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Why people are committed to human rights and still tolerate their violation:

A contextual analysis of the principle-application gap

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Running head: Rights-oriented and context-oriented judgments

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Why people are committed to human rights and still tolerate their violation:

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Abstract

Results from two experimental studies are reported that show a large gap between support for general principles contained in the Universal Declaration of Human Rights and denunciation of concrete violations of these principles. Participants in both studies read different scenarios involving human rights violations committed by various authorities in Western contexts. In all situations, attributes or actions of the victims could be used to justify the violations. Participants rated the unacceptability of violations and their support of the corresponding human right. A dual principle was found to organize positioning towards the violations: participants with a rights-based orientation denounced the violation independently of the victims' attributes, whereas context-oriented respondents relied on the perceived deservingness of victims and considered the violation a just sanction of an unacceptable act. Judgment differences are modulated by the situational context and the degree of agreement with human rights.

Keywords: Human-Rights, Violation, Positioning, Deservingness, Punishment

Why people are committed to human rights and still tolerate their violation:

A contextual analysis of the principle-application gap

One of the puzzling concerns in the social justice domain is the gap between the widespread endorsement of general legal principles and the equally common tolerance of concrete violations of these principles. This is particularly true for the principles of human rights. When human rights are invoked to regulate social relations within particular contexts, they lose a great deal of their prescriptive power. Their rather abstract and general formulation gives rise to conflicting interpretations of the limits of application of human rights. A case in point concerns the recent discussions about the treatment granted to suspected terrorists who are held in secretive army bases. Should they be treated according the same legal principles that apply to other individuals charged with a crime, or should the gravity of their suspected activities be reason enough to bypass legal protection such as the Geneva Convention?

In this paper, we explore these questions by examining how lay persons uphold human rights principles when they are confronted with concrete events involving rights violations. We investigate the role of human rights in common thinking because they are based on the principle of universalism. Human rights are a powerful normative device precisely because they are, at least by intention, inalienable. Hence, they should be applied across different contexts without consideration of any attributes of victims of human rights violations which could be used to justify exceptions to fair and equal treatment (e.g., their suspected terrorist activities).

If in the judicial context rights and procedures are indispensable to achieve fair outcomes, in everyday life rights are frequently detached from formally codified procedures applied by legal institutions (Clémence & Doise, 1995; Miller, 2001; Skitka, 2002; Skitka & Houston, 2002). The just world belief (Lerner, 1977) exemplifies this neglect of procedural consideration in lay judgments of reprehensible acts. This belief is characteristic for everyday

justice thinking that is practiced without much concern for the rights of persons. Instead, perceived deservingness of individuals determines to what extent individuals should be entitled to fair and good treatment. If victims of unfair treatment are perceived as undeserving, they are easily derogated and rejected (Feather, 1999), even when they are innocent (Hafer, 2002). Therefore, violations should be more easily tolerated when the violation can be considered a just sanction for an unacceptable act. Crandall and Beasley (2001) neatly summarized this tautological lay logic as "Good people deserve good treatment, and bad people deserve bad treatment".

Thus, in everyday thinking, people become unconcerned with how justice is achieved, as long as it is achieved. Commitments to fair procedures destined to protect people from arbitrary treatment become eroded, because individuals follow contextual norms instead formal norms destined to protect individuals from mistreatment by authorities (Darley, 2002). Thereby, rights of the persons are neglected, whereas exceptional characteristics of the victims or of their acts are put forward to construct fairness judgments (Nisbett & Ross, 1980). Outside the courtroom, for example, people may tolerate violations of the right to a court hearing when that right is insistently claimed by a person confined in a psychiatric institution. Similarly, they may also show acceptance of degrading treatments applied to terrorists (Bechlivanou et al., 1990; Doise, 2002). Thus, individuals have recourse to norms of justice that favor sanctions of victims while protecting authorities committing the violations. By taking into account the context of a human rights violation, individuals tend to give more credit to the efficient functioning of governmental authorities than to the respect of civil rights (Crandall & Beasley, 2001). Because such lay reasoning is more concerned with the protection of the existing social order and its authorities than with the upholding of the principle of fair treatment, it also supports system justification (Jost & Banaji, 1993).

The gap between endorsement of rights principles and attitudes towards their concrete implementation is thus explained by the fact that individuals activate contextual norms of justice more easily than norms of procedural rights (Van den Bos, 2003). Recent research shows that neglect of procedural information is most likely to occur when social comparison information or other reference points are available in the judgmental context (Skitka & Houston, 2002; Van den Bos & Lind, 2002).

