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What's wrong with rights? Rethinking human rights and responsibilities

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What's wrong with rights? Rethinking human rights and responsibilities

David Flynn

This paper examines the relationship between social work and human rights. It argues that the concept of human rights, as it is currently understood, is insufficient as a framework for social work theory and practice. Human rights are inherently individualistic – a problem that a focus on collective rights does little to rectify. What is absent from the human rights discourse, and what is directly relevant to social work, is a corresponding discourse on human responsibilities. This paper addresses the major criticisms of a human rights discourse by proposing a developmental model of human rights and responsibilities. The model establishes its applicability to social work theory and practice by demonstrating the counterbalancing forces of individual rights and collective responsibilities operating on the person in the environment.

Introduction

The relationship between human rights and social work requires clarification. A concept of human rights represents a powerful global discourse, capable of uniting people of different cultural and religious traditions through a common assertion of universal human values (Ife 2001a). However, it is a notion shrouded in rhetoric, commonly misunderstood, misinterpreted or otherwise constrained by conceptual ambiguity. Nonetheless, a concept of human rights is central to some of social work's most fundamental ideas (core values such as the 'inherent worth of the individual' and 'self-determination') and importantly, it provides a much needed international perspective in an era of globalisation – a time when the role of the nation-state is declining in importance and where the principles of the welfare-state are receding further into the past. It is a time in which social work is undergoing an 'identity crisis' (Mohan 1999), and if social work is to avoid slipping further into the narrow confines of 'case work' or 'case management', it desperately requires a new and potent mandate (Hil 2001). It is this new mandate that a concept of human rights promises to deliver, yet to do so, it must overcome (at least) one major criticism.

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The major criticism aimed at the notion of human rights is that it is overly individualistic (Ignatieff 2001). This argument, known as the 'Asian critique', asserts that the popular conception of human rights is based purely on a Western, individualistic understanding of citizenship. In comparison, Asian cultural traditions value more collective aspects of citizenship, including social harmony, solidarity and belonging to a larger social unit (Ife 2001a). According to the Asian critique, a Western conception of human rights ignores the fact that human beings exist as social or communal beings; it is a conception that reflects the entrenched individualism of Western thought, and is a form of Western colonialism, responsible for the marginalisation of collective rights.

The Western response to the valid criticisms of the Asian critique has been to broaden the conception of human rights to include a collective perspective. This is the approach taken by Ife (2001a) which, put simply, proposes that a broad conception of human rights, one that values collective rights as much as individual rights, represents a robust model both in theory and practice. Under this broader conception of human rights, individual rights and collective rights are considered equally important – existing as an indivisible 'package of rights' (Ife 2001a; p. 11) – and in this way, the concept of human rights can avoid being seen as 'individualistic' and 'colonialist'.

However, understanding human rights as a 'package' is not without its problems. Ife (2001a; p. 11) asserts that:

. . . *because human rights belong together, they must be consistent and cannot conflict with each other. This means that* within the field of human rights, giving priority to rights should not be necessary [his emphasis]. *All are seen as important and it should not be necessary to affirm some as more significant than others.*

Yet clearly, some human rights *are* more important than others. For example, we would readily acknowledge that people without food or shelter are more concerned about something to eat and somewhere to live than they are about their right to an education, or their right to vote. It is clear that certain rights precede others – in that if some rights are not realised, others become of less immediate priority (or impossible to realise) – meaning that human rights can be ranked according to their level of importance, or precedence. Yet assigning priority to some rights over others implies a hierarchy of rights, not an indivisible package of rights. What's more, it is a hierarchy that ranks individual rights as taking precedence over collective rights, a hierarchy that is Western, colonialist and individualistic.

This is the challenge for human rights: if the concept of human rights is to be meaningful to social work, it must include a notion of collective rights being of equal value and importance to individual rights; however, this seems impossible because it is quite easy to imagine scenarios where individual rights would take precedence over collective rights, thereby demonstrating that human rights exist as a hierarchy of rights, and not as a 'package of rights'. The thesis offered in this paper is that this problem can be overcome by examining an often neglected concept in the human rights literature – the notion of 'responsibility' – and by exploring the relationship between rights and responsibilities.

