition and social creativity depending on the demands of political context. Mummendey et al. (1999) did not test this specific question. However, they found that social identification (identification of former East Germans with the new

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German identity post-reunification) strongly mediated links between perceptions of stability, permeability, and illegitimacy and identity-management strategies of individual mobility and social competition. Even though our predicted links between activist identification and social change orientation were not clear, there is scope for research in the style of Mummendey et al.'s (1999) research to help predict the meditation of social beliefs and particular collective identity-management strategies.

Strategies of social creativity

In work on human rights campaigning, it now seems important to include the use of inclusive human rights rhetoric as a fourth type of social creativity strategy. Our sample of activists in Study 5 – though sharing social belief orientations relatively equally - defended subgroup interests with inclusive human rights in both hostile outgroup and more sympathetic ingroup political relationships. This, in line with research by Reicher and Hopkins (1996a; 1996b; and perhaps also Doosje & Ellemers, 1997; and perhaps Ellemers, Barreto, & Spears, 1999) suggests that the usual description of social creative identity-management strategies as (i) changing the value significance of the group, (ii) changing the dimension of comparison, and (iii) changing the comparison other, can be extended to include (iv) using inclusive rhetoric or categorizations that include the protagonist and political audience in the same social group, united against a common outgroup enemy. Although this may lead to moral inclusion and indirectly protect subgroup interests, it is quite distinct from the socially-competitive use of unique subgroup rights arguments focusing on the interests of the subgroup.

Tajfelian social beliefs

In Studies 2, 3 and 4, we did not obtain support for the predicted links between operative social beliefs and human rights construal. This was principally due to the

overwhelming support given to equality-driven construals of human rights at the aggregate level. However, in Study 3, social mobility beliefs did significantly predict the equality-driven construal of human rights in the subgroup disadvantage condition. There was also some evidence that social mobility beliefs could directly explain preferences for a particular construal of the purpose of human rights or for a particular identity-management strategy. For example, in the outgroup audience condition in Study 5, social mobility belief endorsement did significantly predict the preference for using a campaign speech based on inclusive human rights arguments.

We maintain that the social beliefs continuum has a theoretical role to play alongside the other concepts we have researched in this paradigm. It seems importantly linked to perceptions of social injustice (see Syroit, 1991), the behavioural and identity continua in SIT, the concept of accessible background knowledge in SCT, and the determination of particular identity-management strategies. Importantly, examination of these belief orientations helps to constrain social constructivist theorising within the social identity perspective.

Levels of identity abstraction

Central to our comments about interactionism above are questions of how the human level of identification is to be conceptualised – not only in interspecies comparisons – but, in relevant intraspecies comparisons that overlap with the intergroup and individual levels of self-categorization. This is a difficult question for future research (see below) and was not centrally addressed in the present research. However, the issue was never far from the surface, especially when equality-driven construals of human rights and inclusive human rights arguments were the most popular responses to subgroup injustice favoured by participants in these studies.

The very study of human rights forces us to reconsider the role of the relationship between intergroup (or subordinate) and interspecies / human level (or superordinate) identification. Just as interactionism is useful for theoretically balancing our understanding of the (intra)individual versus the intra- and intergroup forces upon self-identification, remembering Asch's (1952) emphasis upon interactionism may also prevent the psychology of human rights becoming overly-determined by the psychology of the "human" level of self to the exclusion of other relevant levels of self-categorization. We do not all simply identify as international citizens in contexts of perceived (subgroup) injustice. And, when facing particularly unjust treatment by fellow humans (e.g. by a national government) it may be very difficult to self-categorize as interchangeable members of the human race.

These points aside, what seems relevant for a psychology of human rights is a way of focusing on the intergroup relationships *within broad collectives*, since that is where injustice and responses to alleged violations may harm subgroup identity the most. Always resolving intergroup conflicts at the next available level of self-categorization e.g. the human or interspecies level) may not be the optimum or desired choice. Some emerging social psychological approaches seem useful here, and may be relevant to the study of human rights attitudes and behaviours in politicized subgroup-superordinate group contexts. First, the projection studies conducted by Mummendey, Wenzel and colleagues (e.g. Walzdus et al., in press; Wenzel et al., in press) suggest how a complex representation of superordinate identities – like that of the modern German national identity – may result from the projection of subgroup vantage points and ideologies onto a relatively underdefined superordinate category. The second approach is that taken in formulating the ASPIRe model (Actualising Social and Personal Identity Resources)

that focuses on understanding tolerance towards and development of subgroup diversity within superordinate collectives such as organisations (Eggins, 1999; see also Eggins, Haslam, & Reynolds, 2002a; Eggins, Reynolds, & Haslam, 2002b; the ASPIRe model discussed by Haslam, Eggins, & Reynolds, in press). It would seem that the tolerance of unique subgroup rights claims within a broader collective is the type of identity relationship of interest to those using the ASPIRe approach. This approach, based on ideas of the value of *organic pluralism* (Haslam, 2001), suggests that there is danger in underemphasising the significance of recognising subgroup identities and perspectives within broad collectives.

Therefore, even though we gathered evidence that equality-driven construals of the purpose of human rights are popular and that the use of inclusive identity management strategies may be popular responses to perceived subgroup injustice, these data may not indicate that participants using those strategies in our studies necessarily identified as interchangeable group members with the decision maker, the superordinate group, or the entire moral community. In fact in Study 3, aggrieved students did not identify with the university community that had failed to protect their privacy rights. What may be more certain from Study 5 is that people may exploit the rhetorical force associated with inclusiveness rhetoric to shape their response to perceived injustice in political contexts. This may help to explain why in Studies 2-4, participants clearly thought that equality-driven construals of the purpose of human rights was more apt and, in Study 5, why inclusive human rights arguments were considered the best strategy for attempting to influence hostile political opponents, political supporters and the non-aligned of controversial messages about injustice.

A further example of the rhetorical force of inclusive human rights rhetoric is the dynamics of current political debate in Australia between ATSIC (the Aboriginal and Torres Strait Islander Commisssion, an elected body of indigenous representatives) and the Howard Government. A national dialogue over many issues has effectively broken down. Despite this lack of national political dialogue, ATSIC is still active in transnational discussions about the concepts of indigenous rights and their codification in the UN's *Draft Declaration on the Rights of Indigenous Peoples*. ATSIC continue to gather international support for protection of their subgroup rights to internal self-determination (or rights to be consulted on policy issues that affect indigenous communities and heritage) within Australia. At other times, domestic campaigning for the protection of indigenous subgroup identity switches from reliance on subgroup rights to reliance on inclusive human rights. For example, a vision statement of the former Council on Aboriginal Reconciliation (CAR) claimed "freedom and justice for all Australians" rather than a claim expressed with subgroup rights rhetoric. Oddly enough, the CAR's vision statement was consistent with the election slogan used by the Howard Government in the 1998 election ("A fair go for all"). The coincidence of inclusive rhetoric use by both sides of this political debate may not be an accident. Despite the apparent similarity of rhetorical approach, the vantage points of these perceivers and their subjective structuring of the justice issues with accessible social belief orientations were likely to be vastly different.

It seems obvious from this example, that the use of equality-driven construals of human rights and responses to perceived subgroup injustice does not necessarily imply identification with a superordinate identity (e.g. a national or human self) to the exclusion of all other subordinate identities and vantage points. This point may be clarified by a quote from the late Eddie Mabo. Mabo was the land rights campaigner

whose legal claim considered by the High Court of Australia led to the first national

system of native title rights recognition in Australia:

> "I am a Piadram first and secondly I am a Murray islander and then a Torres Strait
> Islander and then an Australian afterwards. Therefore I need to strengthen my kids
> with their own language before they could accept the overall society's
> values."(quote from Eddie Mabo in Loos, 1996, p. 56)

The indigenous community's campaigning and their use of international human rights

complaints mechanisms, should not be necessarily interpreted as evidence of self-

categorization solely as an Australian, a global citizen, or a human. Instead, they may

sometimes express their subgroup perspective by construing human rights in terms of

claims for equality before the law and freedom from racial discrimination. Therefore,

rights of individuals or the entire collective would be used. Alternatively, a claim for

recognition of the subgroup perspective may be made in terms of unique subgroup

rights such as a right to self-determination or of native title rights.

When some form of superordinate identification is measured, perhaps at the same time

as measuring subgroup identification, an interesting question will arise for SCT

researchers. Namely, how important is the assumed principle of functional antagonism

between levels of self-categorization? There has been considerable interest in "crossed-

categorization" research in social psychology (e.g. van Rijswijk, 2001) and this question

seems relevant for future research into the social psychology of human rights and for the

study of perceived legitimacy of supranational institutions such as human rights treaty

bodies. One conceptual question is whether overlapping categorizations or crossed

categorizations can be made up of aspects of identity that are defined at *different* levels

of social identity abstraction (e.g. indigenous identity and identification as an

international citizen; national identity and supranational identification as a UN member

state). This would require salience of identities from two of the three basic levels of identity abstraction (intergroup and interspecies) to be salient at the one time.

Implications for the study of activist identification

Studies 4 and Studies 5 continue the emerging interest within social psychology on measuring and understanding activist identification. There seems to be predictive value in separating out activist identification from the more abstract and perhaps less salient recruitment category identities. Notably, only in Study 4 did our data suggest that activists preferred social change beliefs, since twice as many activists than non-activists preferred social change beliefs. However in Study 5 the level of activist identification was in a significant inverse relationship with social mobility beliefs in the outgroup audience condition. These results suggest some relationship between activist identification and a social change orientation. However, the results from Study 4 and 5 highlight that social belief orientation, construals of the purpose of human rights and use of identity-management strategies may not be simply predicted from apparent activist identification alone.

Even though more work needs to be done on the implications of activist identification it appears to be a useful antecedent to positioning on the social beliefs continuum. It may help us to understand why particular *types* of identity-management strategies will be preferred in particular contexts. This seems truer to Tajfel's (1978) understanding of the antecedents to social belief orientation and identity-management strategies. Also, it importantly suggests the functional interdependence between social identification and social reality. Considering the role of activist identification also suggests a functional interdependence between social beliefs, social identities and social action.

Methodological contribution

Explicitly measuring Tajfelian social beliefs

Despite some resulting uncertainty over the causal role of social change beliefs, the measurement of them with rating scales and forced-choice questions has enabled us to gather further insights into when particular social beliefs may be operative. We maintain measuring beliefs explicitly is preferable to assuming the operation of social beliefs indirectly. Some potentially-unreliable assumptions of this nature may continue to hinder recent research on identity-management strategies (e.g. Blanz, Mummendey, Mielke, & Klink, 1998; Breinlinger & Kelly, 1994; Ellemers & Van Rijswijk, 1997; Hogg et al., 1987; Kessler & Mummendey, 2002; Niens & Cairns, 2002). In these studies researchers continue to suggest that social belief orientation and identity-management strategies are the same conceptually and do not require separate measurement. We do not think this approach is justified, especially if the empirical interest is in determining the selection of social creativity strategies over those of social competition.

We have attempted to measure these beliefs with quantitative measures, though some of our qualitative data also reflected operative social belief structure. Perhaps both a quantitative and qualitative approach to the contextualised measurement of these beliefs is neccessary. One development of this measurement approach would be to use pre and post designs in an attempt to track changes in social belief orientation over time and in response to particular types of injustice. In the discussion of Study 5, we have already referred to the need to measure these orientations after the justice problem is introduced and perhaps again after audience variables are introduced into the paradigm. The use of talk-aloud protocols may also help reveal more about the subjective structuring of social reality with social beliefs. These protocols have been used successfully in the

investigation of categorical thinking in illusory correlation experiments aimed at discovering the nature of the sense-making process (e.g. Berndsen, McGarty, van der Pligt, & Spears, 2001).

Measurement of activist identification

The reliable psychometric properties of our 6-item activist identification scale can be mainly attributed to previous researchers (Kelly & Breinlinger, 1995b; Simon et al., 1998). However, it is interesting to note that the scale was reliable when expressed in terms of "human rights activists" as well as "activists of the women's movement". The use of fairly standard social identification measures phrased in terms of the relevant activist group seems to have been appropriate for measuring activist identification. It may be also relevant to note that some campaigners may reject the label "activist". This is worthwhile remembering when devising rating scale items or other questions asking participants to indicate activist identification. Also, the use of the term "movement" may be ambiguous to some participants. Use of the term may also risk an overemphasis on ingroup homogeneity that misrepresents the intragroup variability within activist groups.

The use of metastereotype measures

The use of metastereotypes measures in Study 5 seems to be a useful way to demonstrate strategic evaluations of intergroup identities in politicized contexts. Some researchers have also recently taken metastereotype research in this direction (Klein & Azzi, 2001). This may help to expose the depth of strategic thinking that low-status group members engage in when planning responses to perceived injustice. In contrast to some work by Fiske and colleagues(Fiske, 1993; Fiske & Dépret, 1996), metastereotype measures reveal the level of stereotypical thought used by low-status

members motivated to make sense of a political relationship. This has been previously demonstrated by Reynolds et al. (2000).

Future directions

Other construals of the purpose of human rights

We have limited our study of construals of human rights to two – assumedly opposing – statements of the purpose of human rights. These are: equal treatment of all Australians irrespective of subgroup membership versus the protection of vulnerable subgroups. We assume that there are many possible construals of the purpose of human rights, and it would be wise to systematically study the range of possible contruals of the purpose of human rights used in social debate. Other examples of construals may include that the purpose of human rights is to explicitly regulate power relationships (e.g. not only between the government and citizen but between the consumer and the company etc), or to protect violence and physical harm.

Activist identification and the theory of politicized collective identities

In addition to continued work on the consequences of activist identification, the measurement of this identification is of importance to the elaboration of the theory of politicized collective identity (Simon & Klandermans, 2001). In particular there are a number of avenues of research that follow from the paradigm used in Study 5. It would be useful to incorporate more of a temporal element into the paradigm to see how rhetorical use of human rights may change over the course of a protracted campaign. In addition to studying the politicization of messages to ingroup and outgroup audiences, the theory of politicized identity also focuses on the relationship between the speaker and *non-aligned audiences*. It would be interesting to see the persuasive force of particular human rights arguments upon such neutral audiences who may have been

uninvolved in the particular conflict that led to the perceived injustice. Finally, the unexpected results that political spokespeople may be quite caution when attempting to persuade an ingroup – or in Klandermans' (1997) terms, possibly the mobilization potential – warrants further investigation. The results obtained in Study 5 seem to echo past research on activists' awareness of the possibility for schism during attempts to mobilise the ingroup.

Use of the UN human rights regime

Perhaps now that we have some understanding of how popular equality-based construals of the purpose of human rights are, it would be useful to focus research attention on human rights attitudes and behaviours within the formal, institutional mechanisms of human rights protection available in Australia. Australians may make human rights complaints to domestic and international bodies and the latter are usually possible when all domestic remedies have been exhausted. There is scant research on how these procedures are perceived by Australians. The approach we took in Study 1 could be developed further, enabling the investigation of how need for a match between violated and remedied identity may have practical implications for the design of both domestic and supranational regimes of human rights protection.

Studying Crimes Against Humanity

Related to the issue of level of abstraction, the international law concept of a "crime against humanity" seems ripe for social psychological study. The use of globalised identities such as "international citizen" or highly inclusive identities such as "human", are clearly involved in the prosecution of these offences at international law. Justification for these prosecutions now exists in customary international law, international treaties (e.g. the Geneva Conventions), the UN's new International

Criminal Court as well as in much domestic jurisdiction with extraterritorial effect. A focus on studying crimes against humanity would shift the inquiry from national politics and domestic conflict where (international) human rights norms are used as tools for arguing against subgroup discrimination and subgroup exclusion, to situations where "gross and systematic" human rights violations are condemned by international human rights adjudicators as *crimes against humanity* rather than as injustices committed against subgroups.

