Introduction

Huᴍᴀɴ ʀɪɢʜᴛs ʀᴇᴘʀᴇsᴇɴᴛ one of the most powerful ideas in contemporary discourse. In a world of economic globalisation, where individualism, greed and becoming rich are seen as the most important things in life, and where at the same time the formerly secure moral positions for judging our actions seem to be declining into a morass of postmodern relativism, the idea of human rights provides an alternative moral reference point for those who would seek to reaffirm the values of humanity.

This book is written in the belief that human rights are important, and that they are particularly important for those in the human service professions in general, and for social workers in particular. By framing social work specifically as a human rights profession, many of the issues and dilemmas that face social work can be looked at in a new light. Further, human rights can provide social workers with a moral basis for their practice, both at the level of day-to-day work with 'clients', and also in community development and in policy advocacy and activism; indeed a human rights perspective can help to link these varying roles into a unified and holistic view of social work practice. This book seeks to articulate what it means to say that social work is a human rights profession, and to consider the implications of such a perspective for the practice of social work.

Those familiar with the first edition will realise that there are few major changes to this revised edition, with the significant exception of Chapter 2, as discussed below. Apart from this, the changes are more of an update, with some changes of emphasis rather than of substance.

The opening chapter sets the background by defining human rights, and setting the context of an essentially discursive understanding of human rights that forms the basis for the remaining chapters. It also considers

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globalisation as the context within which we need to understand human rights practice; this is especially important because the recent upsurge of interest in human rights has been in part a reaction to globalisation, and because human rights have been the major theme around which the opposition to globalisation has crystallised.

It is in Chapter 2 that readers familiar with the earlier edition will notice the most significant changes. In the earlier edition, this chapter outlined, uncritically, the conventional 'three generations' approach to human rights, which became the basis for much of the rest of the book. Since then, however, I have become critical of this framework, for reasons that are outlined in the chapter. While it is important for readers to understand this framework, which is common in the human rights literature, it is also important to understand its limitations and contradictions.

Chapters 3 to 8 examine different theoretical or conceptual issues relating to human rights: the public/private divide, cultural difference, the link between rights and needs, the obligations that go with human rights, the relationship between rights and ethics, and participation in human rights discourse. In each case, the implications for social work of such a discussion are identified.

The remaining chapters then spell out what is involved in human rights-based social work. They examine how social workers might engage with the discursive construction of human rights as a basis for practice, how social work practice can work to realise and safeguard human rights, and the implications of a human rights perspective for the processes and structures of the social work profession itself.

Even though the theoretical issues around human rights are complex, and any exploration of human rights has to deal with them, social work requires that any theoretical exploration must be grounded in, and relevant to, the reality of the messy world of social work practice, with its contradictions, unpredictability and general chaos. This applied practical focus has been maintained throughout, and it is hoped that the book will therefore retain a relevance and utility for practitioners.

The book is written from an internationalist perspective. Although social work practice must always be contextualised within the culture and society in which it is located, human rights is a universalist discourse, based on ideas of a shared humanity and global citizenship. It is therefore hoped that the book will have application in different national and cultural settings. It deals with issues that are the concern of social workers anywhere in the world, and a deliberate decision has been taken not to locate it exclusively within any particular national, political or cultural context. However, the

fact that the writer is from a western cultural background, and represents the dominant voice of the white western male, means that many readers will no doubt wish to challenge or to reinterpret these ideas to suit their own practice needs. Indeed, the book has been written with that expectation, and the reader is invited to reconstruct these ideas to suit particular social work contexts.

Some points need to be made about the use of language. Rather than using the ungrammatical plural of the personal pronoun to avoid gendered language, I have used the more cumbersome terms 'his/her', 'she/he', and so on, randomly choosing the order in which the two words appear. For American readers in particular, the term 'liberal' may need some explanation: in this book it is not used in the sense popularised by the American media – namely someone with social democratic ideals – but rather in its more philosophical sense, of someone who values individualism and freedom, in the context of Enlightenment rationality and progress. Another word that has caused me considerable difficulty is the word 'client'. It is a word I do not like to use (for reasons that are explained in Chapter 11), but the alternatives 'consumer' or 'customer' are also highly unsatisfactory. Where possible I have used 'person' or 'individual', but sometimes, in order to avoid the clumsiness of 'person with whom a social worker is working' (or some similar wording) I have with reluctance resorted to the use of the traditional term 'client' for the sake of brevity and in the absence of a better alternative. Although social workers are the primary readership for whom this book is intended, the ideas explored in the book have application well beyond the field of social work, and in the hope that there are others who may find it of use, I have tried to keep social work jargon to a minimum.