The relationship between rights and responsibilities

Before we examine the differences between rights and responsibilities, it will be beneficial to introduce a useful concept – that of the 'holonic universe' (Wilber 2000a). As illustrated in Figure 1, the 'holonic universe' proposes that everything in the universe consists of holons. A holon is something that is both a 'whole' and a 'part' – something that is separate and autonomous, but which is also a component of something bigger.

In Figure 1, a whole at one level of development becomes a part at the next level of development. As development proceeds, each new level transcends and includes its predecessors – the metaphor is

one of a 'ladder'. As we proceed up the ladder, each whole becomes a part of a larger whole, which in turn becomes a part of larger whole, and then a part of a larger whole, and so on, from one level of development to the next.

For example, a letter is a part of a word, which is a part of a sentence, which is a part of a paragraph, and so on. Also, an atom is a part of a molecule, which is part of a cell, which is part of an organism, and so on.

The entire universe consists of holons, and each holon has a direct relationship with the holons above it and the holons below it. These relationships are governed by rules designed to protect the necessary conditions for holons, at all levels, to maintain their integrity. These rules are what we refer
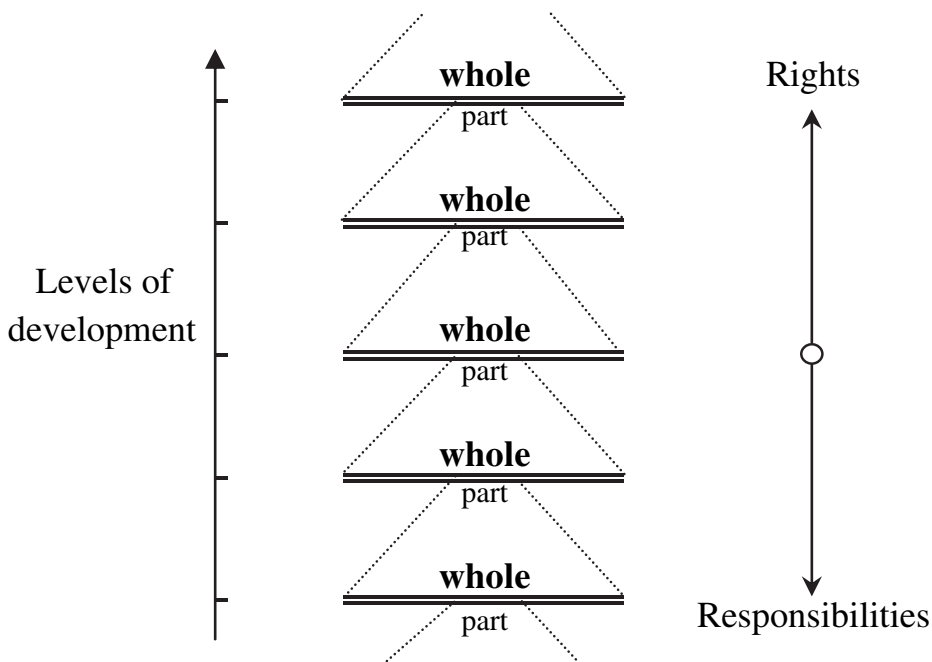

Fig. 1. The holonic universe – each 'whole' is a 'part' of a larger whole.

to when we talk about 'rights' and 'responsibilities'. However, rights and responsibilities do not refer to the same thing. Rights refer to the relationship between a holon and its higher holons, whereas responsibilities refer to the relationship between a holon and its lower holons. They are related, but distinct concepts that require closer examination.

Defining human rights

Human rights, as we understand them, do not exist in the positivist sense – they are discursive and, as such, are constantly being revised and redefined (Ife 2001a). Yet this does not prevent us from defining the 'role' of rights. In relation to the holonic structure of the universe shown in Figure 1, rights can be thought of as having an 'ascending orientation' – that is, rights are attached to the part with respect to the whole. They are the conditions that are necessary for a particular holon to be a part, while also remaining a whole (Wilber 2000a). The role of rights then is to protect the autonomy of the parts, lest they be subsumed by the whole. In this way, all rights are inherently individualistic.