Asserting that a crime against humanity has occurred seems psychologically different to responding to identity harm experienced by subgroups within nations. It would be interesting to see how Tajfelian and other social beliefs – in conjunction with social identification – may interact to produce construals of the purpose of human rights and international law in the context of prosecuting perceived injustices *against humanity*. It may still be arguable in this context that responses to the injustice of crimes against humanity are shaped by intranational politics, intergroup relations, and the ongoing international relations between member states of the UN. Opotow (2001) has recently used moral exclusion theory to consider the way reconciliation and amnesty may be used in response to crimes against humanity and how this is perceived by victims and other observers.

Relevant construals of the purpose of human rights and international law in the context of the International Criminal Court trials brings refocuses us on some political psychology that is worth extending. Measures of concepts such as internationalism or belief in world government developed by Kosterman and Feshbach (1989; see also Scott, 1960) would be worth elaborating and contextualising here. It would also be relevant to study the perceived legitimacy of supranational regulatory institutions – a

social psychological research program that was begun in the wake of the UN's establishment (see Scott, 1958; Scott & Withey, 1958) though, arguably, underesearched in the social psychology of human rights. Some researchers have recently refocused attention on perceptions of global governance and the perceived legitimacy of the United Nations in the new millenium (Pettersson, 2003).

Construals of the purpose of a domestic Bill of Rights

Back in the Australian domestic context – one which is inevitably shaped by international law and politics (Bailey, 1990) – the Bill of Rights debate is back on the agenda. The government of the Australian Capital Territory may be the first Australian state to introduce a Bill of Rights in Australia's history. It is expected that a Bill of Rights will be drafted and introduced into the ACT Legislative Assembly in 2003. This would add to an increasing number of relatively-new Bills of Rights Acts (or Bills of Rights newly-enshrined into constitutions) around the world, including the United Kingdom, New Zealand, South Africa, and Hong Kong. This politico-legal development in Australia would enable us to use some of the methodology pioneered by Sniderman et al. (1996) to investigate representations of human rights and reactions to rights debate to investigate Australians' perceptions of a domestic bill of rights.

Endnote

Perhaps if some of these future directions are pursued we will understand when and why people believe human rights can and should be asserted in order to protect the interests of subgroups as well as individual humans. This and future work should improve our understanding of lay perception of human rights concepts. Legal understanding of rights concepts may also benefit from social psychologists demonstrating processes such as the subjective construal of the purpose of human

rights. Legal understandings may also benefit from psychologists exposing dynamics that shape the use of human rights argumentation as identity-management strategies in the context of ongoing intergroup relations.

Since the UN has begun the process of codifying unique subgroup rights, it becomes more important for social psychologists to focus research energy on understanding the psychology of making unique subgroup rights claims. The psychological response to collective relative deprivation from a subgroup's perspective is not a new phenomenon. However, the ability to use legal concepts capable of protecting subgroups as groups may be a relatively new development. The continued development of this opportunity will be fascinating to watch. The social psychological study of this legal behaviour requires the perspective of intergroup relations research. A psychology of human rights without that perspective will be all the poorer.

References

Ahkit, J. (2000, 6 October). 'And you know why': Compulsory jailing and racism. *ANU Reporter,* p. 6.

Amnesty International. (2001). Mandatory Sentencing: It's an election year and mandatory sentencing is still with us. *The Human Rights Defender, 20*(3), 6.

Andrews, M. (1991). *Lifetimes of commitment: Aging, politics, psychology.* Cambridge: Cambridge University Press.

Asch, S. E. (1952). *Social psychology.* New York: Prentice Hall.

Azzi, A. (1992). Procedural justice and the allocation of power in intergroup relations: Studies in the US and South Africa. *Personality and Social Psychology Bulletin, 18*, 736-747.

Bailey, P. H. (1990). *Human rights : Australia in an international context.* Sydney: Butterworths.

Bar-Tal, D. (1990). Israeli-Palestinian conflict: A cognitive analysis. *International Journal of Intercultural Relations, 14*(7), 7-29.

Bateup, C. (2000). Can reproductive rights be "human rights": Some thoughts on the inclusion of women's rights in mainstream human rights discourse. *Australian Journal of Human Rights, 6*(2), 33-56.

Batson, C. D., O'Quin, K., Fultz, J., Vanderplas, M., & Isen, A. H.(1983). Influence of self-reported distress and empathy on egoistic versus altruistic motivation to help. *Journal of Personality and Social Psychology, 45*(3), 706-718.

Berndsen, M., McGarty, C., van der Pligt, J., & Spears, R. (2001). Meaning-seeking in the illusory correlation paradigm: The active role of participants in the categorization process. *British Journal of Social Psychology, 40*(2), 209-234.

Blanz, M., Mummendey, A., Mielke, R., & Klink, A. (1998). Responding to negative social identity: A taxonomy of identity management strategies. *European Journal of Social Psychology, 28*(5), 697-729.

Boeckmann, R. J., & Tyler, T. R. (1997). Commonsense justice and inclusion within the moral community: When do people receive procedural protections from others? *Psychology, Public Policy, & Law, 3*(2-3), 362-380.

Boen, F., & Vanbeselaere, N. (1998). Reactions upon a failed attempt to enter a high status group: An experimental test of the five-stage model. *European Journal of Social Psychology, 28(5) Sep-Oct*, 689-696.

Braithwaite, V. (1998). The value-balance model of political evaluations. *British Journal of Psychology, 89*, 223-247.

Branscombe, N. R., & Ellemers, N. (1998). Coping with group-based discrimination: Individualistic versus group-level strategies. In J. K. Swim & C. Stangor (Eds.), *Prejudice: The target's perspective* (pp. 243-266). San Diego CA USA: Academic Press.

Branscombe, N. R., Ellemers, N., Spears, R., & Doosje, B. (1999a). The context and content of social identity threat. In N. Ellemers & R. Spears (Eds.), *Social identity: Context, commitment, content* (pp. 35-58). Oxford, England: Blackwell Science Ltd.

Branscombe, N. R., Schmitt, M. T., & Harvey, R. D. (1999b). Perceiving pervasive discrimination among African Americans: Implications for group identification and well-being. *Journal of Personality and Social Psychology, 77*(1), 135-149.

Breakwell, G. M. (1993). Integrating paradigms, methodological implications. In G. M. Breakwell & D. V. Canter (Ed.), *Empirical approaches to social representations* (pp. 180-201). Oxford, UK: Clarendon Press.

Breakwell, G. M., & Canter, D. V. (Eds.). (1993). *Empirical approaches to social representations.* Oxford, UK: Claredon Press.

Breinlinger, S., & Kelly, C. (1994). Women's responses to status inequality: A test of social identity theory. *Psychology of Women Quarterly, 18*, 1-16.

Brown, P. M. (1999). *Theories, fit and the formation of stereotype content.* Unpublished PhD Thesis, The Australian National University, Canberra.

Brown, P. M., & Turner, J. C. (2002). The role of theories in the formation of stereotype content. In C. McGarty, V. Y. Yzerbyt, & R. Spears (Eds.), *Stereotypes as explanations: The formation of meaningful beliefs about social groups* (pp. 67-89). New York: Cambridge University Press.

Brown, R. (1988). *Group processes: Dynamics within and between groups.* (2nd ed.). Malden: Blackwell Publishers Inc.

Bruins, J., Platow, M. J., & Ng, S. H. (1995). Distributive and procedural justice in interpersonal and intergroup situations: Issues, solutions, and extensions. *Social Justice Research, 8*(1), 103-121.

Byrnes, A., & Connors, J. (1996). Enforcing the human rights of women: A complaints procedure for the women's convention? *Brooklyn Journal of International Law, 21*(3), 678-797.

Cartwright, S. (1998). Rights and remedies: The drafting of an optional protocol the the Convention on the Elimination of All Forms of Discrimination Against Women. *Otago Law Review, 9*(2), 239-254.

Charlesworth, H. (2002). Concepts of equality in international law. In G. Huscroft & P. Rishworth (Eds.), *Litigating rights: Perspectives from domestic and international law* (pp. 137-147). Portland: Hart Publishing.

Chryssochoou, X. (1996). How group membership is formed: Self categorisation or group beliefs? The construction of a European identity in France and Greece. In G. M. Breakwell & E. Lyons (Eds.), *Changing European identities: Social psychological analyses of social change* (pp. 297-313). Woburn: Butterworth-Heinemann.

Cinnirella, M. (1997). Towards a European identity? Interactions between the national and European social identities manifested by university students in Britain and Italy. *British Journal of Social Psychology, 36*(1), 19-31.

Clémence, A., Devos, T., & Doise, W. (2001). Social representations of human rights violations: Further evidence. *Swiss Journal of Human Rights, 60*(2), 89-98.

Clémence, A., Doise, W., & Lorenzi-Cioldi, F. (1994). Prises de position et principes organisateurs des représentations sociales. In C. Guimelli (Ed.), *Structures et transformations des représentations sociales* (pp. 119-152). Lausanne: Dealchaux & Niestlé.

Clémence, A., Doise, W., Silvana de Rosa, A., & Gonzalez, L. (1995). Social representations of human rights: A cross-cultural study on the extent and limits of universality. *International Journal of Psychology, 30*(2), 181-212.

Cohen, R. L. (1991). Membership, integroup relations and justice. In R. Vermunt & H. Steensma (Eds.), *Social justice in human relations* (Volume 1, pp. 239-277). New York: Plenum Press.

Condor, S. (1986). Sex role beliefs and 'traditional' women: Feminist and intergroup perspectives. In S. Wilkinson (Ed.), *Feminist social psychology: Developing theory and practice* (pp. 97-118). Milton Keynes: Open University Press.

Diaz-Veizades, J., Widaman, K. F., Little, T. D., & Gibbs, K. W. (1995). The measurement and structure of human rights attitudes. *Journal of Social Psychology, 135*, 313-328.

Doise, W. (1986). *Levels of explanation in social psychology.* Cambridge: Cambridge University Press.

Doise, W. (1993). Debating social representations. In G. M. Breakwell & D. V. Canter (Eds.), *Empirical approaches to social representations* (pp. 157-170). Oxford, UK: Clarendon Press.

Doise, W. (1998). Social representations in personal identity. In S. Worchel, J. F. Morales, D. Paez, & J. C. Deschamps (Eds.), *Social identity: International perspectives* (pp. 13-23). London: Sage.

Doise, W. (2001). Human rights studied as normative social representations. In K. Deaux & G. Philogene (Eds.), *Representations of the social: Bridging theoretical traditions* (pp. 96-112).

Doise, W., & Clémence, A., & Spini, D. (1996). Human rights and social psychology. *The British Psychological Society Social Psychology Section Newsletter* (No. 35).

Doise, W., Clémence, A., & Lorenzi-Cioldi, F. (1993). *The quantitative analysis of social representations.* Hemel Hempstead: Harvester Wheatsheaf.

Doise, W., Dell'Ambrogio, P., & Spini, D. (1991). Psychologie sociale et Droits de l'Homme. *Revue Internationale de Psychologie Sociale, 4*(3-4), 257-277.

Doise, W., Spini, D., & Clémence, A. (1999). Human rights studied as social representations in a cross-national context. *European Journal of Social Psychology, 29*, 1-29.

Doise, W., Spini, D., Jesuino, J. C., Ng, S. H., & Emler, N. (1994). Values and perceived conflicts in the social representations of human rights: Feasibility of a cross-national study. *Swiss Journal of Psychology, 53*(4), 240-251.

Doise, W., Staerklé, C., Clémence, A., & Savoy, F. (1998). Human rights and Genevan youth: A developmental study of social representations. *Swiss Journal of Psychology, 57*(2), 86-100.

Doosje, B., & Ellemers, N. (1997). Stereotyping under threat: The role of group identification. In R. Spears, P. J. Oakes, N. Ellemers, & S. A. Haslam (Eds.), *The social psychology of stereotyping and group life* (pp. 257-272).

Drury, J., & Reicher, S. (1999). The intergroup dynamics of collective empowerment: Substantiating the social identity model of crowd behavior. *Group Processes & Intergroup Relations, 2*(4), 381-402.

Drury, J., & Reicher, S. (2000). Collective action and psychological change: The emergence of new social identities. *British Journal of Social Psychology, 39*(4), 579-604.

Dworkin, R. (1981a). What is equality. Part I: Equality of Welfare. *Philosophy and Public Affairs, 10*, 185-246.

Dworkin, R. (1981b). What is equality? Part 2: Equality of resources. *Philosophy and Public Affairs, 10*, 283-345.

Dworkin, R. M. (1981c). *Taking rights seriously*. London: Duckworth.

Echebarria, A., Elejabarrieta, F., Valencia, J., & Villarreal, M. (1992). Social representations of Europe and social identities. *Bulletin de Psychologie, 45*(405), 280-288.

Eggins, R. A. (1999). *Social identity and social conflict: Negotiating the path to resolution.* The Australian National University, Canberra.

Eggins, R. A., Haslam, S. A., & Reynolds, K. J. (2002a). Social identity and negotiation: Subgroup representation and superordinate consensus. *Personality & Social Psychology Bulletin, 28*(7), 887-899.

Eggins, R. A., Reynolds, K. J., & Haslam, S. A. (2002b). The ASPIRe Model: Working with Identities to Enhance Organisational Outcomes. *Canberra Bulletin of Public Administration, 105*.

Einfeld, M. (Speaker). (2001). (Broadcast of speech given to the annual gathering of the Jessie Street Trust). Ultimo, Sydney: ABC Radio National. Retrieved 9 January, 2003, from http://www.abc.net.au/rn/talks/bbing/stories/s307878.htm

Elejabarrietta, F. (1994). Social positioning: A way to link social representations and social identity. *Social Science Information, 33*, 241-253.

Elejabarrietta, F. J. (1987). The theory of social representations and its application to the study of social knowledge of computers. *Boletin de Psicologia, 14*, 7-31.

Ellemers, N., Barreto, M., & Spears, R. (1999). Commitment and strategic responses to social context. In N. Ellemers, R. Spears, & B. Doosje (Eds.), *Social identity: Context, commitment, content* (pp. 127-146). Oxford: Blackwell Science.

Ellemers, N., Spears, R., & Doosje, B. (1997). Sticking together of falling apart: In-group identification as a psychological determinant of group commitment versus individual mobility. *Journal of Personality & Social Psychology, 72*(3), 617-626.

Ellemers, N., van Knippenberg, A., de Vries, N., & Wilke, H. (1988). Social identification and permeability of group boundaries. *European Journal of Social Psychology, 18*(6), 497-513.

Ellemers, N., van Knippenberg, A., & Wilke, H. (1990). The influence of permeability of group boundaries and stability of group status on strategies of individual mobility and social change. *British Journal of Social Psychology, 29*, 233-246.

Ellemers, N., & van Rijswijk, W. (1997). Identity needs versus social opportunities: The use of group-level and individual-level identity management strategies. *Social Psychology Quarterly, 60*(1), 52-65.

Ellemers, N., van Rijswijk, W., Bruins, J., & de Gilder, D. (1998). Group commitment as a moderator of attributional and behavioural responses to power use. *European Journal of Social Psychology, 28*, 555-573.

Ellemers, N., Wilke, H., & van Knippenberg, A. (1993). Effects of the legitimacy of low group or individual status on individual and collective status-enhancement strategies. *Journal of Personality and Social Psychology, 64*(5), 766-778.

Farr, R. M. (1993). Theory and method in the study of social representations. In G. M. B. D. V. Canter (Ed.), *Empirical approaches to social representations* (pp. 15 - 38). Oxford, UK: Clarendon Press.

Feather, N. T. (1999). *Values, achievement, and justice: Studies in the psychology of deservingness*. New York: Kluwer Academic/Plenum Publishers.

Festinger, L. (1954). A theory of social comparison processes. *Human Relations*, 7, 117-140.

Fine, M. (1983). The social construction of "what's fair" at work. *Journal of Applied Social Psychology, 15*(2), 166-177.

Fiske, S. T. (1993). Controlling other people: The impact of power on stereotyping. *American Psychologist, 48*, 621–628.