One of the joys of writing my previous books has been the feedback I have received from many different people, leading to some important ongoing dialogues, and I would welcome comments from any reader – student, educator, practitioner or other – who would like to respond to anything in this book, in the spirit of dialogue.

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Human Rights in a Globalised World

THE IDEA OF HUMAN rights is one of the most powerful in contemporary social and political discourse. It is readily endorsed by people from many different cultural and ideological backgrounds and it is used rhetorically in support of a large number of different and sometimes conflicting causes. Because of its strong appeal and its rhetorical power, it is often used loosely and can have different meanings in different contexts, although those who use the idea so readily seldom stop to ponder its various meanings and its contradictions. This combination of its strong appeal and its contradictions makes the idea of human rights worth closer consideration, especially for social workers and those in other human service professions.

This book is concerned with what a human rights perspective means for social workers (Centre for Human Rights 1994). Framing social work as a human rights profession has certain consequences for the way in which social work is conceptualised and practised. In many instances such a perspective reinforces and validates the traditional understandings and practices of social work, while in other cases it challenges some of the assumptions of the social work profession. The position of this book is that a human rights perspective can strengthen social work and that it provides a strong basis for an assertive practice that seeks to realise the social justice goals of social workers, in whatever setting. Human rights, however, are also contested and problematic. To develop a human rights basis for social work requires that the idea of human rights, and the problems and criticisms associated with it, be carefully examined. In this and following chapters some of the issues and problems raised by human rights will be discussed, and the implications of these discussions for social work will be highlighted.

Many authors suggest that the idea of human rights is largely a product of Enlightenment thinking and is therefore inevitably contextualised within an essentially western and modernist framework (Wronka 1992; Galtung 1994; Beetham 1995; Bobbio 1996; Pereira 1997; Bauer & Bell 1999; Hayden 2001; Douzinas 2000, 2007; Orend 2002). This has led to the criticism that human rights thinking and rhetoric are simply another manifestation of colonialist western domination, and to the suggestion that the concept of human rights should not be used (Aziz 1999). While it is true that much of the contemporary understanding of human rights has been shaped by western Enlightenment thinking, the same can be said of many other concepts that are frequently used in political debate, such as democracy, justice, freedom, equality and human dignity. To stop using such words simply because of their western Enlightenment associations would be to deny their power and importance across cultures and would lead to sterile and limited political debate. The task rather is to loosen them from the shackles of western modernity and to reconstruct them in more dynamic, inclusive and cross-cultural terms. That is the approach taken in this book, though of course cultural issues and the question of cultural relativism are critically important and will be discussed in some detail in Chapter 4.

There is a stronger reason, however, to resist the argument that the idea of human rights should be rejected because of its western connotations. This is because it is simply not true to say that human rights is an exclusively western concept. Notions of human rights are embedded in all the major religious traditions and can be found in many different cultural forms (Von Senger 1993; Ishay 1997; Hayden 2001; Moussalli 2001; Angle 2002), though the term 'human rights' may not always be used. Ideas of human dignity and worth, ideas that all people should be treated according to certain basic standards, ideas that people should be protected from what is frequently termed 'human rights abuse', and ideas of respect for the rights of others are not confined to the western intellectual tradition. To assume that they are is to devalue those other religious and cultural traditions that such critics often claim to be supporting. Nor is it true, as is commonly suggested, that human rights are a recent concept emerging only in the last two centuries, with their origins in Enlightenment thinking. Although the Enlightenment was crucial in the construction of the modern western framing of human rights, the idea of human rights has been reflected in writings from much earlier ages, even though the term itself may not always have been used (Blickle 1993; Coleman 1993; Dupont-Bouchat 1993; Von Senger 1993; Hayden 2001).

Human rights, indeed, represent a powerful discourse that seeks to overcome divisiveness and sectarianism and to unite people of different cultural and religious traditions in a single movement asserting human values and the universality of humanity, at a time when such values are seen to be under threat from the forces of economic globalisation (Rees & Wright 2000; Brysk 2002). The idea of human rights, by its very appeal to universally applicable ideas of the values of humanity, seems to resonate across cultures and traditions and represents an important rallying cry for those seeking to bring about a more just, peaceful and sustainable world.

As well as the criticism of cultural bias, two other criticisms are commonly made of a human rights perspective. One is that claims of human rights can be frivolous or selfish: people will claim something as a 'human right' when in fact they are simply expressing a simple selfish 'want'; for example people might claim the right to own a car, the right to take a luxury cruise, the right to smoke in a restaurant, the right to watch a video on an aircraft. Thus human rights become nothing more than a new language for consumerism and self-indulgence. The other criticism is that claims of human rights can conflict with each other and therefore one is left with the problem of reconciling competing claims, for example the right of freedom of expression as opposed to the right to protection from libel or slander (Holmes & Sunstein 1999). A human rights perspective needs to show how it will overcome those criticisms, and this will be undertaken in this and subsequent chapters.

