HUMAN RIGHTS AND COMMUNITY WORK. Complementary theories and practices.

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Abstract:

Much effort has been placed on developing international understandings of human rights without the corresponding attention to responsibilities. The authors argue that a community development framework may be useful in re-conceiving human rights in a more holistic way, and that social workers and community development workers are well placed to be 'grass roots human rights workers'.

Introduction

The relationship between rights and responsibilities should be uncontroversial. It is clear that rights only make sense if there are corresponding responsibilities on others to protect, secure or realise those rights, and similarly responsibilities make no sense unless they are linked to rights; they only arise because some individual or group has a rights claim. Rights and responsibilities belong together, and neither can be adequately discussed without reference to the other. Ideological and other factors, however, have hindered the making of this link. The ideological divide between 'the West' (lead by the United States of America) and 'the East' (the Soviet Bloc) was central in bringing about two Covenants on human rights: the International Covenant on Civil and Political Rights (with its emphasis on 'freedoms' was acceptable to the liberal democracies of the West) and the International Covenant on Economic, Social and Cultural Rights (with less emphasis on freedom and more on 'provision' and distribution of resources was more palatable to the socialist republics of the East).

Considerable energy has been put into articulating human *rights* over the last 55 years at least; rights have been argued, discussed and debated vigorously. Comparatively less energy has been spent on defining human *responsibilities*. The world has a *Universal Declaration of Human Rights* but no corresponding Universal Declaration of Human Responsibilities. Responsibilities for human rights have tended to be left largely in a legal paradigm or to 'the government'. Conversely, human rights are articulated in a much more personal (and individual) language and so it is more

common to hear discussions about rights rather than rights and responsibilities together. Rights and responsibilities are expressed in quite different languages. It is the contention of the authors of this paper that rights and responsibilities need to be part of the same discourse and that to miss either one is to engage in an incomplete conversation. The second half of the paper will explore ideological and theoretical similarities and differences between human rights and community development, arguing that the two discourses can complement each other and, when used together provide a powerful moral, theoretical and practical framework.

Linking Rights and Responsibilities: Individually and Collectively

The linking of rights to responsibilities or obligations implies the action/practice component of human rights. It is not enough simply to claim a right, there also needs to be an allocation of responsibility on others to act accordingly. Responsibilities, indeed, are currently the more difficult and contentious side of human rights work. It is relatively easy to claim a right, and to reach a consensus on that right and its significance. It is another thing, however, to agree on who is responsible for the protection of that right (in the case of a negative right), or for the realisation of that right in the case of a positive right (Symonides: 2000). But specifying and insisting on human responsibilities is a natural consequence of human rights work, and perhaps such work should be called human responsibilities work.

Because the modern human rights regime was put into place in the context of the United Nations, the absence of a clear statement of human responsibilities meant that the responsibility for human rights was tacitly assumed to be located with the nation states, the members of the UN. This is reflected in the various UN instruments, designed to hold states accountable for the protection and realisation of human rights, and this has effectively devalued the role played by other actors in guaranteeing that human rights become a reality. These other actors include the individual, the family, the community, the international NGO, the corporation, and the media. Human rights declarations and covenants have little to say about the responsibilities of these other actors, yet at a time of globalisation, where the autonomy and power of the nation state is increasingly threatened and undermined, it becomes necessary to call these other actors into account if human rights are to be guaranteed. Nation states have

often proved to be inadequate in ensuring such responsibilities are met (Bergmann: 2003, Haddad: 2003, Kent: 2002).

In this context, it is important to emphasise that both rights and responsibilities must be understood both individually and collectively. Conventional western framings have tended to emphasise individual understandings of human rights at the expense of collective understandings, and in order to correct this it has become common to talk about "collective rights" as a separate category of rights, the so-called "third generation" following the first two generations of civil and political rights and economic social and cultural rights (again, reflecting UN definitions) (Pollis: 2000; Nowak: 2000). This assumption that some rights are collective while others are individual has been unhelpful; defining collective rights as a "third generation" leads to the assumption that the first two generations are therefore individual, whereas a more careful consideration suggests that those rights too can be understood collectively; for example the "first generation" rights to freedom of expression and protection from abuse and the "second generation" rights to education and health care, can be appropriately applied to groups (e.g. Indigenous People, People with Disabilities) as well as to individuals. Similarly so-called "collective rights", such as the right to benefit from development, apply to individuals as well as to communities. Hence the authors propose a view that rejects a distinction between individual and collective rights, and instead understands all human rights as having both individual and collective aspects (Ife: 2001).