Fiske, S. T., & Dépret, E. (1996). Control, interdependence and power: Understanding social cognition in its social context. In W. Stroebe & M. Hewstone (Eds.), *European review of social psychology* (Vol. 7, pp. 31–61). New York: Wiley.

Foster, C. A., & Rusbult, C. E. (1999). Injustice and powerseeking. *Personality and Social Psychology Bulletin, 25*(7), 834-849.

Freeman, M. (1995). Are there collective human rights. In D. Beethan (Ed.), *Politics and Human Rights* (pp. 25-40). Oxford: Blackwells.

Freeman, M. (2002). *Human Rights: An interdisciplinary approach*. Malden, US: Cambridge University Press.

Friedman, D., & McAdam, D. (1992). Collective identity and activism: Networks, choices and the life of a social movement. In A. D. Morris & C. M. Mueller

(Eds.), *Frontiers in social movement theory* (pp. 156-173). New Haven, CT: Yale University Press.

Giddens, A. (1991). *Modernity and self-identity*. Cambridge: Polity Press.

Gomez, A., & Huici, C. (2001). When contact with them improves our own image: Effects of positive social comparisons and meta-stereotypes on intergroup relations. .

Guerin, B. (1995). Some recent and future developments in the study of social representations. *Japanese Journal of Experimental Social Psychology, 34(3) , p.,* 205-212.

Haslam, S. A. (2001). *Psychology in organizations: The social identity approach*. London: Sage.

Haslam, S. A., Eggins, R. A., & Reynolds, K. J. (in press). The ASPIRe model: Actualizing social and personal identity resources to enhance organizational outcomes. *Journal of Occupational and Organisational Psychology*.

Haslam, S. A., Turner, J. C., Oakes, P. J., McGarty, C., & Hayes, B. K. (1992). Context-dependent variation in social stereotyping: I. The effects of intergroup relations as mediated by social change and frame of reference. *European Journal of Social Psychology, 22*(1), 3-20.

Hegtvedt, K. (1988). Social determinants of perception: Power, equity, and status effects in an exchange situation. *Social Forces, 66*(1), 183-207.

Hegtvedt, K. (2001, 18 October). *Doing justice to the group: Examining the role of the group in justice research.* Paper presented at the 9th Annual Preconference on Small Groups, Spokane.

Herrera, M., Lavallee, M., & Doise, W. (2000). Human rights and politics: A social representational analysis of political positioning during the 1995 Quebec sovereignty campaign. *Group Processes & Intergroup Relations, 3*(1), 25-40.

Hogg, J., & Collins, J. (2001). *Inquiry into the Provisions of the Sex Discrimination Amendment Bill (No.1) 2000 (Dissenting report by Senators John Hogg and Jacinta Collins)*. Canberra: Senate Legal and Constitutional Legislation Committee. Retrieved on 9 January, 2003, from http://www.aph.gov.au/Senate /committee/legcon_ctte/sexdisreport/index.htm

Hogg, M. A., Abrams, D., & Patel, Y. (1987). Ethnic identity, self-esteem, and occupational aspirations of Indian and Anglo-Saxon British adolescents. *Genetic, Social, and General Psychology Monographs, 113*(4), 487-508.

Huguet, P., Latane, B., & Bourgeois, M. (1998). The emergence of a social representation of human rights via interpersonal comunication: Empirical evidence for the convergence of two theories. *European Journal of Social Psychology, 28*, 831-846.

Humana. (1992). *World human rights guide*. New York; Oxford: Oxford University Press.

Kawakami, K., & Dion, K. L. (1993). The impact of salient self-identities on relative deprivation and action intentions. *European Journal of Social Psychology, 23*(5), 525-540.

Kawakami, K., & Dion, K. L. (1995). Social identity and affect as determinants of collective action: Toward an integration of relative deprivation and social identity theories. *Theory & Psychology, 5*(4), 551-577.

Kelly, C. (1993). Group identification, intergroup perceptions and collective action. In W. H. Stroebe, M. (Ed.), *European Review of Social Psychology* (pp. 59-83). West Sussex, UK: John Wiley & Sons.

Kelly, C., & Breinlinger, S. (1995a). Attitudes, intentions, and behavior: A study of women's participation in collective action. *Journal of Applied Social Psychology, 25*(16), 1430-1445.

Kelly, C., & Breinlinger, S. (1995b). Identity and injustice: Exploring women's participation in collective action. *Journal of Community and Applied Social Psychology, 5*, 41-57.

Kelly, C., & Breinlinger, S. (1996). *The social psychology of collective action: Identity, injustice and gender*. London: Taylor & Francis.

Kelly, C., & Kelly, J. (1994). Who gets involved in collective action?: Social psychological determinants of individual participation in trade unions. *Human Relations, 47*(1), 63-88.

Kessler, T., & Mummendey, A. (2002). Sequential or parallel processes? A longitudinal field study concerning determinants of identity-management strategies. *Journal of Personality & Social Psychology, 82*(1), 75-88.

Klandermans, B. (1997). *The social psychology of collective protest*. Oxford, UK: Basil Blackwell.

Klandermans, B., & Oegema, D. (1987). Potential, networks motivations and barriers: Steps towards participation in social movements. *American Sociological Review, 52*, 519-531.

Klein, O., & Azzi, A. E. (2001). The strategic confirmation of meta-stereotypes: How group members attempt to tailor an out-group's representation of themselves. . *British Journal of Social Psychology, 40(2)*, 279-293.

Kosterman, R., & Feshbach, S. (1989). Toward a measure of patriotic and nationalistic attitudes. *Political Psychology, 10*, 257-274.

Lake, M. (2001). From self-determination via protection to equality via non-discrimination: Defining women's rights at the League of Nations and the United Nations. In P. Grimshaw, K. Holmes, & M. Lake (Eds.), *Women's Rights and Human Rights: International Historical Perspectives* (254-271). London: Palgrave.

Lane, R. E. (1988). Procedural goods in a democracy: How one is treated versus what one gets. *Social Justice Research, 2*(3), 177-192.

Langlois, A. J. (2001). *The politics of justice and human rights: Southeast Asia and universalist theory.* Cambridge: Cambridge University Press.

Latané, B. (1996). Dynamic social impact: The creation of culture through communication. *Journal of Communication, 46*(4), 13-25.

Latané, B. (1997). Dynamic social impact: The societal consequences of human interaction. In C. McGarty & A. Haslam (Eds.), *The message of social psychology: Perspectives on mind and society* (pp. 200-220). Oxford: Blackwell.

Lind, E. A., Kray, L., & Thompson, L. (1998). The social construction of injustice: Fairness judgements in response to own and others' unfair treatment by authorities. *Organizational Behaviour and Human Decision Processes, 75*(1), 1-22.

Litton, I., & Potter, J. (1985). Social representations in the ordinary explanation of a "riot.". *European Journal of Social Psychology, 15*(4) 371-388.

Loos, N. (1996). *Edward Koiki Mabo: His life and struggle for land rights*. Brisbane: Queensland University Press.

McGarty, C. (1999). *Categorization in social psychology*. London: Sage.

McKinlay, A., & Potter, J. (1987). Social representations: A conceptual critique. *Journal for the Theory of Social Behaviour, 17*(4).

McKinlay, A., Potter, J., & Wetherell, M. (1993). Discourse analysis and social representation. In G. M. Breakwell & D. V. Canter (Eds.), *Empirical approaches to social representations.* (pp. 134-156). New York: Clarendon Press/Oxford University Press.

Mikula, G., Petri, B., & Tanzer, N.-K. (1990). What people regard as unjust: Types and structures of everyday experiences of injustice. *European Journal of Social Psychology, 20*(2), 133-149.

Mikula, G., & Wenzel, M. (2000). Justice and social conflict. *International Journal of Psychology, 35*(2), 126-135.

Milbrath, L. W., & Goel, M. L. (1977). *Political participation: How and why do people get involved in politics*. (2nd Ed.). Chicago: Rand McNally.

Moghaddam, F. M. (2000). Toward a cultural theory of human rights. *Theory & Psychology, 10*(3), 291-312.

Moghaddam, F. M., Slocum, N. R., Finkel, N., Mor, T., & Harre, R. (2000). Toward a cultural theory of duties. *Culture & Psychology, 6*(3), 275-302.

Moghaddam, F. M., & Vuksanovic, V. (1990). Attitudes and behaviour toward human rights across different contexts: The role of right-wing authoritarianism, political ideology, and religiosity. *International Journal of Psychology, 25*, 455-474.

Montanda, L. (1991). Coping with life stress: Injustice and the question 'Who is responsible?'. In H. Steensma & R. Vermunt (Eds.), *Social justice in human relations: Societal and psychological consequences of justice and injustice* (Vol. 2, pp. 9-30). New York: Plenum.

Moran, L. J., Monk, D., & Beresford, S. (Eds.). (1998). *Legal queeries: Lesbian, gay and transgender legal studies*. London: Cassell.

Morgan, W. (1994a). Identifying evil for what it is: Tasmania, sexual perversity and the United Nations. *Melbourne University Law Review, 19*(3), 740-757.

Morgan, W. (1994b). Protecting rights or just passing the buck?: the Human Rights (Sexual Conduct) Bill 1994. *Australian Journal of Human Rights, 1*(1), 409-413.

Morgan, W. (1995). Queer law: Identity, culture, diversity, law. *Australasian Gay and Lesbian Law Journal, 5*, 1-41.

Moscovici, S. (1984). The phenomenon of social representations. In R. Farr & S. Moscovici (Eds.), *Social representations* (pp. 3-70). Cambridge, UK: Cambridge University Press.

Moscovici, S. (1988). Notes towards a description of social representations. *European Journal of Social Psychology, 18*(3).

Moscovici, S. (1992a). La démocratie et rien d'autre. *Le Genre Humain, 26*(31-47).

Moscovici, S. (1992b). The psychology of scientific myths. In M. von Cranach, W. Doise, & e. al (Eds.), *Social representations and the social bases of knowledge. .* Kirkland: Hogrefe & Huber Publishers.

Moscovici, S. & Duveen, G. (1998). The history and actuality of social represenations. In U. Flick (Ed.), *The psychology of the social.* (pp. 209-247). New York: Cambridge University Press.

Mugny, G. (1975). Negotiations, image of the other and the process of minority influence. *European Journal of Social Psychology, 5*(2), 209-228.

Mummendey, A., Klink, A., Mielke, R., Wenzel, M., & Blanz, M. (1999). Socio-structural characteristics of intergroup relations and identity management strategies: Results from a field study in East Germany. *European-Journal-of-Social-Psychology, 29*(2-3), 259-285.

Mylecharane, S. J. (1996). *Perceptions of group identity and evaluation following loss of a salient group attribute within an intergroup or intragroup context: An internet-based experiment.* Unpublished honours thesis, The Australian National University, Canberra.

Nance, D. (1998, 19-21 June). *Progress report on the development of an optional protocol to the convention on the elimination of all forms of discrimination against women.* Paper presented at the Australian and New Zealand Society of International Law, The Australian National University, Canberra.

Niens, U., & Cairns, E. (2002). Identity management strategies in Northern Ireland. *Journal of Social Psychology., 142*(3), 371-380.

Nolan, M. A. (2000). Some legal and psychological benefits of a nationally uniform and general anti-discrimination law in Australia. *Australian Journal of Human Rights, 6*(1), 79-106.

Nolan, M. A., Haslam, S. A., Spears, R., & Oakes, P. J. (1999). An examination of resource-based and fit-based theories of stereotyping under cognitive load and fit. *European Journal of Social Psychology, 29*, 641-663.

Nolan, M. A., & Oakes, P. J. (2000, 27-28 November). *The selection of justice norms in the human rights context: Social beliefs, justice norms and activist identity.* Paper presented at the Spring Workshop in Social Psychology on Justice and Fairness, School of Psychological Science, La Trobe University.

Nolan, M. A., & Oakes, P. J. (in press). Human rights concepts in Australian political debate. In T. D. Campbell, J. Goldsworthy, & A. Stone (Eds.), *Human Rights Protection: Boundaries and Challenges*. Oxford: Hart Publishing.

Oakes, P. J. (1987). The salience of social categories. In J. C. Turner, M. A. Hogg, P. J. Oakes, S. Reicher, & M. Wetherell (Eds.), *Rediscovering the Social Group* . Oxford: Basil Blackwell.

Oakes, P. J. (2002). Psychological groups and political psychology: A response to Huddy's "Critical examination of social identity theory". *Political Psychology, 23*(4), 809-824.

Oakes, P. J., Haslam, S. A., & Turner, J. C. (1994). *Stereotyping and social reality*. Oxford, UK: Blackwell.

Oakes, P. J., Reynolds, K. J., Haslam, S. A., & Turner, J. C. (1999). Part of life's rich tapestry: Stereotyping and the politics of intergroup relations. In E. L. S. Thye (Ed.), *Advances in Group Processes* (Vol. 16, pp. 125-160). Greenwich, CT: JAI Press.

Oakes, P. J., Turner, J. C., & Haslam, S. A. (1991). Perceiving people as group members: The role of fit in the salience of social categorizations. *British Journal of Social Psychology, 30*(2), 125-144.

Opotow, S. (1990). Deterring moral exclusion. *Journal of Social Issues, 46*, 173-182.

Opotow, S. (2001). Reconciliation in times of impunity: Challenges for social justice. *Social Justice Research, 14*(2), 149-170.

Palmonari, A., Pombeni, M. L., & Zani, B. (1987). Social representation and professionalization of psychologists. In W. Doise & S. Moscovici (Eds.), *Current issues in European social psychology* . New York: Cambridge University Press.

Pettersson, T. (2003) Individual values and global governance: A comparative analysis of orientation towards the United Nations. *International Studies in Sociology and Social Anthropology, 89*, 209-234.

Pieterse, J. N. (1994). Globalisation as hybridisation. *International Sociology, 9*(2), 161-184.

Platow, M. J., Wenzel, M., & Nolan, M. A. (in press). The importance of social identity and self-categorization processes for creating and responding to fairness. In S. A. Haslam, D. van Knippenberg, M. J. Platow, & N. Ellemers (Eds.), *Social identity at work: Developing theory for organizational practice*. New York: Taylor & Francis.

Potter, J. (1996). Attitudes, social representations and discursive psychology. In M. Wetherell (Ed.) . Bristol, US: The Open University.

Potter, J., & Edwards, D. (1999). Social representations and discursive psychology: From cognition to action. *Culture & Psychology, 5*(4), 447-458.

Potter, J., & Wetherell, M. (1998). Social representations, discourse analysis, and racism. In U. Flick (Ed.), *The psychology of the social.* (pp. 138-155). New York: Cambridge University Press.

Rapley, M. (1998). 'Just an ordinary Australian': Self-categorization and the discursive construction of facticity in 'new racist'political rhetoric. *British Journal of Social Psychology, 37*, 325-344.

Reicher, S. (2000, 1-4 July). *Putting social categories into practice: A defence and an extension of the social identity tradition.* Paper presented at the Twenty Third Annual Scientific Meeting of the International Society of Political Psychology, Seattle.

Reicher, S. D., & Hopkins, N. (1996a). Seeking influence through characterizing self-categories: An analysis of anti-abortionist rhetoric. *British Journal of Social Psychology, 35*, 297-311.

Reicher, S. D., & Hopkins, N. (1996b). Self-category constructions in political rhetoric: An analysis of Thatcher's and Kinnock's speeches concerning the British miner's strikes (1984-5). *European Journal of Social Psychology, 26*(3), 353-371.

Reynolds, H. (1997, 14 November). *Aborigines and the 1967 referendum: Thirty years on.* Paper presented at the Department of the Senate Occasional Lecture Series, Parliament House, Canberra.

Reynolds, K. J., Oakes, P. J., Haslam, S. A., Nolan, M. A., & Dolnik, L. (2000). Responses to powerlessness: Stereotyping as an instrument of social conflict. *Group Dynamics, 4*(4), 275-290.