While it is plausible that lack of knowledge of legal procedures promotes to some extent the activation of *context-based judgments* of human rights violations, it seems more appropriate to view the gap between support for general principles and tolerance of particular violations as an ideological dilemma opposing two sides that may be perceived as equally legitimate (Billig, 1989; Emler, 2002). On the one hand, individuals may defend the necessity to respect formal established rights irrespective of the particular circumstances, and on the other hand they may advocate punishment of offenders and protection of innocents from potential wrongdoers. This situation reflects a conflict between two justice norms, one that consists in sanctioning reprehensible acts (context-based principle), and one that is concerned with the protection of the rights of the person who has committed them (rights-based principle). This dilemma will increase with the degree of rejection of the victims of the human rights violation, that is, the more the victim's acts is objectionable, the more people will be inclined to tolerate violations. In order to apply a rule consistent with universalistic human rights principles, individuals must cognitively dissociate the violations from the victim's acts, that is, they must consider that the condemnation of the victim's acts cannot be used to restrain his or her rights.

## Human rights in context

The general prediction of the two studies reported here is that the level of adherence to principles of human rights should be uniformly high, whereas condemnations of violations

should vary as a function of the context in which these violations occur and are reported.

Three strategies were used to investigate the stability of human rights principles across different contexts. In the first experiment, we varied the type of victim of the same forms of mistreatment by authorities. If respondents do not take into account contextual information, and instead apply the same procedures to both types of victims, then the human rights violation should be equally condemned in both contexts. On the other hand, if respondents do take into account the context of the violations, the severity of condemnations of violations should be stronger when victims of these violations are judged as deserving good treatment. In this case, the context is expressed as personal characteristics of the violation victim (e.g., national origin) or as the severity of his or her acts (e.g., rape vs. murder) which in turn determines perceived victim deservingness.

A second strategy to operationalise context consisted in varying the communicative context. Violations are rarely directly observed, but are instead conveyed through the media. It is therefore important to analyze how the framing (e.g., Nelson & Kinder, 1996; Sears, 1993) affects the meaning associated with violations. In order to address this question, we manipulated in both studies the indications given to the participants about the scope of the research. The study was either presented as a study on "human rights" or on ordinary "news events". Two alternative hypotheses will be tested. On the one hand, the reference to human rights should actualize the positive and universalistic meaning attributed to such rights. As a result, rights violations should be less tolerated. On the other hand, however, the opposite prediction is also plausible: in the West, judgments in terms of human rights are generally reserved to massive violations occurring "elsewhere" (e.g., deportations, disappearances, torture). Hence, they tend to be easily bypassed in the case of local and particularistic events (e.g., unlawful arrest, expulsion of asylum seekers). Since we are studying local, or at least Western situations, the presented violations could therefore also be judged as more acceptable

when they are framed as human rights reports. With a range of different scenarios, we will

assess in which contexts the reference to human rights exerts a positive impact on judgments.

Finally, in study 2 a third approach to the contextualization of rights will be

employed. We created an individual difference measure separating individuals who justify the

legitimacy of the human rights violation by taking into account the contextual characteristics

of the victim from those who advocate the rights of the victims, irrespective of the context of

the violation. This procedure distinguishes two groups that are defined with opposing

ideological beliefs concerning the violation context and the justification of exceptions to the

mandate of human rights respect.

These questions were investigated by analyzing judgments concerning concrete

human rights violations as they are regularly reported in news media. These scenarios describe

human rights violation committed by authorities, that is, the police, the government, a political

party, a law court, army officers and schoolteachers. The general objective is to test the

resistance of the adherence to human rights principles when individuals face concrete

violations. We expect individuals to be inclined to disregard to various degrees their

convictions in matters of (human) rights when they are qualified by exceptional circumstances.

## Study 1

The aim of Study 1 was to examine the strength of the condemnation of human rights

violations in a communicative context either referring to a study about news events or about

human rights.  Moreover, we varied the type of victim for the same human rights violations.

Endorsement of various human rights principles on the one hand and condemnation of

concrete violations on the other were then compared, and the difference between these two

measures used as an indicator of the principle-application gap. We then assessed the stability

of the condemnation of violations in the different experimental settings, and across five

concrete situations in which human rights violations were described.

*Method*

   *Participants.* One hundred and seventy-two pupils (105 females and 67 males) attending 8th and 9th grades of a secondary school in Geneva (14 to 16 years old) participated in the experiment. Six participants were removed from the analysis because they failed to complete the entire questionnaire.