The same applies to responsibilities. Traditionally responsibilities are conceptualised as a contract between the individual and the state. The individual owes the state a responsibility to obey the laws of that state and to give her/his exclusive loyalty to the state. The state has a responsibility to protect the fundamental freedoms of the individual and in some cases to provide certain services and conditions to enable the individual to realise her/his full potential (Janoski: 1998). Responsibilities for human rights can more usefully be understood at multiple levels of human community, from individual, to family, neighbourhood, community, nationally and globally. This implies that responsibilities, like rights must be understood both collectively and individually.

Responsibilities to one another and to the collective notion of 'humanity' go deeper and beyond those responsibilities formally codified in laws and regulations. Laws and regulations are essential in the construction of a human rights based society – well designed legal systems will ensure that governments continue to serve the people, rather than government itself; that corporations' drive for ever increasing profit is moderated by a mandatory concern for wage levels, employment conditions and so on; and that some form of justice and recompense can be sought if our rights are violated. However, to leave responsibility for human rights exclusively, or even principally, with a legal system would be unsatisfactory and unsatisfying. If human rights are conceived of as being essentially a set of moral and ethical codes guiding relationships between groups and individuals, then we have responsibilities to each other for which 'the law' would be no more appropriate a tool than a hammer would be for driving a screw. Legal systems tend to deal with the parameters of a society or system, that is they determine the bounds within which we all must live, leaving necessary freedom for human activity within these bounds. It is in this 'free space' that most human interaction occurs and where ethics, morals and even manners are at play much more than laws. We listen while others speak not because it is mandatory that we do so, but because it is respectful towards the other person and the valuing of humanity and respect, guides our actions.

Additionally, the process of leaving responsibilities for human rights with nation states and legal systems relieves us of our responsibilities and reinforces an elitist discourse of rights – suggesting that one needs specialist qualifications, and that one needs to be an 'expert' to engage in human rights work. Those of us without the necessary qualifications are then rendered as powerless in the human rights field. Alternately, it may lead us as human rights workers and activists into an overly legalistic focus, where the object of the campaign is legislative change and so when, for example, anti-racism laws are passed, there is the danger that many people feel a (well deserved) sense of achievement and think that the job is done. Whereas in actual fact, anti-racist legislation alone will not eradicate racism. Is it widely accepted that racism works in far more institutionalised and insidious ways to be eradicated by laws. Community based education, consciousness raising campaigns and ongoing movements at every level of society are needed to change public sentiment and values. Finally, it casts us as human beings in a passive role; that of consumers, and

human rights as a product or service – a model that people in the modern West are well groomed to accept.

Recasting human rights and responsibilities at a community level and on a human scale re-asserts human expertise in shared humanity and reclaims the power that lies in both rights and responsibilities at the local level.

The linking of human rights and human responsibilities emphasises an interactive component of human rights. It is not only the idea of the right, but the imperative to act on the corresponding responsibility that gives human rights their power as a framework for social work practice. Rights cannot exist in individual isolation; a person alone on a desert island has no rights, simply because there is nobody else to accept and act on the corresponding responsibilities. Rights only exist when there are people in interaction, where rights and responsibilities are collectively realised, and are acted out. In this sense, it is meaningless to talk about "my rights", and far more useful to talk about "our rights". This suggests that rights only make sense within community. They require a community of interlocking rights and responsibilities which people accept as members of a group, be it a family, a community or a nation. From such a position, one can argue that there is an element of collectivism associated with the idea of human rights. Human rights are incompatible with an extreme individualism which maintains along with Mrs Thatcher and the neo-conservatives that 'there is no such thing as society', only individuals acting in self-interest Thatcher: 1987). Rather, human rights lead to a recognition of our need for collective structures of some sort so that human rights can be protected and realised, or in the words of the American philosopher Alan Gewirth, *the community of rights* (Gewirth: 1996). It is this necessary connection between human rights and community that will be explored in the remainder of this paper.