Rintoul, S. (1999, 20 December). Race rights achiever aims to engage, not enrage. *The Australian*.

Roche, D. (1999). Mandatory sentencing. *Trends and Issues in Crime and Criminal Justice, December*(No. 138), 1-6.

Runciman, W. G. (1966). *Relative deprivation and social justice: A study of attitudes to social inequality in twentieth-century England.* Berkeley: University of California Press.

Sampford, C. (1997). The four dimensions of rights. In B. Galligan & C. Sampford (Eds.), *Rethinking Human Rights* (pp. 50-71). Sydney: The Federation Press.

Schetzer, L. (1999). Mandatory Sentencing of Juvenile Offenders. *Human Rights Defender, 8*(a), 15-17.

Scott, W. A. (1958). Correlates of international attitudes. *Public Opinion Quarterly, 22*, 464-472.

Scott, W. A. (1960). International ideology and interpersonal ideology. *Public Opinion Quarterly, 24*(3), 419-435.

Scott, W. A., & Withey, S. B. (1958). *The United States and the United Nations: The public view, 1945-1955*. New York: Manhattan Pub. Co.

Simon, B. (1998). Individuals, groups, and social change: On the relationship between individual and collective self-interpretations and collective action. In C. Sedikides & J. Schopler (Eds.), *Intergroup cognition and intergroup behavior* (pp. 257-282). Mahwah: Lawrence Erlbaum Associates.

Simon, B., Aufderheide, B., & Hastedt, C. (2000). The double negative effect: The (almost) paradoxical role of the individual self in minority and majority members' information processing. *British Journal of Social Psychology, 39(1) Mar*(1), 73-93.

Simon, B., & Brown, R. (1987). Perceived intragroup homogeneity in minority / majority contexts. *Journal of Personality & Social Psychology, 53*(4), 703-711.

Simon, B., & Hamilton, D. L. (1994). Self-stereotyping and social context: The effects of relative in-group size and in-group status. *Journal of Personality & Social Psychology, 66*(4), 699-711.

Simon, B., & Hastedt, C. (1997). When misery loves categorical company: Accessibility of the individual self as a moderator in category-based representation of attractive and unattractive in-groups. *Personality & Social Psychology Bulletin, 23*(12), 1254-1264.

Simon, B., Hastedt, C., & Aufderheide, B. (1997). When self-categorization makes sense: The role of meaningful social categorization in minority and majority members' self-perception. *Journal of Personality & Social Psychology, 73*(2), 310-320.

Simon, B., & Klandermans, B. (2001). Politicized collective identity: A social psychological analysis. *American Psychologist, 56*(4), 319-331.

Simon, B., Loewy, M., Stuermer, S., Weber, U., Freytag, P., Habig, C., Kampmeier, C., & Spahlinger, P. (1998). Collective identification and social movement participation. *Journal of Personality and Social Psychology, 74*(3), 646-658.

Simon, B., & Pettigrew, T. F. (1990). Social identity and perceived group homogeneity: Evidence for the ingroup homogeneity effect. *European Journal of Social Psychology, 20*(4), 269-286.

Sloman, S. A. (1998). Categorical inference is not a tree: The myth of inheritance hierarchies. *Cognitive Psychology, 35*, 1-33.

Sniderman, P. M., Fletcher, J. F., Russell, P. H., & Tetlock, P. E. (1996). *The Clash of Rights: Liberty, Equality, and Legitimacy in Pluralist Democracy*. New Haven: Yale University Press.

Spears, R., Doosje, B., & Ellemers, N. (1997). Self-stereotyping in the face of threats to group status and distinctiveness: The role of group identification. *Personality & Social Psychology Bulletin, 23*(5), 538-553.

Spini, D., & Doise, W. (1998). Organizing principles of involvement in human rights and their social anchoring in value priorities. *European Journal of Social Psychology, 28*, 603-622.

Staerklé, C., Clémence, A., & Doise, W. (1998). Representation of human rights across different national contexts: The role of democratic and non-democratic populations and governments. *European Journal of Social Psychology, 28*, 207-226.

Steiner, H. J., & Alston, P. (2000). *International Human Rights in Context: Law, Politics, Morals*. (2nd ed.). New York: Oxford.

Syroit, J. E. M. M. (1991). Interpersonal and intergroup injustice: Some theoretical considerations. In R. Vermunt & H. Steensma (Eds.), *Social justice in human relations: Societal and psychological origins of justice;* (Vol. 1, pp. 259-277). New York NY USA: Plenum Press.

Tabachnick, B. G., & Fidell, L. S. (1989). *Using multivariate statistics*. (2nd ed.). New York: Harper Collins.

Tajfel, H. (1975). The exit of social mobility and the voice of social change: Notes on the social psychology of intergroup relations. *Social Science Information, 14*(2), 101-118.

Tajfel, H. (1978). Interindividual behaviour and intergroup behaviour. In H. Tajfel (Ed.), *Differentiation between social groups: Studies in the social psychology of group relations* (pp. 27-60). London: Academic Press.

Tajfel, H. (1982). Social psychology of intergroup relations. *Annual Review of Psychology, 33*, 1-39.

Tajfel, H., & Turner, J. C. (1979). An integrative theory of intergroup conflict. In W. G. Austin & S. Worchel (Eds.), *The social psychology of intergroup relations* . Monterey, CA: Brooks/Cole.

Taylor, D. M., & McKirnan, D. J. (1984). A five stage model of intergroup relations. *British Journal of Social Psychology, 23*, 291-300.

Taylor, N., & McGarty, C. (2001). The role of subjective group memberships and perceptions of power in industrial conflict. *Journal of Community & Applied Social Psychology, 11*(5), 389-393.

Tetlock, P. E. (1986). A value pluralism model of ideological reasoning. *Journal of Personality and Social Psychology, 50*, 819-827.

Tiddy, J. (2001). *It's just not fair: Overcoming discrimination in Australia*. Sydney: ABC Books.

Torre, E. D. (2000). Women's business: The development of an Optional Protocol to the United Nations' Women's Convention. *Australian Journal of Human Rights, 6*(2), 181 - 193.

Tougas, F., & Veilleux, F. (1988). The influence of identification, collective relative deprivation and procedure of implementation on women's response to affirmative action: A causal modelling approach. *Canadian Journal of Behavioural Science, 20*, 15-28.

Turner, J. C. (1982). Towards a cognitive redefinition of the social group. In H. Tajfel (Ed.), *Social identity and intergroup relations* (pp. 102-140). London: Academic Press.

Turner, J. C. (1985). Social categorization and the self-concept: A social cognitive theory of group behavior. *Advances in Group Processes*, *2*, 77-122.

Turner, J. C. (1999). Some current issues in research on social identity and self-categorization theories. In N. Ellemers, R. Spears, & B. Doosje (Eds.), *Social identity: Context, committment, content* (pp. 6-34). Oxford, UK: Blackwell.

Turner, J. C., Hogg, M. A., Oakes, P. J., Reicher, S., & Wetherell, M. (1987). *Rediscovering the social group*. Oxford: Basil Blackwell.

Turner, J. C., & Oakes, P. J. (1986). The significance of the social identity concept for social psychology with reference to individualism, interactionism, and social influence. *British Journal of Social Psychology, 25*, 237-252.

Turner, J. C., & Oakes, P. J. (1989). Self-categorization theory and social influence. In P. B. Paulus (Ed.), *The psychology of group influence* (pp. 233-275). Hillsdale, NJ: Erlbaum.

Turner, J. C., & Oakes, P. J. (1997). The socially structured mind. In C. McGarty & S. A. Haslam (Eds.), *The message of social psychology: Perspectives on mind in society.* (pp. 355-373). Malden, MA, US: Blackwell Publishers Inc.

Turner, J. C., Oakes, P. J., Haslam, S. A., & McGarty, C. (1994). Self and collective: Cognition and social context. *Personality and Social Psychology Bulletin, 20*, 454-463.

Turner, J. C., & Onorato, R. S. (1999). Social identity, personality and the self-concept: A self-categorization perspective. In T. R. Tyler, R. Kramer, & O. John (Eds.), *The psychology of the social self* (pp. 11-46). Hillsdale, NJ: Lawrence Erlbaum.

Turner, J. C., & Reynolds, K. J. (2001). The social identity perspective in intergroup relations: Theories, themes and controversies. In R. J. Brown, & S. Gaertner (Eds.), Blackwell handbook of social psychology: Intergroup processes (pp. 133-152). Oxford: Blackwell.

Tyler, T. R. (1997). The psychology of legitimacy: A relational perspective on voluntary deference to authorities. *Personality and Social Psychology Review, 1*(4), 323-345.

Tyler, T. R., & Lind, E. A. (1992). A relational model of authority in groups. *Advances in Experimental Social Psychology, 25*, 115-191.

van Knippenberg, A. & Ellemers, N. (1993). Strategies in intergroup relations. In M. A. Hogg & D. Abrams (Eds.), Group motivation: Social psychological perspectives (pp. 17-32). London: Harvester Wheatsheaf.

van Rijswijk, W. (2001). *Contextual and perceiver factors in the stereotyping of multiple category groups*. Unpublished PhD thesis, University of Amsterdam, Amsterdam.

Veenstra, K., & Haslam, S. A. (2000). Willingness to participate in industrial protest: Exploring social identification in context. *British Journal of Social Psychology, 39*(2), 153-172.

Verkuyten, M., & Nekuee, S. (1999). Ingroup bias: The effect of self-stereotyping, identification and group threat. *European Journal of Social Psychology, 29*(2-3), 1058-1075.

Verkuyten, M., Rood-Pijpers, E., Elffers, H., & Hessing, D.-J. (1994). Rules for breaking formal rules: Social representations and everyday rule-governed behavior. *Journal-of-Psychology, 128*(5), 485-497.

Vorauer, J. D., Hunter, A. J., Main, K. J., & Roy, S. A. (2000). Meta-stereotype activation: Evidence from indirect measures for specific evaluative concerns experienced by members of dominant groups in intergroup interaction. *Journal of Personality and Social Psychology, 78*, 690-707.

Vorauer, J. D., & Kumhyr, S. M. (2001). Is this about you or me? Self- versus other-directed judgement feelings in response to intergroup interaction. *Personality and Social Psychology Bulletin, 27*(6), 706-719.

Vorauer, J. D., Main, K. J., & O'Connell, G. B. (1998). How do individuals expect to be viewed by members of lower status groups? Content and implications of meta-stereotypes. *Journal of Personality and Social Psychology, 75*, 917-937.

Wagner, W., Elejabarrieta, F., & Lahnsteiner, I. (1995). How the sperm dominates the ovum: Objectification by metaphor in the social representation of conception. *European Journal of Social Psychology, 25*(6), 671-688.

Wagner, W., Elejabarrieta, F., Valencia, J., & Ferreira, L. A. (1994). Stability in the social representations of peace and war in two countries. *Revista de Psicologia Social y Personalidad, 10*(2), 123-143.

Walzdus, S., Mummendey, A., Wenzel, M., & Weber, U. (in press). Towards tolerance: Representations of superordinate categories and perceived ingroup prototypicality. *Journal of Experimental Social Psychology*.

Walzer, M. (1983). *Spheres of justice*. New York: Basic Books.

Wenzel, M. (2000). Justice and identity: The significance of inclusion for perceptions of entitlement and the justice motive. *Personality and Social Psychology Bulletin, 26*(2), 157-176.

Wenzel, M. (2001). A social categorization approach to distributive justice: Social identity as the link between relevance of inputs and need for justice. *British Journal of Social Psychology, 40*(3), 315-335.

Wenzel, M., & Mikula, G. (2001). Conflicts, diplomacy and psychology of justice. Unpublished manuscript, The Australian National University, Canberra.

Wenzel, M., Mummendey, A., Weber, U., & Waldzus, S. (in press). The ingroup as *pars pro toto*: Projection from the ingroup onto the inclusive category as a precursor to social discrimination. *Personality and Social Psychology Bulletin*.

Whittle, S. (1998). *Gemeinschaftsfremen* - or how to be shafted by your friends: Sterilization requirements and legal status recognition for the transsexual. In L. J. Moran, D. Monk, & S. Beresford (Eds.), *Legal queeries: Lesbian, gay and transgender legal studies* (pp. 42-56). London: Cassell.

Wiseman, J. (1998). *Global Nation?: Australia and the politics of globalisation*. Cambridge, UK: Cambridge University Press.

Wright, S. C., Taylor, D. M., & Moghaddam, F. M. (1990). Responding to membership in a disadvantaged group: From acceptance to collective protest. *Journal of Personality and Social Psychology, 58*, 994-1003.

Appendices

Appendix 1: Questionnaires for Study 1

Note, all dependent measures were phrased the same between conditions, only the stimulus page changed from condition to condition. A full questionnaire for the first condition is shown below and the three stimulus pages for the remaining conditions follow.

Individual violation / individual remedy condition (IV/IR)

Please read the information in the box before answering any questions

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Alex claims to have suffered a human rights violation by being treated in the following way:

Under the same powers that allowed the installation of surveillance cameras in Civic, the Federal Police have installed surveillance cameras outside Alex's Canberra home. There is a high rate of house break-ins in the area, and police claim that this is the best way to identify and apprehend the burglars.

Alex claims that the installation of the cameras violates the right to privacy. After taking legal actions and complaints to all available Australian courts and tribunals Alex has still not been able to get the cameras removed.

The right to privacy is protected under Article 17 of the International Covenant on Civil and Political Rights which has been signed by Australia. An affordable international complaints procedure is available for Alex to use at this stage. This procedure involves sending a written complaint to the United Nations Human Rights Committee. The Committee will be able to consider the merits of a written complaint if it: (i) alleges a breach of an international human rights treaty, (ii) is made by an individual, and, (iii) has been made unsuccessfully under all available Australian legal procedures.

To be successful the written complaint must demonstrate that Alex personally suffered detriment resulting from some treatment prohibited by an international human rights treaty signed by Australia. Complaints must be made individually and no complaints can be made by a group.

The Committee will inform both Alex and the Australian Government of its acceptance of the complaint for consideration, its view on whether a human rights violation has occurred, and, any recommendations it has for the Government.

If the Committee believes a human rights violation has occurred, it can send recommendations to the Australian Government about how they should remedy the violation so as to best fulfil their international human rights obligations. This could include a suggestion to the Australian Government that the surveillance cameras be removed since they are a breach of privacy.

11

Please turn the page, read the instructions and complete the questionnaire. If you do not think you have understood any of the information in the box, please reread it before answering the questions.

Please answer all the following questions **as if you were Alex** described on the previous page and were in the same situation. Please answer the questions as honestly and realistically as you can, **imagining that you were treated in the way described.** Unless otherwise instructed, please indicate the extent to which you **agree** or **disagree** with the following statements by circling one number on each rating scale provided (**1 = disagree,**
7 = agree).