   *Procedure.* Participants filled in a questionnaire during regular class time. The introduction manipulated the first experimental variable (experimental variable Reference) by referring the study as being about "*the views people have on human rights*" or "*the views people have on news items*". Thereafter, participants received a brief description of five scenarios, each containing a real or potential violation of a human right as defined by the Universal Declaration of Human Rights (UDHR) and by the two international covenants concerning Civil and Political Rights (CPRC) and Social Economical and Cultural Rights (SECRC). The described issues concerned the prohibition of inhumane treatment, right to asylum, right to free primary schooling, right to inviolability of privacy, and interdiction of death penalty for minors. The victims of the violations were either individuals who committed reprehensible acts (in the cases of inhumane treatment, violation of privacy and death penalty), or individuals who petitioned for a legitimate cause (in the case of the violation of the right to free schooling and refusal of asylum). For each scenario, two vignettes were created in order to vary the type of violation victim (experimental variable Victim Type, for the exact wording of the vignettes see table 1). The difference between judgments of two types of violation victims indicates that judgments of identical violations are moderated by perceived characteristics of the perpetrators. A pre-test established the perceived gravity of violations and made it possible to balance the two final questionnaire variants. Participants were invited to indicate to what extent they considered unacceptable (seven-point scale, *1: acceptable, 7: unacceptable)* effective or potential right violations; similarly, they evaluated

the behavior or the situation of the violation victims. They also estimated the frequency of

such scenarios on a seven-point scale *(1: rarely, 7: often)* and the availability of sufficient

information to form an opinion *(1: insufficient, 7: sufficient)*.

INSERT TABLE 1 ABOUT HERE

Participants then received the second part of the questionnaire booklet that started

with a list of the five human rights alluded to in the scenarios. They first indicated their degree

of agreement with each of the five rights. In a free recall task, participants were instructed to

write down the rights and the scenarios they judged in the first part of the questionnaire. The

aim of this task was to check to what extent participants established a connection between

each scenario and the corresponding human right.

*Results*

*Association between human rights and scenarios.* Results of the recall task were first

analyzed to check the relevance of particular human rights to judge concrete situations.

Results show that on average 57% of the participants enounced a scenario corresponding to

the human right evoked by the scenario and 10% associated it to another human right. The

context of the scenario (variable Victim Type) moderated the recall. Thus, right to life was

associated to the death penalty scenario by 54% of the participants when it concerned a

murderer, and only by 25% ($X^2(1)= 13.77$; *p* < .0005) when a rapist was involved. Similarly,

interdiction of inhumane treatment was associated with the corresponding scenario by 65% of

participants when soldiers were involved and by 45% in the school context ($X^2(1)= 6.07$; *p* <

.05). Finally, right to asylum was associated to the asylum scenario by 84% of the

participants when a Chinese dissident was involved, and by 69% for an Algerian member of

the opposition ($X^2(1)= 4.29$; *p* < .05).

*Judgments of human rights as principles and as concrete violations.* In order to

assess the principle-application gap, we compared unacceptability ratings of the violations

evoked in the scenarios with the level of adherence to the corresponding rights. Not

surprisingly, results show that participants adhered almost without reservation to the rights

proclaimed in the UDHR (all $M > 5.50$). Their disapproval of the concrete violations of these

rights, however, was less clear-cut (all $M < 4.75$; all $t(165) > 7.90$; all $p < .0001$). One

remarkable exception concerned the prohibition of torture and inhumane treatments: the

condemnation of this violation ($M=6.77$) was stronger than the agreement with the

corresponding right ($M=6.23$).

*Unacceptability of the (actions of the) victims of violations.* Unacceptability ratings of

the victims' violations (i.e., their action or their request) were submitted to an analysis of

variance with the two experimental factors (Reference: human rights vs. news items x Victim

Type: variant 1 vs. variant 2) as sources of variation. This analysis was done in order to check

the effect of the two different contexts introduced by the variant of the victim type scenario.

Condemnation of rape ($M=6.51$) appeared to be stronger than condemnation of murder

($M=5.09$; $F(1,165)=38.26$; $p < .001$) in the context of death penalty. No statistically

significant differences appeared in the comparison of the means according to victim type for

the other scenarios. Neither the effect of the scenario framing, nor the interaction effects were

significant. However, it must be noted that the actions described in three out of five scenarios

(murder/rape, drug traffic/shoplifter, free schooling for immigrant/handicapped children) were

clearly rejected (all $M > 4.09$). In the two remaining situations, the actions (asylum request of

an Algerian/Chinese opponent, disobedience of soldiers/pupils) were not condemned (all $M <$

3.37).

*Unacceptability of violations.* In this analysis, we evaluated the extent to which the

two forms of context manipulated in this experiment moderated the condemnation of human

rights violations. For each scenario, a 2 x 2 (Reference x Victim Type) ANOVA was

performed on the unacceptability judgments of concrete violations. In order to control for the

effects of attitudes towards human rights in general, acceptance of the right corresponding to

the scenario was introduced as a covariate factor. Similarly, we also controlled for the effects

of the association between the human right and the corresponding scenario in the recall task.