Localising universal rights

Conventions and declarations such as the *Universal Declaration of Human Rights* and the various treaty bodies of the UN are an important common reference point and international 'standard', but as postulated earlier, a robust and pluralistic system of human rights requires active participation from below. Global human rights call upon the UN, nation states *and* communities to engage in the promotion and protection of

human rights. For many people, the UN will remain something that they are vaguely pleased exists, but an institution with which few in the West will have direct contact. For most people around the world human rights are experienced in the local context – both in their realisation and violation. Human rights are based upon a belief in our common humanity, the principle of universality – that we all share the same rights and responsibilities regardless of differences of culture, religion, gender, ability, nationality and so on (Nagengast: 1998). For several years there has been an ongoing debate about universality and relativity. Universality has been criticised as enforcing a model of humanity and human rights centred on a Western philosophy of the individual on people from cultures where a collective understanding of humanity is primary to the individual notion. As with most arguments there is some validity in the argument, the authors however, argue that universality does not mean 'sameness', rather it is a principle that emphasises the essential worth of every human being without the need to reach a certain status or fit a certain model of 'desirable citizen'. Universality enshrines this core value for all human beings whilst allowing for (and we would argue, encouraging) diversity of culture, religion, gender, sexuality and so on. (Much has been written on this and readers interested in pursuing this further are directed to Bell L.S., Nathan A.J. & Peleg, I. (eds) (2001) *Negotiating Culture and Human Rights* or any other of a range of texts addressing the issue).

Moral humanity

This notion of common humanity is an important one to explore, for it exposes the serious limitations of restricting human rights discourse to a concept of the autonomous individual. Raymond Gaita, in his book *A Common Humanity,* states that 'If "human being" meant only *homo sapiens*, then the term could play no interesting moral role' (Gaita 1999: 263). The essence of humanity does not arise from, and goes well beyond mere biology. Science has indeed established common genetic traits of human beings, but human rights are not so much concerned with the individual and shared biology of the human species, it is in moral life; in social, political, cultural and spiritual life that people realise their humanity, and this aspect of human life and human endeavour occurs in community, in relationship with others (Arrendt: 1958, Arrendt cited in Haddad: 2003: 20).

Taking a moral philosophical approach to human rights may initially appear too abstract to be of much use, but as an example one can look at what this means for reconciliation in present day Australia. The Howard government has refused to offer an apology or any form of spiritual or moral healing for the injustices and human rights violations of colonisation. Howard's 'practical reconciliation' focusing on service delivery, outcomes and benchmarks to the exclusion of a moral/spiritual reconciliation denies the suffering of Aboriginal Australians and in doing so, denies their shared humanity (our common/universal humanity) and so will never achieve human rights for Indigenous Australians or reconciliation for all Australians. In denying our common humanity Howard entrenches the divide between Indigenous and colonial Australians. Human rights work must keep the essence of humanity central, and the essence of humanity lies not only in the individual but, as social workers have argued for years, in the person-in-relationship.

Bertman (2004) emphasises this universality of humanity and the human endeavour observing that "this moral primacy (of human relationships) is a matter of personhood rather than personality" (Bertman: 2004: 90). This holds up an anthropological rather than a psychological lens through which to explore our humanity. This shift in perspective takes us some way towards freeing us from the Western rationalist, scientific focus on the individual and instead emphasises the communal.

Theoretical links between human rights and community work

In this context human rights become not so much a claim made by an individual or individuals, but a process and a structure for human community. From this perspective all humans share a moral order and are subject to moral law (Parel: 1997, Gandhi: 1927). Human rights then, are collectively constructed, collectively understood and collectively experienced. I cannot have 'my' rights if you do not have 'yours', and hence they become "our rights". This collective ownership and experience of human rights, locating rights in the experience of human community, suggests that community development work and human rights work have much in common. Human rights and community work share many principles and their ideologies overlap considerably. Both, for example, insist upon locating humanity at the core of their activity, both aspire to improve human well-being, value self-determination, discuss both rights and responsibilities, and carry a vision of a 'better

world' at both the global (universal) and local (specific) levels. There are also some important differences between the two disciplines which will be explored shortly, and it is here that the authors believe that the human rights and community work can complement and strengthen each other.

Much human rights literature separates human rights into the 'three generations' (civil and political rights are categorised as 1st generation rights; economic, social and cultural rights are termed 2nd generation rights; while 3rd generation rights are collective rights) (Donnelly: 2003). While this model can be a useful framework for thinking about human rights it can also be problematic. It can be argued for example, that "economic, social and cultural" rights are conceptually distinct and can be better explored and understood if they are in separate categories (Ife: 2003). In Ife (2003) we have argued that there should also be a special category of survival rights, namely rights to very basic things needed to keep us alive: food, clothing, shelter, health care. In the three generations model, these are regarded as part of "social rights", but should not be confused with other social rights relating to families, marriage, children etc. It is the authors' contention that environmental rights and spiritual rights both tend to be significantly undervalued in traditional human rights discourse, but are sufficiently important as to be separate categories. This leads to a classification of human rights into seven categories: survival, civil/political, cultural, economic, social, environmental and spiritual. These are similar to the dimensions of community development present in much community development literature. Ife (2002) identifies 6 categories of community development: social, cultural, political, economic, personal/spiritual, and environmental. As people from a community development background who have moved into human rights work, we have found the theoretical convergence of the two quite remarkable. This is evident in both theory and practice. There are many skills of the community worker (facilitation, assisting communities to be more self-determining, writing funding submissions, education skills, advocacy and so on) that are not at all alien to the human rights worker though the terminology may differ slightly.