Please answer the next two questions **as if you are now faced with the same decision** as Alex about taking further action:

1. I would want to use the available international complaints procedure.

　　　　disagree　　　1　　2　　3　　4　　5　　6　　7　　agree

　　　　Please briefly state why you would be willing / would not be willing to use the procedure:

　　　　_____

　　　　_____

　　　　_____

　　　　_____

2. I would prefer to use other avenues to achieve a result instead of using the available international complaints procedure.

　　　　disagree　　　1　　2　　3　　4　　5　　6　　7　　agree

　　　　Please describe any alternative avenues you would like to use, if any:

　　　　_____

　　　　_____

　　　　_____

　　　　_____

Now imagine that you **have decided to use the available international complaints procedure.**
Please indicate the extent to which you agree with the following statements as if you had just made
a decision to complain to the international committee:

3. **I am confident that the international complaints procedure will be fair.**

      disagree   1   2   3   4   5   6   7   agree

4. **I am confident that the Committee will make recommendations I can agree with.**

      disagree   1   2   3   4   5   6   7   agree

5. **I am confident that the Committee will provide a favourable outcome.**

      disagree   1   2   3   4   5   6   7   agree

6. **I am confident that the Committee will receive and consider all the information needed to make an informed decision.**

      disagree   1   2   3   4   5   6   7   agree

7. **I am confident that any relevant group memberships will be taken into account.**

      disagree   1   2   3   4   5   6   7   agree

8. **I am confident that the Committee will treat me politely.**

      disagree   1   2   3   4   5   6   7   agree

9. **I trust the Committee to try to do what is best for me.**

      disagree   1   2   3   4   5   6   7   agree

10. **The international complaints procedure is legitimate.**

      disagree   1   2   3   4   5   6   7   agree

11. **I would be prepared to accept the recommendations made by the Committee.**

      disagree   1   2   3   4   5   6   7   agree

12. **The Committee are the appropriate decision makers.**

      disagree   1   2   3   4   5   6   7   agree

13. **The Committee deserves my support for any recommendations it makes.**

      disagree   1   2   3   4   5   6   7   agree

14. It is appropriate that Australians use this international complaints procedure.

     disagree   1   2   3   4   5   6   7   agree

15. The international complaints procedure is well designed to address the particular wrong suffered.

     disagree   1   2   3   4   5   6   7   agree

16. In Alex's situation, human rights arguments <u>should</u> be used to protect individuals.

     disagree   1   2   3   4   5   6   7   agree

17. In Alex's situation, human rights arguments <u>should</u> be used to protect groups.

     disagree   1   2   3   4   5   6   7   agree

18. Please briefly comment, on <u>who</u> you believe human rights are meant to protect <u>in Alex's situation</u> and <u>why</u>: _____

_____

_____

_____

19. Alex's right to privacy is violated.

     disagree   1   2   3   4   5   6   7   agree

20. Alex suffers most as an individual.

     disagree   1   2   3   4   5   6   7   agree

21. Alex suffers most as a member of a group.

     disagree   1   2   3   4   5   6   7   agree

22. The international complaints procedure is designed for individuals to use.

     disagree   1   2   3   4   5   6   7   agree

23. The international complaints procedure is designed for groups to use.

     disagree   1   2   3   4   5   6   7   agree

24. Please briefly comment, on who you believe human rights are meant to protect <u>in general</u> and why:

_____

_____

_____

_____

Individual violation / group remedy condition (IV/GR)

Please read the information in the box before answering any questions

---

Alex claims to have suffered a human rights violation by being treated in the following way:

Under the same powers that allowed the installation of surveillance cameras in Civic, the Federal Police have installed surveillance cameras outside Alex's Canberra home. There is a high rate of house break-ins in the area, and police claim that this is the best way to identify and apprehend the burglars.

Alex claims that the installation of the cameras violates the right to privacy. After taking legal actions and complaints to all available Australian courts and tribunals Alex has still not been able to get the cameras removed.

The right to privacy is protected under Article 17 of the International Covenant on Civil and Political Rights which has been signed by Australia. An affordable international complaints procedure is available for Alex to use at this stage. This procedure involves sending a written complaint to the United Nations Human Rights Committee. The Committee will be able to consider the merits of a written complaint if it: (i) alleges a breach of an international human rights treaty, (ii) is made by a group, and, (iii) has been made unsuccessfully under all available Australian legal procedures.

To be successful, the written complaint must demonstrate that Alex suffered detriment because of membership in a particular group and that adverse treatment of that group is prohibited by an international human rights treaty signed by Australia.

The Committee will inform both Alex and the Australian Government of its acceptance of the complaint for consideration, its view on whether a human rights violation has occurred, and, any recommendations it has for the Government.

If the Committee believes a human rights violation has occurred, it can send recommendations to the Australian Government about how they should remedy the violation so as to best fulfil their international human rights obligations. This could include a suggestion to the Australian Government that the surveillance cameras be removed since they are a breach of privacy.

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Please turn the page, read the instructions and complete the questionnaire. If you do not think you have understood any of the information in the box, please reread it before answering the questions.

Group violation / individual remedy condition (GV/IR)

Please read the information in the box before answering any questions

Alex claims to have suffered a human rights violation by being treated in the following way:

Under the same powers that allowed the installation of surveillance cameras in Civic, the Federal Police have installed surveillance cameras outside Alex's Canberra home. There is a high rate of house break-ins in the area, and police claim that this is the best way to identify and apprehend the burglars.

Alex claims that the installation of the cameras violates the right to privacy. Alex is Aboriginal and lives in a public housing complex where the majority of tenants are Aborigines or Islanders. Alex thinks that the cameras are directed at the tenants rather than being for the purpose of apprehending burglars. After taking legal actions and complaints to all available Australian courts and tribunals Alex has still not been able to get the cameras removed.

The right to privacy is protected under Article 17 of the International Covenant on Civil and Political Rights which has been signed by Australia. An affordable international complaints procedure is available for Alex to use at this stage. This procedure involves sending a written complaint to the United Nations Human Rights Committee. The Committee will be able to consider the merits of a written complaint if it: (i) alleges a breach of an international human rights treaty, (ii) is made by an individual, and, (iii) has been made unsuccessfully under all available Australian legal procedures.

To be successful, the written complaint must demonstrate that Alex personally suffered detriment resulting from some treatment prohibited by an international human rights treaty signed by Australia. Complaints must be made individually and no complaints can be made by a group.

The Committee will inform both Alex and the Australian Government of its acceptance of the complaint for consideration, its view on whether a human rights violation has occurred, and, any recommendations it has for the Government.

If the Committee believes a human rights violation has occurred, it can send recommendations to the Australian Government about how they should remedy the violation so as to best fulfil their international human rights obligations. This could include a suggestion to the Australian Government that the surveillance cameras be removed since they are a breach of privacy.

21

Please turn the page, read the instructions and complete the questionnaire. If you do not think you have understood any of the information in the box, please reread it before answering the questions.

A 8

Group violation / group remedy condition (GV/GR)

Please read the information in the box before answering any questions

---

Alex claims to have suffered a human rights violation by being treated in the following way:

Under the same powers that allowed the installation of surveillance cameras in Civic, the Federal Police have installed surveillance cameras outside Alex's Canberra home. There is a high rate of house break-ins in the area, and police claim that this is the best way to identify and apprehend the burglars.

Alex claims that the installation of the cameras violates the right to privacy. Alex is Aboriginal and lives in a public housing complex where the majority of tenants are Aborigines or Islanders. Alex thinks that the cameras are directed at the tenants rather than for the purpose of apprehending burglars. After taking legal actions and complaints to all available Australian courts and tribunals Alex has still not been able to get the cameras removed.

The right to privacy is protected under Article 17 of the International Covenant on Civil and Political Rights which has been signed by Australia. An affordable international complaints procedure is available for Alex to use at this stage. This procedure involves sending a written complaint to the United Nations Human Rights Committee. The Committee will be able to consider the merits of a written complaint if it: (i) alleges a breach of an international human rights treaty, (ii) is made by a group, and, (iii) has been made unsuccessfully under all available Australian legal procedures.

To be successful, the written complaint must demonstrate that Alex suffered detriment because of membership in a particular group and that adverse treatment of that group is prohibited by an international human rights treaty signed by Australia.

The Committee will inform both Alex and the Australian Government of its acceptance of the complaint for consideration, its view on whether a human rights violation has occurred, and, any recommendations it has for the Government.

If the Committee believes a human rights violation has occurred, it can send recommendations to the Australian Government about how they should remedy the violation so as to best fulfil their international human rights obligations. This could include a suggestion to the Australian Government that the surveillance cameras be removed since they are a breach of privacy.

22

Please turn the page, read the instructions and complete the questionnaire. If you do not think you have understood any of the information in the box, please reread it before answering the questions.

A 9

Appendix 2: Questionnaires for Study 2

Note that the same violation selection and ranking task was completed in all conditions (see end of this appendix)

Social mobility criticism/equality-driven construal condition

Please read the following passage before answering the questions below:

In the Northern Territory, mandatory sentencing laws oblige magistrates to order the following minimum periods of detention for anyone 17 years and over who is convicted of stealing property of any value:

> 1st offence -14 days
>
> 2nd offence - 90 days
>
> 3rd offence - 1 year

For example, Person X a 17-year-old from the Northern Territory, was convicted for stealing a t-shirt off a clothesline earlier this year. This was Person X's first offence. Under the mandatory sentencing laws, Person X was imprisoned in an adult prison for 14 days.

These laws have been condemned as inappropriately blunt instruments, almost willfully blind to the individual circumstances of crime. The same minimum penalties apply to all first-time offenders irrespective of the individual conditions of their present life and past history. The law should take into account the reasons behind any person's actions. Every individual, whatever their position in life, should have the opportunity to account for themselves before the law and judges should be free to use their discretion and adapt the sentence to the crime, and the circumstances of the offender.

---

a

Please summarize this view about mandatory sentencing laws in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view is useful for deciding what theft laws we should have in Australia?

| disagree | 1 | 2 | 3 | 4 | 5 | 6 | 7 | agree |

This view captures my own thoughts about mandatory sentencing

| disagree | 1 | 2 | 3 | 4 | 5 | 6 | 7 | agree |

please turn over and continue . . . .

A 10

As you may be aware from media reports, the UN High Commissioner for Human Rights, Mary Robinson, has agreed to undertake a review of the Northern Territory's mandatory sentencing laws. She will give advice on whether the laws breach international human rights law.

Please read the following view about human rights below before answering the remaining questions:

> Human rights are meant to protect all individuals merely as a result of being
> human. Human rights provide universal protection for all human beings
> because all people are born equal and deserve to live in the same state of
> freedom. Everyone has the same rights regardless of which groups you belong to.
> That is how to ensure that all individuals enjoy equal rights. No right given to
> certain group members should discriminate against non-group members. Even
> as members of different groups we are individuals who deserve equal treatment.
> If human rights do not equally protect individuals of any group then there is no
> point in having them.

Please **summarize this view** about human rights in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view captures my own definition of human rights

    disagree   1   2   3   4   5   6   7   agree

I would be happy for Mary Robinson to use this view of human rights in her review of the laws

    disagree   1   2   3   4   5   6   7   agree

Mandatory sentencing laws breach human rights

    disagree   1   2   3   4   5   6   7   agree

Please elaborate the reasons for your last answer: _____

_____

_____

_____

Social mobility criticism/vulnerable groups construal condition

Please read the following passage before answering the questions below:

In the Northern Territory, mandatory sentencing laws oblige magistrates to order the following minimum periods of detention for anyone 17 years and over who is convicted of stealing property of any value:

> 1st offence -14 days
>
> 2nd offence - 90 days
>
> 3rd offence - 1 year

For example, Person X a 17-year-old from the Northern Territory, was convicted for stealing a t-shirt off a clothesline earlier this year. This was Person X's first offence. Under the mandatory sentencing laws, Person X was imprisoned in an adult prison for 14 days.

These laws have been condemned as inappropriately blunt instruments, almost willfully blind to the individual circumstances of crime. The same minimum penalties apply to all first-time offenders irrespective of the individual conditions of their present life and past history. The law should take into account the reasons behind any person's actions. Every individual, whatever their position in life, should have the opportunity to account for themselves before the law and judges should be free to use their discretion and adapt the sentence to the crime, and the circumstances of the offender.

b

Please **summarize this view** about mandatory sentencing laws in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view is useful for deciding what theft laws we should have in Australia?

     disagree   1   2   3   4   5   6   7   agree

This view captures my own thoughts about mandatory sentencing

     disagree   1   2   3   4   5   6   7   agree

As you may be aware from media reports, the UN High Commissioner for Human Rights, Mary Robinson, has agreed to undertake a review of the Northern Territory's mandatory sentencing laws.

She will give advice on whether the laws breach international human rights law.

Please read the following view about human rights below before answering the remaining questions:

> Human rights are meant to protect the needs of particular vulnerable groups within society. For example, minority groups, indigenous groups, employees, religious groups, cultural groups, the underprivileged, those without real political representation, those suffering extreme financial hardship, the dispossessed, the economically disadvantaged, racial targets and ethnically disadvantaged groups. Some people do claim that human rights are for protecting all humans within society equally. However, as a matter of reality, human rights are asserted to protect disadvantaged groups. True protection of the individual requires protection of a particular group within society to which they belong.

Please **summarize this view** about human rights in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view captures my own definition of human rights

    disagree   1   2   3   4   5   6   7   agree

I would be happy for Mary Robinson to use this view of human rights in her review of the laws

    disagree   1   2   3   4   5   6   7   agree

Mandatory sentencing laws breach human rights

    disagree   1   2   3   4   5   6   7   agree

Please elaborate the reasons for your last answer: _____

_____

_____

_____

Social change criticism/equality-driven construal condition

Please read the following passage before answering the questions below:

In the Northern Territory, mandatory sentencing laws oblige magistrates to order the following <u>minimum</u> periods of detention for anyone 17 years and over who is convicted of stealing property of <u>any</u> value:

<div align="center">

1st offence -14 days

2nd offence - 90 days

3rd offence - 1 year

</div>

For example, Person X a 17-year-old from the Northern Territory, was convicted for stealing a t-shirt off a clothesline earlier this year. This was Person X's first offence. Under the mandatory sentencing laws, Person X was imprisoned in an adult prison for 14 days.

These laws have been condemned as inappropriately blunt instruments, almost willfully blind to the social context of crime. The same minimum penalties apply to all first-time offenders, irrespective of the social circumstances of their present life and past history. In the Northern Territory, 25% of the population are indigenous, but 76% of the adults and 73% of the young people detained in prisons and detention centres are indigenous. Also, the sentencing laws target theft of property, an offence for which many indigenous people are detained, whereas for "white collar" crimes such as fraud judges are still free to use their discretion and adapt the sentence to the crime, and the circumstances of the offender.

---

c

Please **summarize this view** about mandatory sentencing laws in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view is useful for deciding what theft laws we should have in Australia?

    disagree   1   2   3   4   5   6   7   agree

This view captures my own thoughts about mandatory sentencing

    disagree   1   2   3   4   5   6   7   agree

A 14

As you may be aware from media reports, the UN High Commissioner for Human Rights, Mary Robinson, has agreed to undertake a review of the Northern Territory's mandatory sentencing laws. She will give advice on whether the laws breach international human rights law.

Please read the following view about human rights below before answering the remaining questions:

> Human rights are meant to protect all individuals merely as a result of being human. Human rights provide universal protection for all human beings because all people are born equal and deserve to live in the same state of freedom. Everyone has the same rights regardless of which groups you belong to. That is how to ensure that all individuals enjoy equal rights. No right given to certain group members should discriminate against non-group members. Even as members of different groups we are individuals who deserve equal treatment. If human rights do not equally protect individuals of any group then there is no point in having them.

Please **summarize this view** about human rights in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view captures my own definition of human rights

      disagree   1   2   3   4   5   6   7   agree

I would be happy for Mary Robinson to use this view of human rights in her review of the laws

      disagree   1   2   3   4   5   6   7   agree

Mandatory sentencing laws breach human rights

      disagree   1   2   3   4   5   6   7   agree

Please elaborate the reasons for your last answer: _____

_____

_____

_____

A 15

Social change criticism/vulnerable groups construal condition

Please read the following passage before answering the questions below:

In the Northern Territory, mandatory sentencing laws oblige magistrates to order the following minimum periods of detention for anyone 17 years and over who is convicted of stealing property of any value:

> 1st offence -14 days
>
> 2nd offence - 90 days
>
> 3rd offence - 1 year

For example, Person X a 17-year-old from the Northern Territory, was convicted for stealing a t-shirt off a clothesline earlier this year. This was Person X's first offence. Under the mandatory sentencing laws, Person X was imprisoned in an adult prison for 14 days.