Sex and school section of the participants had no statistical effects, and were therefore not

further investigated in the analyses.

Results reveal no interaction effects in the entire set of analyses. The two

experimental factors explained a significant part of the variance on the judgments of the

violations of three scenarios: death penalty, home-search without a warrant and suppression

of free primary schooling (Table 2). Inspection of the detailed analyses shows that

condemnation of death penalty is stronger when the victim committed a murder rather than a

rape ($F(1,165)=18.07$; $p < .001$) and when the reference concerned News items rather than

Human rights ($F(1,165)=10.11$; $p < .005$). Regarding privacy violation, the condemnation of

the search without a warrant was more severe when the person was suspected of stealing than

when the person was alleged to deal drugs ($F(1,165)=8.64$; $p < .01$). Reference to Human

rights moderated the condemnation of the violation in comparison with the News item

reference ($F(1,165)=8.05$; $p < .01$). The suppression of primary school gratuity again was

judged as less unacceptable in the Human rights condition ($F(1,165)=10.00$; $p < .005$). The

main effect of the victim type was weaker ($F(1,165)=4.10$; $p < .05$): participants more

strongly condemned the violation when victims were handicapped rather than immigrant

children. The two experimental variables had no impact on the evaluation of the rejection of an

Algerian or Chinese asylum-seeker ($Fs < 1$) and on the condemnation of the violation of the

inhumane treatment interdiction ($Fs < 1$).

INSERT TABLE 2 ABOUT HERE

Effects of covariates showed that a higher agreement with human rights principles

enhanced the condemnation of the violation in three cases: death penalty (B=.36; $p < .05$),

refusal of asylum (B=.32; $p < .05$), and inhumane treatment (B=.16; $p < .05$). An unexpected

inverse relationship was found for the case of privacy violation (B=-.25; $p < .05$). A non-

significant increase of condemnation was observed for all scenarios when participants

correctly associated principles and concrete violations.

*Discussion*

Results confirm that general human rights principles are almost consensually

endorsed, whereas concrete violations of these same principles are, at least to some extent,

tolerated. Thus, the high level of agreement with institutionally defined rights drops when

such a right is concretely or potentially violated. However, a remarkable exception to this

pattern concerns the principle of prohibition of inhumane treatments that participants seem to

apply in a consistent way to concrete facts. In the present case the consensual adherence to

this right would confirm its inscription in the central core of human rights (see Amnesty

International, 1992, p. 68). It should be noted, though, that one cannot exclude the possibility

that this finding is due to the specific events studied in this investigation, and that participants

would give up their formal adherence when confronted to individuals having committed more

reprehensible acts than the mere refusal to comply with an order or a request. Yet, judgments

of this violation are not modulated by any other variable than the adherence to the right itself,

a finding that confirms the intangibleness attributed to this right by participants.

Judgments of three violations (death penalty, home search, suppression of free

schooling) were clearly modulated by the two contextual variables, that is, the characteristics

of the violation victim and the frame of reference in which violations are presented. It must be

underlined that the rejection of violation victims was strongest in these scenarios. Therefore,

the dilemma between the endorsement of rights principles and the legitimacy of the rights

violation was strongest in these three cases. The difference between the judgments of the two

variants of the scenario can therefore be explained by the difference in the evaluation of the

victim's own violation: a murderer, a thief, and a handicapped person seem more acceptable

(or less unacceptable) and deserving better treatment than a rapist, a drug dealer and an

immigrant respectively. Hence, sanctions against the former are more firmly rejected than

sanctions against the latter. It is interesting to note that contrary to the judgments of the rights

violations committed by authorities, judgments of the victim's act only slightly varied across

the different variants (except for the death penalty scenario). This latter finding suggests that

unacceptability judgments of violations are more prone to contextual reasoning than

unacceptability judgments of the victims' actions.

When the object of study was presented as dealing with news items rather than with

human rights issues, more severe condemnations of right violations were observed for the

same three scenarios as those discussed above (death penalty, home search, suppression of

free schooling). This intriguing effect suggests that under some circumstances it is

counterproductive to argue in terms of human rights, since this notion paradoxically seems to

increase rather than decrease tolerance of violations. Although it is not possible to draw any

firm conclusions about this effect, our results indicate that such framing effects are likely to

develop when the dilemma between the endorsement of the general principle and the

acceptance of the violation is strong, that is, when individuals have good reasons to dislike or

disrespect violation victims.

Results support the general claim that two forms of reasoning can be distinguished in

judgments of daily human rights violations in a dilemma situation. A rights-oriented principle

is used when the context of judgment induces participants to dissociate both sides of the

dilemma and a context-oriented principle is at work when they consider that one side

(violations perpetrated by authorities) is a fair sanction of an unacceptable act. However,

stronger and more direct evidence is needed to support the hypothesis of the differential

activation of these two principles.