An important difference between human rights work and community development work is that community work has a bottom-up approach built in as a core value and central guiding principle. Community work is explicit in its agenda of giving primacy to the wisdom of the grass roots level ahead of the external expert's. Human rights, or

at least as it is given expression in UN structures and systems has no such directive built in. While many UN programs certainly seek to empower communities and improve life experiences at the local level, the actual structure of the UN itself runs directly counter to this. The UN has a highly centralised hierarchal structure, complex treaties, conventions, committees, councils and so on. Most people who may wish to directly engage the protective systems of the UN need a professional intermediary to guide them through. To use the UN one needs to speak one of the major languages, has access to fax or email, understand the committee structures and preferably be able to go to New York or Geneva to lobby for their cause. This is not an organisation built on principles of grass roots community development.

The strength of community work's commitment to bottom-up work is that its structures are designed to recognise and redress existing structural oppression. The bottom up approach encourages analysis along class, race and gender lines. Top down development can all too often be the imposition of development programs designed by the powerful and privileged on the powerless and unprivileged. In a class analysis economic power and privilege are the focus of critique, whereas in a feminist analysis patriarchal structures of power and privilege are highlighted. A bottom up approach insists that the worker(s) look for intersectional disadvantage and are proactive about addressing inequalities within communities. Without this structural analysis there is the risk of developing for example, strong workers unions that primarily address the concerns of working class men without due regard to women's employment conditions, or women's rights movements comfortable for middle class white women but inaccessible to migrant or refugee women. A top down approach to human rights would focus on the UN, treaties, conventions, negotiations with heads of state and so on, where human rights are defined by opinion leaders, politicians, media, laws or other dominant discourses, whereas bottom-up approaches are where people are involved in constructing ideas of human rights for themselves, and where human rights emerge from everyday lived experience (Kenny: 1999, Kelly & Sewell: 1998).

Another dimension is that of working "from outside" or "from inside". In community work, this can be referred to as external and internal community work, which are often equated with "from above" and "from below", but for analytical purposes it is important to separate these. Community development that is from within the

community itself can still be from above, where that development is initiated and controlled by community elites, potentially working in the interests of those elites rather than the community as a whole. Similarly, community development may be initiated externally, but can be "from below", examples being the programs of international NGOs, or community workers coming from outside the community but using a specifically Gandhian perspective of working with the poorest of the poor (Kenny: 1999, Kelly & Sewell: 1998). The two dimensions are therefore different. Working from above risks reinforcing class oppression, while working from outside risks colonialist practice (Popple: 1995). With human rights, the "inside/outside" distinction might be called the colonial/indigenous dimension, which has long been important in human rights literature, and expresses the debate and conflict over cultural relativism and the imposition of human rights standards from outside, usually from Western Enlightenment perspectives which do not always resonate with other cultural and intellectual traditions (Donnelly: 2003).

The similarity of human rights and community development, across these two dimensions, can be seen in the following tables, which combine the two dimensions for, first, community development, and, second, human rights:

Figures:

These dimensions, then, have relevance for both human rights and community development, and represent an important opportunity for the two paradigms to converge at both a theoretical and practice level. A community development paradigm has many strengths including the need to be locally active, to value the wisdom of ordinary people and to see the wisdom in local communities' processes. Communities remain the location where most of us will have most of our life experiences (both good and bad). Human rights discourses could be strengthened by community work's bottom up, anti-colonial practice. Similarly, community workers need to be careful that in strengthening a particular community they are not contributing to the oppression or exclusion of people beyond their immediate vision, and a human rights approach offers a clear, comprehensive and practical framework for guiding one's practice.

Conclusion

The links between community development and human rights could be explored further, but the point of this paper has been simply to emphasise the commonalities between the two. Indeed, it might be claimed that community development needs a human rights framework if it is to be successful, and human rights need a community development framework if they are to be realised.

This suggests that social workers, with their understanding of human community and community development, are potentially important human rights workers and have much to contribute to the field of human rights. In addition, human rights can be seen as a valid values framework for community development work. As most people experience human rights in the local context, an environment in which social workers are very active and familiar, the familiar activity of day-to-day community work can also be seen as being an important step in creating a human rights based society.

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