These laws have been condemned as inappropriately blunt instruments, almost willfully blind to the social context of crime. The same minimum penalties apply to all first-time offenders, irrespective of the social circumstances of their present life and past history. In the Northern Territory, 25% of the population are indigenous, but 76% of the adults and 73% of the young people detained in prisons and detention centres are indigenous. Also, the sentencing laws target theft of property, an offence for which many indigenous people are detained, whereas for "white collar" crimes such as fraud judges are still free to use their discretion and adapt the sentence to the crime, and the circumstances of the offender.

d

Please **summarize this view** about mandatory sentencing laws in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view is useful for deciding what theft laws we should have in Australia?

| disagree | 1 | 2 | 3 | 4 | 5 | 6 | 7 | agree |

This view captures my own thoughts about mandatory sentencing

| disagree | 1 | 2 | 3 | 4 | 5 | 6 | 7 | agree |

As you may be aware from media reports, the UN High Commissioner for Human Rights, Mary Robinson, has agreed to undertake a review of the Northern Territory's mandatory sentencing laws. She will give advice on whether the laws breach international human rights law.

Please read the following view about human rights below before answering the remaining questions:

Human rights are meant to protect the needs of particular vulnerable groups within society. For example, minority groups, indigenous groups, employees, religious groups, cultural groups, the underprivileged, those without real political representation, those suffering extreme financial hardship, the dispossessed, the economically disadvantaged, racial targets and ethnically disadvantaged groups. Some people do claim that human rights are for protecting all humans within society equally. However, as a matter of reality, human rights are asserted to protect disadvantaged groups. True protection of the individual requires protection of a particular group within society to which they belong.

Please **summarize this view** about human rights in one sentence below:

_____

_____

Please rate the extent to which you **agree or disagree** with the following statements:

This view captures my own definition of human rights

     disagree   1   2   3   4   5   6   7   agree

I would be happy for Mary Robinson to use this view of human rights in her review of the laws

     disagree   1   2   3   4   5   6   7   agree

Mandatory sentencing laws breach human rights

     disagree   1   2   3   4   5   6   7   agree

Please elaborate the reasons for your last answer: _____

_____

_____

_____

Violation and ranking task administered in all conditions

(A)

Please circle the option below that makes the following sentence true for you:

In general, **I support / I do not support** the Northern Territory mandatory sentencing laws.

(B)

FIRST, in the column headed "violation", please **tick** any of the rights listed below that you think have been violated as a result of the application of mandatory sentencing laws to Person X.

SECOND, please **rank all** the rights below from 1 to 12 in the order of how important it is that these rights are protected by our criminal justice system.

For example, give a ranking of 1 to the right which you feel is most important to protect in a criminal justice system. Give a ranking of 12 to the right which you think is least important to protect in a criminal justice system.

violation	ranking	
_____	_____	right of child not to be imprisoned with adults
_____	_____	freedom from racial discrimination
_____	_____	right of child to be imprisoned only as a last resort
_____	_____	right to a fair trial
_____	_____	right to appeal a criminal conviction
_____	_____	right of child to a sentence proportionate to the circumstances of the offence
_____	_____	freedom from arbitrary detention
_____	_____	right to be protected as a minor
_____	_____	right to a prison system aimed at reform and rehabilitation
_____	_____	right to equality before the law
_____	_____	right of child to be protected from discrimination
_____	_____	right of child to be imprisoned in way promoting dignity, respect for law and reintegration

Stimulus material for individual disadvantage condition

PLEASE WRITE YOUR CODE NUMBER HERE: _____

Please read the following scenario:

Over the last year there have been discussions about possibly introducing some form of skills testing of all people aged between 18-25 years-old who are studying in universities or working in the public service.

The same test would be given to university students and public servants to measure the skills attained either through university study or through work in the public service. The test would be designed to measure skills thought relevant for employment in the workplace and would be called the Skills Test.

Please imagine that all Australian universities and public service departments have agreed to allow the Skills Test to be administered to their students and employees towards the end of 2000. It is agreed by all universities and by all departments in the public service that the testing will be made a compulsory aspect of the study or work completed by all 18-25 year olds.

The universities and public service departments have also agreed that the results of the skills tests scores will be stored in a Skills Test Database to be made available to a number of main employer organisations.

The database will consist of the name of each test respondent and their score on the test. It will impossible to determine from the database if the scores come from university students or from public servants.

Most universities feel that they should modify their existing privacy policies to clarify that the circulation of Skills Test scores to employers in the database is an exception to their general principle of not releasing their students' results to the public. Current advice suggests that this is legally possible as various "data-sharing" exceptions currently exist in all university privacy policies.

Universities have decided on model amendments to their privacy policies to clarify the scope of their privacy obligation. They have included a new statement that:

> "universities have a privacy obligation not to release the results of
> internal university testing to the public. This does not prevent the
> public circulation of any student's result on externally-devised tests
> such as the Skills Test."

Now, please turn the page and answer the questions

PLEASE WRITE YOUR CODE NUMBER HERE: _____

Please read the following scenario:

Over the last year there have been discussions about possibly introducing some form of skills testing of all people aged between 18-25 years-old who are studying in universities or working in the public service.

The same test would be given to university students and public servants to measure the skills attained either through university study or through work in the public service. The test would be designed to measure skills thought relevant for employment in the workplace and would be called the Skills Test.

Please imagine that all Australian universities and public service departments have agreed to allow the Skills Test to be administered to their students and employees towards the end of 2000. It is agreed by all universities and by all departments in the public service that the testing will be made a compulsory aspect of the study or work completed by all 18-25 year olds.

The universities have also agreed that the results of the skills tests scores will be stored in a Skills Test Database to be made available to a number of main employer organisations. The database will consist of the name of each test respondent and their score on the test.

The public service departments have not agreed to the circulation of their employees' scores to other employers in the Skills Test Database.

Most universities feel that they should modify their existing privacy policies to clarify that the circulation of Skills Test scores to employers in the database is an exception to their general principle of not releasing their students' results to the public. Current advice suggests that this is legally possible as various "data-sharing" exceptions currently exist.

Universities have decided on model amendments to their privacy policies to clarify the scope of their privacy obligation. They have included a new statement that:

> "universities have a privacy obligation not to release the results of
> internal university testing to the public. This does not prevent the
> public circulation of any student's result on externally-devised tests
> such as the Skills Test."

Now, please turn the page and answer the questions

<u>Dependent measures (same for both conditions)</u>

The following questions ask you about the information you have just read. Please re-read the scenario if you need to.

(1) Do the decisions made mean that <u>both</u> the results of university students <u>and</u> public service employees will be made available to employers in the Skills Test Database?

> (please circle one option) yes / no

(2) Do the decisions made mean that the Skills Test score of an individual university student could be identified by employers with access to the Skills Test Database?

> (please circle one option) yes / no

(3) Universities have included the following statement in their amended privacy policies:

> "universities have a privacy obligation not to release the results of internal
> university testing to the public. This does not prevent the public circulation
> of any student's result on externally-devised tests such as the Skills Test."

Please circle below whether you agree or disagree with this interpretation:

> I **agree** / **disagree** with this interpretation of the ANU's privacy obligations

(4) Keeping in mind the decisions made by the universities, to what extent do
you agree with the statements below (1 = disagree, 7 = agree)? Please also
indicate in the spaces provided which statement you agree with most out of
Statements A and B, then which statement you agree with most out of
Statements C and D:

> (A) Society should be thought of as a collection of discrete individuals, each of whom is free
> to further their own individual interests in an open system
>
> > strongly disagree   1   2   3   4   5   6   7   strongly agree
>
> (B) Society should be thought of as a collection of groups, each group member forced to
> further their own individual interests only by furthering their group's interest
>
> > strongly disagree   1   2   3   4   5   6   7   strongly agree

When considering both Statements (A) and (B) I agree most with Statement _____ .

> (C) The purpose of human rights is to protect vulnerable groups in society and allow them to
> continue associating as groups
>
> > strongly disagree   1   2   3   4   5   6   7   strongly agree
>
> (D) The purpose of human rights is to protect all humans regardless of the groups to which
> they may belong
>
> > strongly disagree   1   2   3   4   5   6   7   strongly agree

When considering both Statements (C) and (D) I agree most with Statement _____ .

. . . . . continued over . . . . .

A 21

Now, please think about your reactions to the decisions made by the universities described in the situation above.

(5) Please indicate your responses to the following questions on the scales provided:

How similar are the students in this situation to yourself

       no similarity   1   2   3   4   5   6   7   high similarity

To what degree can you relate to the students in this situation

       cannot relate   1   2   3   4   5   6   7   can easily relate

How much can you empathize with the students in this situation

       cannot empathize   1   2   3   4   5   6   7   can easily empathize

I feel strong ties with universities in general

       strongly disagree   1   2   3   4   5   6   7   strongly agree

Being a university student is important to me

       strongly disagree   1   2   3   4   5   6   7   strongly agree

(6) Please indicate the extent to which you agree with the following statements that all begin with the sentence below (1 = strongly disagree, 7 = strongly agree):

> The universities' decision to make results of the Skills Test available to employers in the Skills Test Database . . . . .

. . . . . is the wrong decision

       strongly disagree   1   2   3   4   5   6   7   strongly agree

. . . . . is just

       strongly disagree   1   2   3   4   5   6   7   strongly agree

. . . . . is fair

       strongly disagree   1   2   3   4   5   6   7   strongly agree

. . . . . will not disadvantage university students when they leave university

       strongly disagree   1   2   3   4   5   6   7   strongly agree

. . . . . . continued over . . . . .

(6) (cont) Please indicate the extent to which you agree with the following statements that all begin with the sentence below (1 = strongly disagree, 7 = strongly agree):

> The universities' decision to make results of the Skills Test available to employers in the Skills Test Database . . . . .

. . . . . was an unexpected decision for the universities to make

      strongly disagree   1   2   3   4   5   6   7 strongly agree

. . . . . does not violate my beliefs about how universities should exercise their power to make decisions that affect the welfare of their students

      strongly disagree   1   2   3   4   5   6   7 strongly agree

. . . . . shows that the universities have too much power over the fate of their students

      strongly disagree   1   2   3   4   5   6   7 strongly agree

. . . . . is a decision appropriately made within the scope of the power universities should have over issues affecting the welfare of university students

      strongly disagree   1   2   3   4   5   6   7 strongly agree

. . . . . is a decision made by the wrong people

      strongly disagree   1   2   3   4   5   6   7 strongly agree

. . . . . disempowers university students

      strongly disagree   1   2   3   4   5   6   7 strongly agree

(7) The universities decision to circulate the Skills Test Database appears to be final. Please indicate the extent to which you would be interested in doing the following things in response to the decision made.

Please read through <u>all</u> the options first before making your ratings.

    (A) accept the decision

        no interest   1   2   3   4   5   6   7   high interest

    (B) sign a petition organized by various student groups claiming that the decision is wrong because it violates university students' right to privacy more than it violates the public servants' right to privacy

        no interest   1   2   3   4   5   6   7   high interest

    (C) sign a petition saying that the decision is wrong because it breaches your individual right to privacy

        no interest   1   2   3   4   5   6   7   high interest

Please indicate which option you most prefer if you had to choose only one: _____**(cont)**

(8) Please indicate the extent to which your ratings in section (7) were guided by the following considerations:

a desire to protect university students from suffering harm

      not at all   1   2   3   4   5   6   7   very much

a desire to protect the reputation of universities

      not at all   1   2   3   4   5   6   7   very much

If there were other reasons for your ratings in section (7), please specify these below:

_____

_____

_____

(9) Please complete the following items:

Please state your age _____

Have you worked in the public service and studied at university at the same time?

      (please circle one option) yes / no

Keeping in mind the number of databases of personal information being compiled at the moment (eg. CrimeNet, direct marketing lists based on your use of internet sites etc), how likely is it that the decisions made in the scenario described could occur?

      not at all likely   1   2   3   4   5   6   7   very likely

Thank you very much for your participation

Note that the same questionnaire was given to the sample of activists and the sample of non-activists.

Division of Psychology
THE AUSTRALIAN NATIONAL UNIVERSITY

HUMAN RIGHTS SURVEY

This survey is part of a PhD project in social psychology conducted by Mark Nolan and Dr Penny Oakes (approved by ANU Ethics Committee, protocol number P9909). The project aims to understand people's perceptions of human rights. It would be greatly appreciated if you could spend a few moments today to complete the survey and leave it in the envelope marked "Completed Human Rights Surveys" at the registration desk. Thanks to the conference organisers who have agreed to the circulation of this survey.

If you do not have time to complete the survey today, you can take a stamped return envelope from the registration desk with you and send the completed survey back to Mark Nolan, Division of Psychology, The Australian National University, Canberra, ACT 0200.

Please understand that all responses are anonymous and confidential, and your participation is voluntary. For further information about this study and related research please contact:

Mark Nolan BSc (Hons.), LLB
ph: 02 6249 0638
fax: 02 6249 0499
email: mark.nolan@anu.edu.au

We are interested in how people prefer to think about human rights. There are a number of different possible conceptions of human rights and ideas about how human rights should be pursued. In this sense, people may respond to this questionnaire in different ways. We would be grateful if you could read through the questions carefully and indicate your preferred responses to the following items. Please remember that all responses are anonymous.

1. The following statements relate to whether you feel part of a human rights movement. Please make ratings on the following scales to indicate the extent to which you agree with each statement (1 = strongly disagree, 7 = strongly agree).

I see myself as a member of the human rights movement.

strongly disagree   1   2   3   4   5   6   7   strongly agree

I feel strong ties with the human rights movement.

strongly disagree   1   2   3   4   5   6   7   strongly agree

I identify with the human rights movement.

strongly disagree   1   2   3   4   5   6   7   strongly agree

It is important to me to belong to the human rights movement.

strongly disagree   1   2   3   4   5   6   7   strongly agree

I consider myself an activist of the human rights movement.

strongly disagree   1   2   3   4   5   6   7   strongly agree

I would describe myself as someone who is actively involved in promoting human rights.

strongly disagree   1   2   3   4   5   6   7   strongly agree

2. The following statements are general views about human rights. Please make ratings on the following scales to indicate the extent to which you agree with each statement (1 = strongly disagree, 7 = strongly agree).

(A) The purpose of human rights should be to protect vulnerable groups in society
and allow them to continue associating as groups.

strongly disagree   1   2   3   4   5   6   7   strongly agree

(B) The purpose of human rights should be to protect all humans regardless of
the groups to which they may belong.

strongly disagree   1   2   3   4   5   6   7   strongly agree

3. We are now interested in which of the statements from section 2 you <u>prefer</u>. Please complete the following sentence by writing <u>either</u> "A" <u>or</u> "B" in the blank space:

      When considering both statements (A) and (B) in section 2, I agree most with
      statement _____ .

4. The following statements are general views about society. Please make ratings on the following scales to indicate the extent to which you agree with <u>each</u> statement (1 = strongly disagree, 7 = strongly agree).

      (C) Society should be thought of as a collection of discrete individuals, each of
         whom is free to further their own individual interests in an open system.

         strongly disagree 1   2   3   4   5   6   7 strongly agree

      (D) Society should be thought of as a collection of groups, where each group
         member furthers their own individual interests by furthering their group's
         interest.

         strongly disagree 1   2   3   4   5   6   7 strongly agree

5. We are now interested in which of the statements from section 4 you <u>prefer</u>. Please complete the following sentence by writing <u>either</u> "C" <u>or</u> "D" in the blank space:

      When considering both statements (C) and (D) in section 2, I agree most with
      statement _____ .

6. Please indicate the extent to which you agree with the following statement
(1 = strongly disagree, 7 = strongly agree).

      There are currently problems that need to be addressed regarding Australia's
      treatment of asylum seekers and refugees.

         strongly disagree 1   2   3   4   5   6   7 strongly agree

7. Please indicate the extent to which you agree with the following statement
(1 = strongly disagree, 7 = strongly agree).