Much of the academic debate about human rights remains at the theoretical level; less has been written about the *practice* of human rights. The important exception to this has been the legal profession, which has developed a significant specialisation in human rights law. While lawyers have played a very important role in the promotion and safeguarding of human rights, an exclusively legal framing of human rights practice has limited the applicability of human rights in other professions and occupations (Galtung 1994; Douzinas 2000). The reasons for this, and its consequences, will be discussed in some detail in Chapter 2. Other professions, such as medicine, social work, teaching and nursing, are also concerned with human rights issues, and their practice can be seen as very much about the promotion of human rights in ways that extend beyond the more constrained practice of the law. The literature of these professions, however, while acknowledging that ideas of human rights are important for professional practice, does not for the most part define either theory or practice within a specific human rights framework. There is little articulation of what it means in practice

for professionals to claim that their work is based on human rights, and so human rights remain a 'nice idea' rather than a solid foundation for the development of practice theories and methodologies. This book represents an attempt to fill this gap by examining what a human rights perspective means for the practice of human service professions such as social work. It identifies some of the important theoretical and conceptual issues about human rights and looks at how they might be applied to practice in a way that can identify a social worker more clearly as a human rights worker. In general use, the term 'human rights worker' applies either to lawyers with a human rights specialisation or to activists working for organisations such as Amnesty International. This book seeks to locate social workers also as human rights workers and to identify some key issues that emerge when social work is reframed as human rights work.

SOCIAL WORK

While much of the material in this book can be applied to a broad range of human service professions such as teaching, medicine and the other health-related professions, the primary focus of the book is social work. In this regard, 'social work' needs some clarification, as this term has different connotations in different national and cultural contexts (Tan & Envall 2000). In some societies, most notably Australia and North America, 'social worker' implies a fairly narrowly defined group of workers who have high professional qualifications, and excludes many others working in the human service field (Ife 1997a; Leighninger & Midgley 1997). In other societies the term has a much wider application, covering human service workers from a variety of backgrounds, with varying levels of educational qualifications. In some societies, such as the United Kingdom, social work has been seen as the implementation of the policies of the welfare state through the provision of statutory services, with relatively little role in community development or social change. In other societies, however, such as in Latin America (Aguilar 1997; Cornely & Bruno 1997; Queiro 1997), 'social work' has much more radical or activist connotations: it is concerned with bringing about social change, progressive movements for social justice and human rights, and opposition to prevalent forms of bureaucratic and political domination. In some contexts, such as the United States, individualised therapeutic roles for social workers are dominant (Leighninger & Midgley 1997), while in other contexts, particularly in 'the developing world' or 'the south', social work has a much stronger community development orientation. Even in societies that might superficially seem very similar, such as Australia and

New Zealand, there can be significant differences in how social work is constructed and in what counts as good practice.

Given the importance of grounding social work in its cultural, social and political context, it is inevitable that social work will be constructed differently in different locations. This has considerable benefits for social work as it allows for a diversity of interests and practices. But it also poses problems, in that readers of the social work literature will be seeking to apply that literature in different contexts where the very idea of social work is contested. It is also a recipe for ambiguity and misunderstanding when social workers meet across cultural and national boundaries.

This book accepts a broad view of the nature of 'social work' and is not confined to specific professional, social control, conservative, radical, therapeutic or developmental formulations. The term is meant to be understood in its broadest sense and to include all those working in the social services or community development, including those seeking social change. The aim of this book is to show that a human rights perspective such as that developed in the following chapters provides a unifying framework within which the various activities identified as 'social work' can be incorporated, while still allowing for cultural, national and political difference (Centre for Human Rights 1994).

There is a strong tradition in social work of identifying a core value position for the profession (Tan & Envall 2000; Reichert 2003). Social work writers have consistently emphasised the importance of this value base; social work is not seen as a neutral, objective or 'value-free' activity, but rather as work which is grounded in values and which makes no apology for adopting partisan stances on a range of questions. In formulating this value base, the idea of human rights is often implicit, through phrases such as 'the inherent worth of the individual', the 'right to self-determination', and so on. Such statements serve to locate human rights, though perhaps in a fairly limited form, as having a central role in social work (Reichert 2003, 2007), though characteristically there is usually little explication of the nature of these 'rights', the contested nature of rights, what they mean in practice, and how adopting such rights as central actually affects what social workers do in their day-to-day work. Professional codes of ethics also tend to imply some commitment to an idea of human rights, since it is often from an implied human rights position that the ethics of social work are derived (Corey et al. 1998); this will be further discussed in Chapter 7. This again is a piecemeal approach to human rights and does not really confront the idea of human rights head on. Indeed it might be suggested that the construction of human rights contained in documents

such as codes of ethics and introductory texts often treats human rights
as if they are self-evident and non-problematic, a position which even the
most cursory examination of the extensive literature on rights would show
to be misguided and simplistic.