Study 2

Study 2 examines more directly the hypothesis of the activation of rights- and context-oriented principles in judgments of human rights violations. This was done by collecting the first reaction participants expressed towards the described human rights violations. We reasoned that participants whose statements reflected a denouncement of the violation (rights-oriented principle) should condemn more firmly the violations than those who associated the violation with a fair sanction of an unacceptable act (context-oriented principle). Furthermore, the same experimental induction manipulating the communicational context was used. The variants of the human rights victims, however, were no longer used as experimental factors.

*Method*

*Participants*. Eighty-eight pupils aged from 16 to 20 years (48 females and 40 males) from a high school in the French-speaking part of Switzerland participated in the experiment. They belonged to three grades of two different academic sections. Two participants were removed from the analyses because they failed to complete the entire questionnaire.

*Procedure*. The questionnaire, largely similar to the one used in Study 1, was presented to participants on a personal computer and was created with *Authorware* software. The beginning of the questionnaire introduced the first experimental variable: the study was randomly presented either as a *Study on news items* or as a *Study on human rights*. In both conditions, participants read that the study dealt with two countries, Belgium and Switzerland. Belgium was selected after a pilot study showed that the level of human rights respect was perceived to be similar in both countries. The insertion of dilemmas in two national contexts was done in order to check a possible ingroup favoritism effect. Participants could condemn more strongly violations occurring in a national context other than their own (Moghaddam & Vuksanovic, 1990). Thereafter participants were asked to answer some

personal questions on their age, gender, nationality and school section in order to become familiar with the computerized procedure. The second experimental variable was then introduced. Respondents were told that they were to judge succinctly described scenarios that occurred in one of the two mentioned countries. The label of the randomly selected country remained visible on top of the screen.

Three short vignettes describing a violation of a right were presented in random order (see Table 3). Respondents were invited to write down three words or short sentences summarizing their first reaction toward the presented violation. Subsequently, they were asked to judge each scenario (that remained visible on the screen) on four dimensions, by clicking their answer on a seven-point scale: unacceptability of the violation committed by authorities (*1: acceptable, 7: unacceptable*), unacceptability of the victim's act (*1: acceptable, 7: unacceptable*), and link with the human rights issue (*1: no link at all, 7: very much linked*). Finally, words written previously by participants were retrieved and represented on the screen. For each word or expression, they were instructed to indicate whether it was positive, negative, neutral, or whether it was a question.

INSERT TABLE 3 ABOUT HERE

In the second part, again in random order, the rights corresponding to the violations occurring in the previously described scenarios were shown on the screen, phrased in the official terms of the UDHR. Participants were invited to indicate to what degree they agreed with each right on a seven-point scale (*1: no agreement at all, 7: full agreement*). The last part of the questionnaire involved a recall task in order to check if participants associated each scenario with the corresponding human right. Each scenario was broken up into two sentences, one containing the request or the act of the victim and the other the rights violation. The six sentences were presented simultaneously to the participants who were instructed to select the sentences corresponding to each right.

*Results*

*Spontaneous expressions triggered by the scenarios.* Words or short sentences

expressed as reactions to the scenarios were analyzed by examining the valence (positive,

negative or neutral) attributed to them. Participants labeled more words as negative ($M = 4.11$)

than neutral ($M = 2.28$) or positive ($M = 1.40$). Words appearing at least three times ($N = 102$)

were analyzed with a technique of automatic textual analysis (ALCESTE, Reinert, 1986) in

order to detect lexical categories. The analysis evidenced four categories with a level of

association with the category of $p < .10$ ($X^2(1) > 2.90$). The categories clearly indicated an

opposition in the reactions to the scenarios. In the first category, decisions taken by

authorities were assimilated with just sanctions (words labeled as positive by the

participants), whereas in two other categories these decisions were considered violations of

rights or violations of personal liberties (negative words). The last category contained

references to doubts about the lawfulness of the decisions (neutral words). A word labeled as

positive was associated with a context-oriented judgment and a negative one with a rights-

oriented judgment. In order to confirm this result, participants were categorized into two

groups on the basis of the valence attributed to their responses. Respondents, who labeled at

least three words as negative for one positive, were classified as oriented by a rights-based

principle. Remaining participants were classified as oriented by a context-based principle. The

examination of the most frequently cited words by these two groups provides support for

this classification (Table 4). This categorization (rights- vs. context-based principle) was then

retained as an independent variable for the analysis.

INSERT TABLE 4 ABOUT HERE

*Association between human rights and scenarios.* In the recall task, participants

associated the violation of each scenario to the corresponding human right at respectively 85%

(privacy), 84% (free schooling), and 80% (asylum). No experimental effect affected these results.