      Using human rights arguments to criticise Australia's treatment of asylum seekers and
      refugees can lead to an improvement in the way they are treated.

         strongly disagree 1   2   3   4   5   6   7 strongly agree

---

THANKYOU VERY MUCH FOR YOUR PARTICIPATION
Mark Nolan, Division of Psychology, The Australian National University, Canberra ACT 0200
ph 02 6249 0638, fax 02 6249 0499, email: mark.nolan@anu.edu.au

Outgroup audience questionnaire

Division of Psychology

THE AUSTRALIAN NATIONAL UNIVERSITY

April 2001

Fertility Services Study

Please read the following description of this study and follow the link to the consent form if you would like to participate

Thankyou for following the link to this study based upon the issue of access to assisted reproductive technology or fertility services. We are interested in hearing your views on this issue and will provide some realistic tasks for you to complete which we hope you will find interesting.

This questionnaire is part of a PhD project in social psychology conducted by Mark Nolan and supervised by Dr Penny Oakes (approved by ANU Ethics Committee, protocol number P9909 and 2001/8). The project aims to understand how arguments are used in political debates.

Participation in this study should take around 20 minutes of your time. Please understand that all responses are anonymous and your participation is voluntary. We do not ask you to identify yourself by name and we do not need your email address. IP addresses and referring site information will be logged in order to track any technological problems with the running of the study. This information will not be reported and will be destroyed on completion of the data collection phase.

A link to a page describing the design and the outcome of the study will be provided *after* the data collection phase has been completed. You will be able to find this link on the site or email list where you originally found the link to this study.

In the meantime, if you have any questions about this study and related research please contact Mark Nolan and allow up to 7 days for a response (details below). Researchers in the Division of Psychology, ANU, and NOT the host site or email list administrators, are responsible for the design of the study. The link to the study has been placed on the host site or circulated on the email list with the consent of the site or email list administrators.

Mark Nolan and Dr Penny Oakes
Division of Psychology
The Australian National University
Canberra ACT 0200
ph: 02 6125 0638, fax: 02 6125 0499
Contact us on mark.nolan@anu.edu.au

Click here to go to the consent form to begin the study

Consent Form

If you would like to complete the questionnaire, please read the following information. If you consent to these conditions, please click on the "I agree to these conditions" link below, to indicate that you are prepared to participate in the study with informed consent.

You will be asked to read some information about the debate surrounding issues of access to assisted reproductive technologies and the proposed amendment to the Federal *Sex Discrimination Act*. You will be asked to respond to some questions and make some evaluations by using rating scales and typing comments.

Please keep in mind all instructions and information provided when answering the questions. Please submit only one completed questionnaire. Your honest and considered participation will aid the quality of the data and will help us very much with our project.
Please remember that:

- your responses are anonymous

- we do not ask you to identify yourself by name

- we do not ask for your email address

- IP address and referring site information is tracked only to detect any possible technological problems and this information will be destroyed after data collection and not reported

- your participation is voluntary and you may choose not to complete the questionnaire

- you do not have to finish the questionnaire once you have started if you decide that you would prefer not to continue

- you can discuss problems with mark.nolan@anu.edu.au allowing up to 7 days for a response

- any concerns about the research can also be referred to: Human Ethics Officer, Research Services Office, The Australian National University, Canberra ANU 0200, ph: 02 6125 2900, Human.Ethics.Officer@anu.edu.au

If you have read and understood the above information and would like to complete the questionnaire, please click on the "I agree" link below.
I Agree

Thanks in advance for your participation - it helps me with my PhD research.

Please read through the following information:

We would like you to think about the issue of access to assisted reproductive technology (ART). In 2000, the Federal Government introduced the *Sex Discrimination Amendment Bill* into parliament. This bill proposes to amend the Federal *Sex Discrimination Act*, and would allow State Governments to restrict the access to ART services to married women and women in recognized *de facto* relationships. The amendment would allow discrimination on the basis of marital status by clinics in Australia that provide the following services: artificial insemination; IVF; gamete, zygote or embryo transfer; or any other services provided in the course of these procedures or to assist "non-coital fertilisation". This would mean that States could lawfully deny lesbians and single women access to these services.

Firstly, please answer the following questions about your general beliefs.
Please think about these beliefs in the context of the debate over access to assisted reproductive technology and select the option which best represents your view.

Question 1

The following statements relate to whether you feel part of the women's movement. Please click on the button that best represents the extent to which you agree with *each* statement (1 = strongly disagree, 7 = strongly agree).

	SD 1	2	3	4	5	6	SA 7
I see myself as a member of the women's movement.	O	O	O	O	O	O	O
I feel strong ties with the women's movement.	O	O	O	O	O	O	O
I identify with the women's movement.	O	O	O	O	O	O	O
It is important to me to belong to the women's movement.	O	O	O	O	O	O	O
I consider myself an activist of the women's movement.	O	O	O	O	O	O	O
I would describe myself as someone who is actively involved in promoting women's issues.	O	O	O	O	O	O	O

Question 2

The following statements express some views about society. We are interested in knowing to what extent YOU agree with these statements when thinking about the debate surrounding access to assisted reproductive technology. Please make ratings on the following scales to indicate the extent to which you agree with *each* statement (1 = strongly disagree, 7 = strongly agree).

	SD 1	2	3	4	5	6	SA 7
Statement 1: Society should be thought of as a collection of discrete individuals, each of whom is free to further their own individual interests in an open system.	O	O	O	O	O	O	O
Statement 2: Society should be thought of as a collection of groups, where each group member furthers their own individual interests by furthering their group's interest.	O	O	O	O	O	O	O

Question 3

Now please indicate which statement from section 2 you *prefer* when thinking about the debate surrounding access to assisted reproductive technology.
Please click the radio button for *either* Statement 1 *or* Statement 2.

Statement 1 ◉   Statement 2 O

[next]

Description of the speech evaluation task

Now, please imagine that you are a member of the action committee of a women's organization.

This organization has been campaigning against the proposed *Sex Discrimination Amendment Bill* since its proposal last August. The organization has argued that lesbians and single women should be granted access to assisted reproductive technology (ART) in addition to the access provided to married women and women in *de facto* relationships.

The action committee is interested in getting your view on how a spokesperson should address this issue at an upcoming meeting with Howard Government MPs who support restricting access to ART to married women and women in *de facto* relationships. The action committee agrees that the spokesperson's purpose should be to persuade these politicians to rethink their view on denying lesbians and single women access to ART.

However, the spokesperson would like to hear your view on which of two draft versions of a speech should be finally delivered to the Howard Government MPs. You are asked to read the two versions of the speech and advise the committee on which speech you think the spokesperson should deliver.

First, click the "**View Speeches Now**" link below to view the two versions of the speech in a separate **speech window**.

Please scroll within this window to read both speeches. Please read through each version of the speech carefully before answering the questions that continue in the **questionnaire window**.

After reading the speeches, please return to the questionnaire window. Then, continue with the questionnaire by clicking the "**Continue with the Questionnaire**" button at the bottom of this page. The speech window will remain open so that you can refer to it as you go.

<u>View Speeches Now</u>

Please read the speeches by following the "**View Speeches Now**" link above before continuing on with the questionnaire.

[Continue with the Questionnaire]

Presentation to a meeting of Howard Government MPs
SPEECH A

In modern Australian society, it is crucial that all Australian women have access to assisted reproductive technology (ART). Denying access to some groups of Australian women denies them universal human rights such as the right to health and the right to privacy in decisions related to reproduction and family life. All Australian women should have a right of access to ART without distinction of any kind. This includes a right of access to ART without discrimination on the basis of marital status.

However, the proposed Sex Discrimination Amendment Bill clearly discriminates on the basis of marital status. If passed, the Bill would allow the discriminatory rules devised by many governments to continue to the detriment of many women. The Bill would allow State Governments to exclude lesbians and single women from ART - denying them the chance to use ART in accordance with their fundamental rights to health and privacy. Therefore the proposed Bill officially sanctions discrimination and violates universal rights rather than protects them.

Supporters of this Bill desperately need to rethink the reality of using ART. The reality is that all Australian women willing to use ART think long and hard about parenting. Lesbians and single women, like other Australian women needing ART, carefully consider the sacrifices involved in being a parent. In addition, all these women think long and hard about the physical and emotional risks involved in using ART. Being forced to do all this thinking means that women willing to use ART, irrespective of their marital status, have already made a significant commitment to parenting when they walk through the doors of an ART clinic. Their universal right to health and their universal right to privacy must be upheld from this point onwards, in order to protect the interests of all of these women and to protect their ability to make a deep commitment to parenting.

All of these women deserve equal access to an ART provider. This means that lesbians and single women with the courage to approach a clinic have a right to be free from discrimination on the basis of marital status. Lesbians and single women, like all other Australian women, deserve an equal chance to accept the challenge of parenting, assisted by the latest reproductive technology, and to demonstrate how good a parent they can be to their children.

ART providers offer a wide range of health services that many women need. All women in need of these services should be able to benefit from ART. However, if these services are not officially available to all, some groups of women will be unfairly denied access to ART and will be denied their fundamental human rights. Of course, with exclusion comes desperation. Those excluded, such as lesbians and single women, can only fulfil their commitment to parent by using unofficial, unhealthy and unsafe methods.

We can avoid the negative consequences of desperation by upholding Australia's promise to protect the right to health and the right to privacy without discrimination on the basis of marital status. If, as Australians, we want these rights to protect all Australian women, we must provide equal access to assisted reproductive technologies to all.

In modern Australian society, it is crucial that all Australian women have access to assisted reproductive technology (ART). Denying access to lesbians and single women on the basis of marital status is insulting and discriminatory. On the other hand, governments could acknowledge and legitimize the lifestyles and commitments of lesbians and single women by providing them with access to ART.

However, the proposed Sex Discrimination Amendment Bill insults lesbians and single women rather than includes them. The Bill clearly discriminates on the basis of marital status. If the Bill is passed, it would allow the discriminatory rules devised by many governments to continue to the detriment of lesbians and single women. These women suffer because they are denied access to the ART services they need to assist them with having children while continuing to live a lifestyle consistent with their psychological needs.

Supporters of this Bill desperately need to rethink the reality of using ART. The reality is that lesbians and single women willing to use ART think long and hard about parenting. They carefully consider the sacrifices involved in being a parent. In addition these women think long and hard about the physical and emotional risks involved in using ART. Being forced to do all this thinking means that women willing to use ART, irrespective of their marital status, have already made a significant commitment to parenting when they walk through the doors of an ART clinic. Of course, lesbian and single mothers also face the added burden of prejudice, such as the criticism that they live in dysfunctional families. So lesbians and single women must make a significant commitment to parenting in order to cope, not only with the reality of ART, but with the reality that marital status discrimination may confront them wherever they go as parents of their children.

There is enough prejudice in society already that causes unnecessary harm to lesbians and single women. We do not need the proposed Bill to further blind some to the functional nature of non-traditional family structures. The prejudiced must be prevented from ignoring the available support from, say, a lesbian partner, from a partner other than a husband or male de facto, from extended family members and from friends. Much research shows that lesbians and single mothers are effective and loving parents, so they deserve the chance to have access to an ART provider to have their special health needs serviced.

ART providers offer a wide range of health services that lesbians and single women need. However, if these services are not officially available to these women, we can conclude that the Government is full of homophobes who wish to deny the existence of functional and loving, although non-traditional, family units. Of course, with exclusion comes desperation. If lesbians and single women are excluded from using ART, then they can only fulfil their commitment to parent by using unofficial, unhealthy and unsafe methods.

We can avoid the negative consequences of desperation by being willing to respect, protect, legitimate and celebrate the lives of lesbian and single mothers. To do this, we must make ART readily available to lesbians and single women.

Now please return to the questionnaire window. The speech window will stay open, allowing you to refer back to the speeches if you need to while answering the questions.

Question 4

In your opinion, what is the main difference in content between Speech A and Speech B?

Please briefly state the main difference by typing in the box below:

In your opinion, which speech should the spokesperson give to members at the general meeting?

Please choose either Speech A or Speech B by clicking the appropriate button

Speech A ○   Speech B ○

Question 5

Please briefly state the reasons for your choice of speech by typing in the box below:

Question 6

Please now think about what the audience's impression of the speaker is likely to be if they deliver the speech YOU HAVE CHOSEN.

On the scales below, please rate how likely (1 = not very likely, 7 = very likely) it would be that the audience would perceive the speaker as having the following traits: cooperative, un-Australian, constructive, radical, political, divisive, reasonable, community-minded, inspirational.

Also, please indicate for each trait whether you think that trait is positive OR negative OR neither positive nor negtive, by clicking on one of the three checkboxes to the right of each trait.

	NVL 1	2	3	4	5	6	VL 7	Positive	Negative	Neither
cooperative	O	O	O	O	O	O	O	O	O	O
un-Australian	O	O	O	O	O	O	O	O	O	O
constructive	O	O	O	O	O	O	O	O	O	O
radical	O	O	O	O	O	O	O	O	O	O
political	O	O	O	O	O	O	O	O	O	O
divisive	O	O	O	O	O	O	O	O	O	O
reasonable	O	O	O	O	O	O	O	O	O	O
community-minded	O	O	O	O	O	O	O	O	O	O
provocative	O	O	O	O	O	O	O	O	O	O
inspirational	O	O	O	O	O	O	O	O	O	O

Please make sure you have made one rating from 1 to 7 for each trait and selected positive, negative or neither for each trait.

Question 7

Please comment on why you think the speaker would create the impression you have indicated in Question 6 by typing in the box below:

Question 8

Please now think about what the audience's impression of the speaker is likely to be if they deliver the speech YOU DID NOT CHOOSE.

On the scales below, please rate how likely (1 = not very likely, 7 = very likely) it would be that the audience would perceive the speaker as having the following traits: cooperative, unAustralian, constructive, radical, political, divisive, reasonable, community-minded, inspirational.

	NVL 1	2	3	4	5	6	VL 7
cooperative	O	O	O	O	O	O	O
unAustralian	O	O	O	O	O	O	O
constructive	O	O	O	O	O	O	O
radical	O	O	O	O	O	O	O
political	O	O	O	O	O	O	O
divisive	O	O	O	O	O	O	O
reasonable	O	O	O	O	O	O	O
community-minded	O	O	O	O	O	O	O
provocative	O	O	O	O	O	O	O
inspirational	O	O	O	O	O	O	O

Question 9

Please comment on why you think the speaker would create the impression you have indicated in Question 8 by typing in the box below:

Question 10

Please indicate the extent to which you agree with the following statement (1 = strongly disagree, 7 = strongly agree):

	SD 1	2	3	4	5	6	SA 7
ART services should be restricted to married couples and *de facto* couples	O	O	O	O	O	O	O

Please answer the following questions about yourself:

Question 11

Have you ever been involved in political action over other issues?

Yes O

No O

Please elaborate below if you would like to:

Question 12

I am:

Female O

Male O

Question 13

Would you use ART if you had a need to and were given access to these services?

Yes O

No O

Thanks for your participation in this study!

To send your data to the server, please submit your responses by clicking the "Submit" button below

[Submit]

Thank you very much for completing the questionnaire.
Your responses have been submitted.
You can now close the speech window and the questionnaire window and close your browser
if you wish.
Please watch for a link to information describing the study's findings
on the site or email list where you initially found the link to this study.
Please send any comments, questions or details of problems with the site to
Mark Nolan
Division of Psychology
The Australian National University
Canberra ACT 0200
ph: 02 6125 0638, fax: 02 6125 0499
mark.nolan@anu.edu.au

Division of Psychology

THE AUSTRALIAN NATIONAL UNIVERSITY

April 2001

Fertility Services Study

Please read the following description of this study and follow the link to the consent form if you would like to participate

Thankyou for following the link to this study based upon the issue of access to assisted reproductive technology or fertility services. We are interested in hearing your views on this issue and will provide some realistic tasks for you to complete which we hope you will find interesting.

This questionnaire is part of a PhD project in social psychology conducted by Mark Nolan and supervised by Dr Penny Oakes (approved by ANU Ethics Committee, protocol number P9909 and 2001/8). The project aims to understand how arguments are used in political debates.