A DISCURSIVE APPROACH TO HUMAN RIGHTS

Many of the issues and debates about human rights will be discussed in later
chapters, and their applicability to social work practice will be identified.
At the outset, however, it is important to make a clear statement about the
approach to human rights adopted in this book. This is an approach that
rejects a positivist notion of rights, implying that human rights somehow
'exist' in an objective form and can be identified, 'discovered', and empir-
ically measured or verified. The idea of rights existing somehow indepen-
dently of human agency is characteristic of the positivist world-view of the
social sciences, which regards social phenomena as existing independently
and objectively, and sees the task of the social scientist as objective empiri-
cal inquiry into the laws that govern how social phenomena interact. The
positivist view has been the object of sustained critique in the social science
literature (Fay 1975; Keat 1981; Lloyd & Thacker 1997; Crotty 1998),
and the position of this book is one that rejects such a paradigm. Rather
than regarding rights as 'existing' in some way, hence able to be uncovered
through objective scientific inquiry, the arguments in later chapters see
human rights as essentially discursive (Woodiwiss 1998), in other words
rights are constructed through human interaction and through an ongo-
ing dialogue about what should constitute a common or shared humanity
(Howard 1995). Hence human rights are not static but will vary over time
and in different cultures and political contexts. The best-known statement
of human rights, the Universal Declaration of Human Rights, though rep-
resenting perhaps one of the more remarkable human achievements of the
twentieth century, should not therefore be reified and seen as expressing a
universal and unchanging truth. Rather, the Universal Declaration repre-
sents a statement of what was agreed by the leaders of the world's nations in
1948 as a statement of the basic rights of all people (see Appendix I for the
full text of the Universal Declaration). It is an impressive and inspirational
statement, with significant radical implications, and it has been used in
many ways since to further many important causes in the name of human-
ity. But it is not holy writ, and it can and should be subject to challenge in
different times, as different voices are heard and different issues are given

priority. The same must apply to any other statement of human rights: what constitutes the basic rights of all human beings will be a matter for ongoing debate and redefinition and should always be open to challenge. The Universal Declaration has been criticised because of the dominance of western political leaders in the forum from which it was derived, leading to a perceived western bias (Wronka 1992; Chomsky 1998). This, however, is an argument not for the rejection of the idea of such a universal statement but rather for its continual reformulation in the light of different voices being validated and heard (Mahoney & Mahoney 1993).

The Enlightenment view of human rights, as argued by Locke, talks about 'natural' rights, namely the idea that the very nature of human beings implies that they have certain rights, as a consequence of their very humanity (Simmons 1992). By simply talking about 'human beings' we imply human rights arising from some notion of a common or shared humanity which requires that people be treated in a certain way (Feinberg 1973). According to this view, at birth we are all equal and therefore we 'naturally' acquire equal rights. The idea of rights existing 'naturally' might at first sight sound like a positivist framing of human rights, but the idea of 'natural' rights in this sense is not necessarily inconsistent with the view of human rights as discursive. It is simply an affirmation of the view that our human rights are the consequence of our common or shared humanity, but it is nevertheless quite consistent to talk about a discursive construction of how we understand those 'natural' rights.

The idea of human rights, by its very nature, implies the search for universal principles that apply to all humans, whatever their cultural background, belief system, age, sex, ability or circumstances. Such universality has been absent from many of the more traditional understandings of human rights, simply because not everybody has been thought of as 'human'. The discourse of the 'rights of man' and traditional views of patriarchal philosophers such as Locke have distanced women from the definition of 'human' and therefore from an understanding of what 'human rights' imply. Thomas Jefferson presumably saw no conflict between his advocacy of rights and freedoms and his ownership of slaves. The perpetrators of the Holocaust, while celebrating the high achievements of German civilisation, were able to justify their actions by effectively defining Jews as subhuman, and the same can be said of the Apartheid regime in South Africa, the Indonesian occupying army in East Timor, the Serb forces in Bosnia, and so on (Rorty 1998). Oppressors can justify their actions by effectively removing their victims from their understanding of 'human' and thereby avoiding the necessity of recognising their human rights. These examples may seem extreme and