*Judgments of human rights as principles and as concrete violations.* The principle-application gap was evidenced with the comparison between unacceptability judgments of violations and the degree of agreement with the corresponding rights. Adherence to the institutionally defined right (all $M > 5.83$) was always higher than the denunciation of its concrete violation (all $M < 5.55$; all $t(85) > 5.29$; all $p < .0001$). The national context (Belgium vs. Switzerland) had no effect on these judgments.

*Judgments of concrete violations.* The actions of the victims were positively judged for the scenarios involving free schooling ($M = 1.97$) and asylum seeking ($M = 3.10$). Only the drug dealer was negatively evaluated ($M = 6.38$), such that the dilemma between the violation of the right and the rejection of the victim was strongest in this situation.

Judgments of violations were submitted to a 2 (reference: News vs. Human rights) x 2 (principle: rights-based vs. context-based orientation) analysis of variance with the agreement with the corresponding human right principle and the victim's unacceptability judgment as covariates. National context, sex and school section of participants had no effect on results and were not further analyzed.

For all scenarios, unacceptability judgments of the victim covaried negatively with the condemnation of the violation (respectively: search without warrant: B = -.31; $p < .05$; free schooling: B = -.49; $p < .001$ and refusal of asylum: B = -.60; $p < .001$). Agreement with the relevant human rights principle increased the condemnation of the violation in the 'search without a warrant' scenario only (B = .60; $p < .001$).

INSERT TABLE 5 ABOUT HERE

Analyses revealed a main effect of the frame of reference on the condemnation of 'search without warrant' ($F(1,85) = 3.97$; $p < .05$), indicating stronger denunciation when the

scenario was framed in terms of news items rather than human rights. For all scenarios, a rights-oriented judgment principle induced a stronger condemnation than a context-oriented principle. The difference reached an acceptable level of statistical significance for 'search without warrant' ($F(1,85) = 5.97$; $p < .05$) and 'refusal of asylum' ($F(1,85) = 5.34$; $p < .05$). For the 'suppression of free schooling', the effect was less clear ($F(1,85) = 2.77$; $p < .10$). An interaction effect between Reference and Principle was observed on the 'refusal of asylum' scenario ($F(1,85) = 5.32$; $p < .05$). A post hoc multiple comparison (Tukey test) shows that condemnation of the violation was stronger in the rights-based orientation than in the context-based orientation only in the News condition (respectively, $Ms = 5.07$ and $3.53$; $p < .05$). In the Human rights condition, the difference was not significant (respectively, $Ms = 5.04$ and $4.61$).

*Discussion*

The analysis of spontaneous expressions associated to the three violations revealed lexical categories that illustrate various representations actualized in this setting. Reactions do not appear much contrasted according to the type of scenario, a finding that suggests that participants referred to similar criteria for assessing different events. Some of them solved the dilemmas by denouncing violations of rights whereas others expressed their agreement with the authority interventions. We therefore propose that the former refer their judgments to a normative universe largely influenced by the human rights idea that is chiefly characterized by the inalienability of rights (rights-oriented principle), whereas the latter actualize a conception of justice benefiting authorities at the expense of particular individuals, especially those deemed to be undeserving (context-oriented principle). This latter conception is therefore instrumental to the justification of an existing social order and its authorities.

The analysis of the unacceptability judgments of the scenarios directly confirmed that condemnation of concrete violations was less consensual than adherence to institutionally

defined rights. This result provides evidence for the principle-application gap, and suggests that whereas concrete dilemmas were interpreted with a great deal of variation, general rights principles were accepted on the basis of a consensually shared positive, yet abstract meaning.

Inspection of response variation about condemnation of violations supports the general conjecture bearing on the differentiated activation of references to human rights in the judgments. First, the more participants associated words labeled as negative to the scenarios, the stronger the denunciation of the violations. Such a reaction was based on a principle that dissociates the judgment on a human right violation and the action perpetrated by the victims of the violation. This result offers support for the hypothesis that the judgment of the scenarios was anchored either in a rights- or in a context-based orientation.

Second, the impact of the frame of reference replicated the results of the first study when the dilemma was most intense, that is, for the drug dealer situation in which both the violation of the right and the act of the victim were clearly rejected. Even if the data did not support the hypothesis that the News reference would increase the actualization of a rights-oriented principle in all instances, it must nevertheless be underlined that the strongest denunciation of the violation is observed in the News condition for participants holding a rights-based orientation. The strong effect of the right- and context- oriented principles could be explained by a self-generation effect (Greenwald, 1980), occurring when internally generated information exerts a robust anchoring effect (Mussweiler & Strack, 1999). On the other hand, externally provided information such as priming would exert a weaker impact on judgments.

