Introduction

The concept of human rights represents one of the most powerful ideas in contemporary discourse. In a world of economic globalisation, where individualism 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 reverting to a 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, we can look at many of the issues and dilemmas that face it 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 in community development, policy advocacy and activism. 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. However, it does not provide a simple 'how-to-do-it' framework for human rights-based social work. Human rights do not provide simple answers; rather they pose questions – often complex and difficult questions – for the practitioner. It is in wrestling with these questions that human rights-based social work can be enacted.

Those familiar with earlier editions will realise that there are few major changes to this edition, with three significant exceptions. As outlined below, the second edition contained major changes to Chapter 2, and this third edition adds significant new material to Chapters 1 and 12. In addition, some questions for further exploration are identified at the ends of most chapters. Apart from this,

1

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 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. In a new section for this edition, the Enlightenment origins of conventional human rights discourse are identified, as this has been important in shaping dominant ideas of human rights; this is emphasised more in this edition than in the previous ones.

In the first edition, Chapter 2 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 differences, 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. There is a new section in Chapter 12 discussing the

possibilities for a 'post-Enlightenment' social work, deriving from the need for human rights to move beyond the constraints of its Enlightenment tradition.

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 to not 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' and '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 and have included a glossary of terms that may not be familiar to some readers.

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.

HUMAN RIGHTS AND SOCIAL WORK

4

Chapter 1

Human rights in a globalised world

Human rights is a powerful ideal. 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

5

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 and critically examined. In this and following chapters some of the issues and problems associated with human rights will be discussed, and the implications of these discussions for social work will be highlighted.

The Enlightenment tradition of human rights

Many authors have suggested 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; Douzinas 2000, 2007; Hayden 2001; Orend 2002). The European Enlightenment, which originated in the second half of the 18th century, was a significant turn away from previous world-views in which morality was determined by the interpretation of divine wisdom from the Bible or the teachings of the Christian Church.

The previous two centuries had seen devastating religious wars fought over differing interpretations of the Bible and of divine will, and the 'Enlightenment' represented an attempt to develop a morality based on human reason instead. Alongside this was an emphasis on progress, on science, on rationality and on research: the exploration and classification of the natural world in disciplines such as zoology, chemistry, astronomy, botany and geology. The sacred, spiritual and religious became matters for the private individual, but were largely excluded from the mainstream of intellectual endeavour, whether in theory or in research. The human subject was

6

central to Enlightenment discourse and separated from the natural world, which was seen as serving the needs of humanity rather than as having value in its own right. Furthermore, the human subject was regarded as individual, not collective and 'the rights of man' became an important concept. Patriarchy, however, was an inherent part of most Enlightenment thinking and the human subject was essentially male. The emphasis was on rationality, and emotions tended to be marginalised, as was religion.

The legacy of the Enlightenment is very strong, even into the 21st century. Enlightenment thinking has informed laws, political institutions, science, research, universities, bureaucracies, military strategy, schools – indeed every facet of human life, including social work. However, it has remained an essentially Western project, grounded in Western world-views, and in an assumption of the superiority of the Western way of life. In many non-Western cultures throughout Asia, Africa, Latin America and the Middle East, as well as in indigenous communities, the Enlightenment represents a strange and different world-view. For example, the separation of Church and State, a quintessential Enlightenment idea, makes no sense in a traditional Muslim society, where religion and politics/government naturally belong together. The individualism of the Enlightenment does not gel with the collective Confucian traditions of many Asian societies, and the separation of the human from the rest of the natural world is incomprehensible to an indigenous Australian or North American.

The Enlightenment had many significant consequences. There was an explosion of scientific research and inquiry. The notion of the European as somehow 'enlightened' was a convenient justification for colonisation and colonial exploitation. If 'we' were more 'enlightened', it was surely our duty to enlighten others, and hence the Western Enlightenment world-view was imposed, with greater or lesser success, on other cultural traditions through the work of teachers, administrators and missionaries (Said 1993, 1995).

Most important for our purposes here, the Enlightenment led to the emergence, or re-emergence, of moral and political philosophy,

7

as people tried to reason morality and argue the best ways to organise society, rather than simply seeking these things as God's truth. Human rights has emerged as very much part of this tradition, and we might even argue that there was an attempt to replace the Ten Commandments with the Universal Declaration of Human Rights as the basis for a universal morality. Hence philosophers such as Hobbes, Locke, Rousseau, Kant and Mill were very influential in forming conventional ideas of human rights, while the Bible and the Qur'an were not. This causes problems for inter-cultural or inter-faith dialogue about human rights, unless the Enlightenment foundations of conventional human rights discourse are themselves subject to critique.

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). However, 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 are 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;

8

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.

Despite this, it is nevertheless true that the dominant contemporary discourse of human rights is firmly grounded in Enlightenment modernity, to such an extent that other views of what constitute 'human' and 'rights' are readily marginalised. The Enlightenment heritage of human rights has been very significant in shaping the way human rights are understood in the contemporary world, and has been responsible for many of the problems and issues associated with human rights. As Enlightenment modernity is increasingly called into question, it is important to understand the impact of the Enlightenment on the human rights movement, and to seek to develop a 'post-Enlightenment' understanding of human rights and, indeed, of social work. This task will be a recurring theme throughout this book.

This is not to negate the positive contribution of the conventional Enlightenment view of human rights, which has undoubtedly achieved significant outcomes and has contributed to a more just and humane world (though this must be, of course, a qualified and relative judgment). 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

CHAPTER 1: HUMAN RIGHTS IN A GLOBALISED WORLD

9

those seeking to bring about a more just, peaceful and sustainable world.

As well as the criticism of cultural bias, several other allegations are commonly made about 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, they may claim the right to own a car, the right to take a luxury cruise, the right to smoke in a restaurant, or the right to watch a video on an aircraft. Thus human rights can become nothing more than a new language for consumerism and self-indulgence. Another 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 to freedom of expression as opposed to the right to protection from libel or slander (Holmes & Sunstein 1999).

In addition, there are the feminist critique (that human rights have become a patriarchal discourse and have privileged the rights of men while marginalising the rights of women); the postcolonial critique (that human rights have served the needs of colonialism and the spread of Western cultural and political hegemony); the Marxist critique (that human rights are based on liberal individualism and have been used to replace or devalue a class analysis); and the postmodern critique (that human rights represent modernity and are part of the modernist attempt to impose order and rationality on a diverse, chaotic and contradictory world). A human rights perspective needs to show how it will address these various 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. However, 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

10