Participation in this study should take around 20 minutes of your time. Please understand that all responses are anonymous and your participation is voluntary. We do not ask you to identify yourself by name and we do not need your email address. IP addresses and referring site information will be logged in order to track any technological problems with the running of the study. This information will not be reported and will be destroyed on completion of the data collection phase.

A link to a page describing the design and the outcome of the study will be provided *after* the data collection phase has been completed. You will be able to find this link on the site or email list where you originally found the link to this study.

In the meantime, if you have any questions about this study and related research please contact Mark Nolan and allow up to 7 days for a response (details below). Researchers in the Division of Psychology, ANU, and NOT the host site or email list administrators, are responsible for the design of the study. The link to the study has been placed on the host site or circulated on the email list with the consent of the site or email list administrators.

Mark Nolan and Dr Penny Oakes
Division of Psychology
The Australian National University
Canberra ACT 0200
ph: 02 6125 0638, fax: 02 6125 0499
Contact us on mark.nolan@anu.edu.au

Click here to go to the consent form to begin the study

Consent Form

If you would like to complete the questionnaire, please read the following information. If you consent to these conditions, please click on the "I agree to these conditions" link below, to indicate that you are prepared to participate in the study with informed consent.

You will be asked to read some information about the debate surrounding issues of access to assisted reproductive technologies and the proposed amendment to the Federal *Sex Discrimination Act*. You will be asked to respond to some questions and make some evaluations by using rating scales and typing comments.

Please keep in mind all instructions and information provided when answering the questions. Please submit only one completed questionnaire. Your honest and considered participation will aid the quality of the data and will help us very much with our project.
Please remember that:

- your responses are anonymous

- we do not ask you to identify yourself by name

- we do not ask for your email address

- IP address and referring site information is tracked only to detect any possible technological problems and this information will be destroyed after data collection and not reported

- your participation is voluntary and you may choose not to complete the questionnaire

- you do not have to finish the questionnaire once you have started if you decide that you would prefer not to continue

- you can discuss problems with mark.nolan@anu.edu.au allowing up to 7 days for a response

- any concerns about the research can also be referred to: Human Ethics Officer, Research Services Office, The Australian National University, Canberra ANU 0200, ph: 02 6125 2900, Human.Ethics.Officer@anu.edu.au

If you have read and understood the above information and would like to complete the questionnaire, please click on the "I agree" link below.

I Agree

Thanks in advance for your participation - it helps me with my PhD research

Please read through the following information:

We would like you to think about the issue of access to assisted reproductive technology (ART). In 2000, the Federal Government introduced the *Sex Discrimination Amendment Bill* into parliament. This bill proposes to amend the Federal *Sex Discrimination Act*, and would allow State Governments to restrict the access to ART services to married women and women in recognized *de facto* relationships. The amendment would allow discrimination on the basis of marital status by clinics in Australia that provide the following services: artificial insemination; IVF; gamete, zygote or embryo transfer; or any other services provided in the course of these procedures or to assist "non-coital fertilisation". This would mean that States could lawfully deny lesbians and single women access to these services.

Firstly, please answer the following questions about your general beliefs.
Please think about these beliefs in the context of the debate over access to assisted reproductive technology and select the option which best represents your view.

Question 1

The following statements relate to whether you feel part of the women's movement. Please click on the button that best represents the extent to which you agree with *each* statement (1 = strongly disagree, 7 = strongly agree).

	SD 1	2	3	4	5	6	SA 7
I see myself as a member of the women's movement.	O	O	O	O	O	O	O
I feel strong ties with the women's movement.	O	O	O	O	O	O	O
I identify with the women's movement.	O	O	O	O	O	O	O
It is important to me to belong to the women's movement.	O	O	O	O	O	O	O
I consider myself an activist of the women's movement.	O	O	O	O	O	O	O
I would describe myself as someone who is actively involved in promoting women's issues.	O	O	O	O	O	O	O

Question 2

The following statements express some views about society. We are interested in knowing to what extent YOU agree with these statements when thinking about the debate surrounding access to assisted reproductive technology. Please make ratings on the following scales to indicate the extent to which you agree with *each* statement (1 = strongly disagree, 7 = strongly agree).

	SD 1	2	3	4	5	6	SA 7
Statement 1: Society should be thought of as a collection of discrete individuals, each of whom is free to further their own individual interests in an open system.	O	O	O	O	O	O	O
Statement 2: Society should be thought of as a collection of groups, where each group member furthers their own individual interests by furthering their group's interest.	O	O	O	O	O	O	O

Question 3

Now please indicate which statement from section 2 you *prefer* when thinking about the debate surrounding access to assisted reproductive technology.
Please click the radio button for *either* Statement 1 *or* Statement 2.

Statement 1 ◉   Statement 2 O

Description of the speech evaluation task

Now, please imagine that you are a member of the action committee of a women's organization.

This organization has been campaigning against the proposed *Sex Discrimination Amendment Bill* since its proposal last August. The organization has argued that lesbians and single women should be granted access to assisted reproductive technology (ART) in addition to the access provided to married women and women in *de facto* relationships.

The action committee is interested in getting your view on how a spokesperson should address this issue at an upcoming general meeting of the women's organization. The action committee agrees that the spokesperson's purpose should be to persuade fellow members at the general meeting of the importance of continuing a campaign for access to ART for lesbians and single women.

However, the spokesperson would like to hear your view on which of two draft versions of a speech should be finally delivered at the general meeting. You are asked to read the two versions of the speech and advise the committee on which speech you think the spokesperson should deliver.

First, click the "**View Speeches Now**" link below to view the two versions of the speech in a separate **speech window**.

Please scroll within this window to read both speeches. Please read through each version of the speech carefully before answering the questions that continue in the **questionnaire window**.

After reading the speeches, please return to the questionnaire window. Then, continue with the questionnaire by clicking the "**Continue with the Questionnaire**" button at the bottom of this page. The speech window will remain open so that you can refer to it as you go.

<u>View Speeches Now</u>

Please read the speeches by following the "**View Speeches Now**" link above before continuing on with the questionnaire.

[Continue with the Questionnaire]

Presentation to a general meeting of the women's organization
SPEECH A

In modern Australian society, it is crucial that all Australian women have access to assisted reproductive technology (ART). Denying access to some groups of Australian women denies them universal human rights such as the right to health and the right to privacy in decisions related to reproduction and family life. All Australian women should have a right of access to ART without distinction of any kind. This includes a right of access to ART without discrimination on the basis of marital status.

However, the proposed Sex Discrimination Amendment Bill clearly discriminates on the basis of marital status. If passed, the Bill would allow the discriminatory rules devised by many governments to continue to the detriment of many women. The Bill would allow State Governments to exclude lesbians and single women from ART - denying them the chance to use ART in accordance with their fundamental rights to health and privacy. Therefore the proposed Bill officially sanctions discrimination and violates universal rights rather than protects them.

Supporters of this Bill desperately need to rethink the reality of using ART. The reality is that all Australian women willing to use ART think long and hard about parenting. Lesbians and single women, like other Australian women needing ART, carefully consider the sacrifices involved in being a parent. In addition, all these women think long and hard about the physical and emotional risks involved in using ART. Being forced to do all this thinking means that women willing to use ART, irrespective of their marital status, have already made a significant commitment to parenting when they walk through the doors of an ART clinic. Their universal right to health and their universal right to privacy must be upheld from this point onwards, in order to protect the interests of all of these women and to protect their ability to make a deep commitment to parenting.

All of these women deserve equal access to an ART provider. This means that lesbians and single women with the courage to approach a clinic have a right to be free from discrimination on the basis of marital status. Lesbians and single women, like all other Australian women, deserve an equal chance to accept the challenge of parenting, assisted by the latest reproductive technology, and to demonstrate how good a parent they can be to their children.

ART providers offer a wide range of health services that many women need. All women in need of these services should be able to benefit from ART. However, if these services are not officially available to all, some groups of women will be unfairly denied access to ART and will be denied their fundamental human rights. Of course, with exclusion comes desperation. Those excluded, such as lesbians and single women, can only fulfil their commitment to parent by using unofficial, unhealthy and unsafe methods.
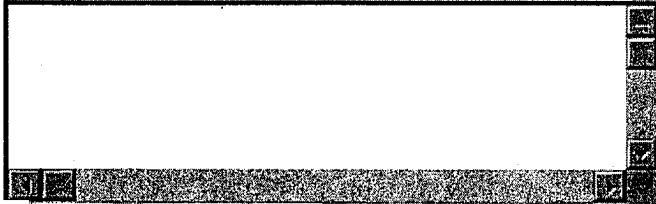
We can avoid the negative consequences of desperation by upholding Australia's promise to protect the right to health and the right to privacy without discrimination on the basis of marital status. If, as Australians, we want these rights to protect all Australian women, we must provide equal access to assisted reproductive technologies to all.

Presentation to a general meeting of the women's organization
SPEECH B

In modern Australian society, it is crucial that all Australian women have access to assisted reproductive technology (ART). Denying access to lesbians and single women on the basis of marital status is insulting and discriminatory. On the other hand, governments could acknowledge and legitimize the lifestyles and commitments of lesbians and single women by providing them with access to ART.

However, the proposed Sex Discrimination Amendment Bill insults lesbians and single women rather than includes them. The Bill clearly discriminates on the basis of marital status. If the Bill is passed, it would allow the discriminatory rules devised by many governments to continue to the detriment of lesbians and single women. These women suffer because they are denied access to the ART services they need to assist them with having children while continuing to live a lifestyle consistent with their psychological needs.

Supporters of this Bill desperately need to rethink the reality of using ART. The reality is that lesbians and single women willing to use ART think long and hard about parenting. They carefully consider the sacrifices involved in being a parent. In addition these women think long and hard about the physical and emotional risks involved in using ART. Being forced to do all this thinking means that women willing to use ART, irrespective of their marital status, have already made a significant commitment to parenting when they walk through the doors of an ART clinic. Of course, lesbian and single mothers also face the added burden of prejudice, such as the criticism that they live in dysfunctional families. So lesbians and single women must make a significant commitment to parenting in order to cope, not only with the reality of ART, but with the reality that marital status discrimination may confront them wherever they go as parents of their children.

There is enough prejudice in society already that causes unnecessary harm to lesbians and single women. We do not need the proposed Bill to further blind some to the functional nature of non-traditional family structures. The prejudiced must be prevented from ignoring the available support from, say, a lesbian partner, from a partner other than a husband or male de facto, from extended family members and from friends. Much research shows that lesbians and single mothers are effective and loving parents, so they deserve the chance to have access to an ART provider to have their special health needs serviced.

ART providers offer a wide range of health services that lesbians and single women need. However, if these services are not officially available to these women, we can conclude that the Government is full of homophobes who wish to deny the existence of functional and loving, although non-traditional, family units. Of course, with exclusion comes desperation. If lesbians and single women are excluded from using ART, then they can only fulfil their commitment to parent by using unofficial, unhealthy and unsafe methods.

We can avoid the negative consequences of desperation by being willing to respect, protect, legitimate and celebrate the lives of lesbian and single mothers. To do this, we must make ART readily available to lesbians and single women.
Now please return to the questionnaire window. The speech window will stay open, allowing you to refer back to the speeches if you need to while answering the questions

A 48

Question 4

In your opinion, what is the main difference in content between Speech A and Speech B?

Please briefly state the main difference by typing in the box below:

In your opinion, which speech should the spokesperson give to members at the general meeting?
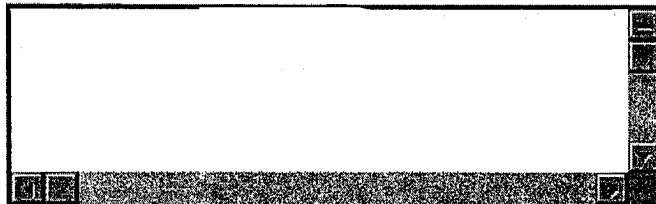
Please choose either Speech A or Speech B by clicking the appropriate button

Speech A ○   Speech B ○

Question 5

Please briefly state the reasons for your choice of speech by typing in the box below:

Question 6

Please now think about what the audience's impression of the speaker is likely to be if they deliver the speech YOU HAVE CHOSEN.

On the scales below, please rate how likely (1 = not very likely, 7 = very likely) it would be that the audience would perceive the speaker as having the following traits: cooperative, un-Australian, constructive, radical, political, divisive, reasonable, community-minded, inspirational.

Also, please indicate for each trait whether you think that trait is positive OR negative OR neither positive nor negtive, by clicking on one of the three checkboxes to the right of each trait.

	NVL 1	2	3	4	5	6	VL 7	Positive	Negative	Neither
cooperative	O	O	O	O	O	O	O	O	O	O
un-Australian	O	O	O	O	O	O	O	O	O	O
constructive	O	O	O	O	O	O	O	O	O	O
radical	O	O	O	O	O	O	O	O	O	O
political	O	O	O	O	O	O	O	O	O	O
divisive	O	O	O	O	O	O	O	O	O	O
reasonable	O	O	O	O	O	O	O	O	O	O
community-minded	O	O	O	O	O	O	O	O	O	O
provocative	O	O	O	O	O	O	O	O	O	O
inspirational	O	O	O	O	O	O	O	O	O	O

Please make sure you have made one rating from 1 to 7 for each trait and selected positive, negative or neither for each trait.

Question 7

Please comment on why you think the speaker would create the impression you have indicated in Question 6 by typing in the box below:

Question 8

Please now think about what the audience's impression of the speaker is likely to be if they deliver the speech YOU DID NOT CHOOSE.

On the scales below, please rate how likely (1 = not very likely, 7 = very likely) it would be that the audience would perceive the speaker as having the following traits: cooperative, unAustralian, constructive. radical, political, divisive, reasonable, community-minded, inspirational.

	NVL 1	2	3	4	5	6	VL 7
cooperative	O	O	O	O	O	O	O
unAustralian	O	O	O	O	O	O	O
constructive	O	O	O	O	O	O	O
radical	O	O	O	O	O	O	O
political	O	O	O	O	O	O	O
divisive	O	O	O	O	O	O	O
reasonable	O	O	O	O	O	O	O
community-minded	O	O	O	O	O	O	O
provocative	O	O	O	O	O	O	O
inspirational	O	O	O	O	O	O	O

Question 9

Please comment on why you think the speaker would create the impression you have indicated in Question 8 by typing in the box below:

Question 10

Please indicate the extent to which you agree with the following statement (1 = strongly disagree, 7 = strongly agree):

	SD						SA
	1	2	3	4	5	6	7
ART services should be restricted to married couples and *de facto* couples	O	O	O	O	O	O	O

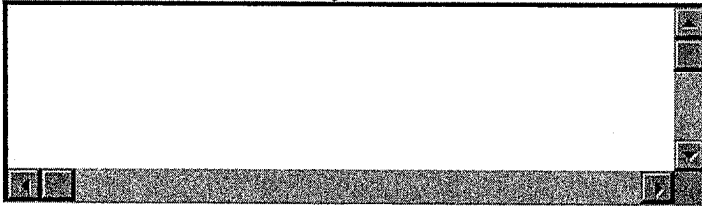**Please answer the following questions about yourself:**

Question 11

Have you ever been involved in political action over other issues?

Yes O

No O

Please elaborate below if you would like to:

Question 12

I am:

Female O

Male O

Question 13

Would you use ART if you had a need to and were given access to these services?

Yes O

No O

Thanks for your participation in this study!

To send your data to the server, please submit your responses by clicking the "Submit" button below

Submit

Thank you very much for completing the questionnaire.
Your responses have been submitted.
You can now close the speech window and the questionnaire window and close your browser
if you wish.
Please watch for a link to information describing the study's findings
on the site or email list where you initially found the link to this study.
Please send any comments, questions or details of problems with the site to
Mark Nolan
Division of Psychology
The Australian National University
Canberra ACT 0200
ph: 02 6125 0638, fax: 02 6125 0499
mark.nolan@anu.edu.au