## Conclusion

As illustrated in interviews reported by Bechlivanou and colleagues (1990) and Doise (2002), laypersons define rights not by strictly applying principles that they endorse, but by focusing on the normality of acts committed by individuals to which principles need to be

applied. They modulate their decisions as a function of contexts and persons. As discussed in the domain of social rights (Clémence et al., 1994; Gilens, 1999; Staerklé et al., 2003), in daily life, justice cannot be achieved without taking into account the perceived deservingness of the actors (Feather, 1999). Individuals not only reject the universality of rights, seen as a source of misuse, but also their restrictive application, seen as a cause of exclusion. If one fundamental principle of institutional justice dealing with the rights of the accused is the presumption of innocence, in common sense thinking the non-condemnation of a culprit is as unjust as the condemnation of an innocent (Skitka & Houston, 2001). This is why the unconditional granting of equal rights to all is considered intolerable.

In the present study, we examined how human rights become disconnected from formal justice norms when they are analyzed from the point of view of representational everyday thinking. As our findings suggest, the variations in responses are regulated by two normative principles described as rights-based and context-based orientations. This is illustrated by the disparity between participants who denounced institutional misbehaviors as concrete human right violations (rights-oriented principle) and those who on the contrary analyzed them as fair sanctions taken against deviant groups or individuals (context-oriented principle). From the point of view of a rights-based orientation, whether an act is considered a human rights violation, or not, does not depend on the characteristics of the victim. Rights-based thinking is oriented by the interpretation of the violation with reference to inalienable human rights, in which case people are normatively induced to condemn the violation independently of its context. When following a context-oriented principle, however, we have a tendency to connect our judgment of a violation to our evaluation of the victim of this violation (e.g., his or her acts or characteristics), resulting in a re-definition of the situation: the violation becomes a legitimate sanction of an unacceptable act. The violation is dissociated

from reference to rights and approached from the perspective of the (unacceptable) action of the victims; as a consequence, the gravity of the right violation is minimized.

Apparently participants reserve references to human rights for important issues or for massive violations that rarely occur in their daily environment. Media reports largely facilitate such an anchoring as they emphasize the human rights dimension of wars, torture and lack of freedom occurring in remote and unfamiliar settings. This view of human rights renders them distant and quite irrelevant to everyday life matters, at least in Western countries. On the other hand, in local and familiar contexts, media easily insist on the necessity and the fairness of sanctions of socially unacceptable acts, even when these sanctions are clear human rights violations. This is how it can be understood that when misbehaviors committed by authorities and taking place in familiar and proximal contexts are framed as human rights violations, they may paradoxically seem distant and irrelevant to everyday life, and trigger "not-my-problem" and "blame-the-victim" attitudes (Lerner & Goldberg, 1999). Reference to news items, on the other hand, makes events "closer" and thereby facilitates dissociation between violations and acts of the victim, as these events could happen in close proximity as well. Hence, rights violations become less acceptable.

This "news item effect" could explain the recent reactions towards the treatments applied to prisoners in Iraq and the Guantanamo camp. Before major newspapers revealed these mistreatments, most people (including members of the elite) presumably shared the point of view that the prisoners were dangerous people who must have committed highly reprehensible acts. Therefore, it would be justified they have not to be protected by human rights convention. Such a judgment, typically reflecting a context-based principle, was apparently impermeable to the repeated declarations made by important international organizations (e.g., the Red Cross) who reported the human rights violations. However, the diffusion of crude pictures in the media very quickly framed a new point of view, rights-

principle oriented, which was adopted by a large number of citizens in the U.S. and elsewhere. The condemnation of the inhumane treatment applied to the prisoners has not suppressed the rejection of their acts. Instead, these two phenomena were dissociated. As a result, most people could accept that prisoners deserve the application of human rights principles and the protection of international legal conventions, no matter what were the circumstances that brought them into the prisons. This rapid and massive shift in public and elite opinion provides a dramatic illustration how context- and rights-oriented principles of judgment can be formed by media reports, thereby shaping attitudes towards intolerable human rights violations.

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Acknowledgments

Table 1

News items (human rights violations) used in Study 1, with victim type

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News item 1: No interference with privacy

V1 : Drug traffic, V2: Shoplifter

Thursday at 7 a.m., police has searched without a warrant the house of a young woman suspected

of heroin trafficking [shoplifting]. After a meticulous searching, police has found some proofs of

the offence.

Violation of human right: Home search without a warrant

*Art. 12 UDHR: No one shall be subjected to arbitrary interference with his privacy, family,*

*home or correspondence, nor to attacks upon his honor and reputation. Everyone has the*

*right to the protection of the law against such interference or attacks.*

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News item 2: Free elementary schooling

V1: Immigrant children, V2: Handicapped children

In order to reduce the educational budget, a political party has requested the suppression of free

primary schooling for certain children. This measure could be applied to immigrant [handicapped]

children.

Violation of human right: Suppression of free schooling

*Art. 26.1 UDHR: Everyone has the right to education. Education shall be free, at least in the*

*elementary and fundamental stages. Elementary education shall be compulsory. Technical and*

*professional education shall be made generally available and higher education shall be equally*

*accessible to all on the basis of merit.*

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News item 3: Political asylum

V1: Algerian opponent, V2: Chinese opponent

Swiss government has refused asylum to an Algerian [Chinese] opponent and has immediately deported him. Swiss government has argued that the request was unjustified because the life of the man was not in danger in his country.

Violation of human right: Refusal of asylum

*Art. 14.1 UDHR: Everyone has the right to seek and to enjoy in other countries asylum from persecution.*

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News item 4: Life

V1: Murder, V2: Rape

After a lengthy deliberation, an American court has sentenced a 17-year-old man to death. The young man was found guilty of the murder of a 45-year-old man [of the rape of a 5 year old girl].

Violation of human right: Death penalty

*Art. 3 UDHR: Everyone has the right to life, liberty and security of person.*

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News item 5: No inhumane treatments

V1: Soldiers, V2: Pupils

Several young soldiers [pupils] have complained about corporal punishments inflicted by some officers of the Swiss army [teachers in a Swiss school]. The recruits [pupils] testified that officers [teachers] did not hesitate to give kicks or more seriously to use electric shocks for punishing those who refused to comply with an order [request].

Violation of human right: Inhumane and degrading treatment

*Art. 5 UDHR: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

Table 2

Mean condemnation of the violations by reference (study frame) and type of victim of the

violation

| Human rights violation | Reference | | Victim type | |
|---|---|---|---|---|
| | News | Right | V1 | V2 |
| | (n = 86) | (n = 80) | (n = 83) | (n = 83) |
| Death penalty for a minor | 4.66 | 3.73 | 4.89 | 3.55 |
| Home-search without warrant | 4.89 | 4.12 | 4.11 | 4.92 |
| Suppression of free schooling | 5.28 | 4.17 | 4.47 | 5.04 |
| Refusal of asylum | 4.36 | 4.42 | 4.24 | 4.54 |
| Inhumane treatments | 6.75 | 6.78 | 6.76 | 6.77 |

Note: Scale: 1: acceptable, 7: unacceptable; see Table 1 for the definition of V1 and V2.

Table 3

News items and human right issues used in Study 2

News item 1: No interference with privacy

Without a warrant, police has searched a person's home. Police suspected the person of drug

trafficking.

Violation of human right: Home search without a warrant (Art. 12 UDHR: see Table 1)

News item 2: Free elementary schooling

A local council suppressed the free primary schooling for handicapped children. The council

considered that these children should attend a particular school.

Violation of human right: Suppression of free schooling (Art. 26.1 UDHR: see Table 1)

News item 3: Political asylum

The government has denied the right to asylum to a political opponent from Algeria by

arguing that his life was not really in danger in his home country.

Violation of human right: Refusal of asylum (Art. 14.1 UDHR: see Table 1).

Table 4

Most cited words by rights- and context-oriented participants

| Words | Principle | | Total |
|---|---|---|---|
| | Rights | Context | |
| | (n = 51) | (n = 35) | |
| Unjust / Unfair (-) | 46 | 19 | 65 |
| Abnormal (-) | 24 | 8 | 32 |
| Racism / Discrimination (-) | 13 | 1 | 14 |
| Illegal (-) | 10 | 4 | 14 |
| Violation (-) | 7 | 2 | 9 |
| Egoism (-) | 5 | 2 | 7 |
| Normal (+) | 6 | 22 | 28 |
| Fair (+) | 1 | 20 | 21 |
| Good decision (+) | 2 | 13 | 15 |
| Money (0) | 5 | 3 | 8 |
| Law (0) | 4 | 3 | 7 |
| Why (0) | 4 | 3 | 7 |

Note: Valence of each word is indicated in parentheses.

Table 5

Mean condemnation of the violations by reference (study frame) and principle orientation

| Human right violation | Reference | | Principle | |
|---|---|---|---|---|
| | News | Right | Rights | Context |
| | (n = 44) | (n = 42) | (n = 51) | (n = 35) |
| Home-search without warrant | 5.07 | 4.19 | 5.20 | 3.83 |
| Suppression of free schooling | 5.57 | 5.60 | 6.00 | 4.97 |
| Refusal of asylum | 4.48 | 4.86 | 5.06 | 4.09 |

Note: Scale: 1: acceptable, 7: unacceptable.