Rights are always expressed in relation to a higher collective authority. For example, children possess rights with respect to adults, animals possess rights with respect to humans, and an individual possesses rights with respect to the community. Indeed, in the absence of community (if stranded on a deserted island, for example) an individual's rights cease to exist because there is no collective authority present to grant them (Ife 2004). This illustrates how a higher level of development is a prerequisite of rights, for rights can only be expressed in relation to higher levels of development. This is what is meant by saying that rights have an ascending orientation (Fig. 1).

Defining human responsibilities

In contrast, responsibilities can be thought of as having a descending orientation (Fig. 1). They attach to the whole with respect to its parts. Responsibilities are the conditions necessary to support the whole of which the part is, of course, only a part (Wilber 2000a). The role of responsibilities, then, is to encourage the communion and collaboration of parts to ensure the overall health of the whole. In this way, responsibilities are inherently collective.

This paper is proposing that responsibilities should not be conceived as merely a flow-on effect from possessing rights. It proposes that responsibilities are separate and quite distinct from rights (rights are individual whereas responsibilities are collective). As such, responsibilities should be understood as existing alongside rights, as equal partners – separate entities, but of equal value and equal importance. But of course, the entrenched individualism of the Western world has created a discourse that concentrates solely on human rights – there is no 'powerful global discourse' about human responsibilities. It is a concept that remains poorly understood, and often confused and conflated with another related, but quite different concept, that of 'obligations'.

This is a point that will be taken up later. At this point, we will see how, by combining the notion of a hierarchy of rights with the concept of separate rights and responsibilities, we can generate a developmental model of rights and responsibilities. As we will see, a

developmental model has the capability of solving the human rights challenge – that of combining individual and collective concerns – in a model that allows for *both* a hierarchy *and* an 'indivisible package'.

A developmental model of rights and responsibilities

Despite a vast body of research evidence to support their validity, developmental models have been heavily criticised, mainly because, by definition, they seem to imply superiority and inequality (Wilber 2000b). This criticism is effectively the postmodern critique of human rights – that developmental models (hierarchies) are inappropriate because in a world where everything is relative, no one perspective should take precedence over another (Peile & McCouat 1997). After all, it was the prioritising of individual rights ahead of collective rights that was labelled as colonialism by the Asian critique. Yet despite these valid concerns, the present paper argues that a developmental perspective is nonetheless a far better way of conceptualising human rights and responsibilities.

Hierarchy of rights

Ife (2003) suggests that we require a new way of referring to rights and recommends that we reject the traditional conception of first, second and third generation rights. The 'generations' model, he argues, implies a hierarchy (which he views as bad) in which individual rights are rated more highly than collective rights. He proposes that a better way to understand human rights – a way that avoids hierarchy – is to simply categorise the rights based on their 'type' or 'subject'.

Accordingly, he suggests that human rights can be grouped into the following seven categories:

- Social rights
- Economic rights
- Cultural rights
- Civil and political rights
- Environmental rights
- Spiritual rights
- Survival rights.

Ife argues that by grouping human rights into these categories, the hierarchy implied by traditional groupings of rights can be avoided. However, this ignores the fact that these categories themselves can be arranged hierarchically (Fig. 2). For it is of no consequence how human rights are named, arranged or categorised – a hierarchy of rights still exists. Hierarchical rights are a naturally occurring phenomenon (a corollary of the holonic universe) and not a product of theory or categorisation. As such, the hierarchy of rights should be embraced and not denied.

This is the approach taken in Figure 2, where the seven categories of human rights have been ranked according to the level of development of their corresponding world view – from egocentric, to ethnocentric, to sociocentric, to world-centric. Remember that rights have an ascending orientation and responsibilities have a descending orientation.

Of course, this arrangement does not profess to be the only possible hierarchical arrangement of human rights, nor does it claim even to be accurate. It claims only to give an indication of how a hierarchy of rights is possible. Clearly, there are problems with allocating categories of rights according to a single level of development, for some categories surely span many different levels
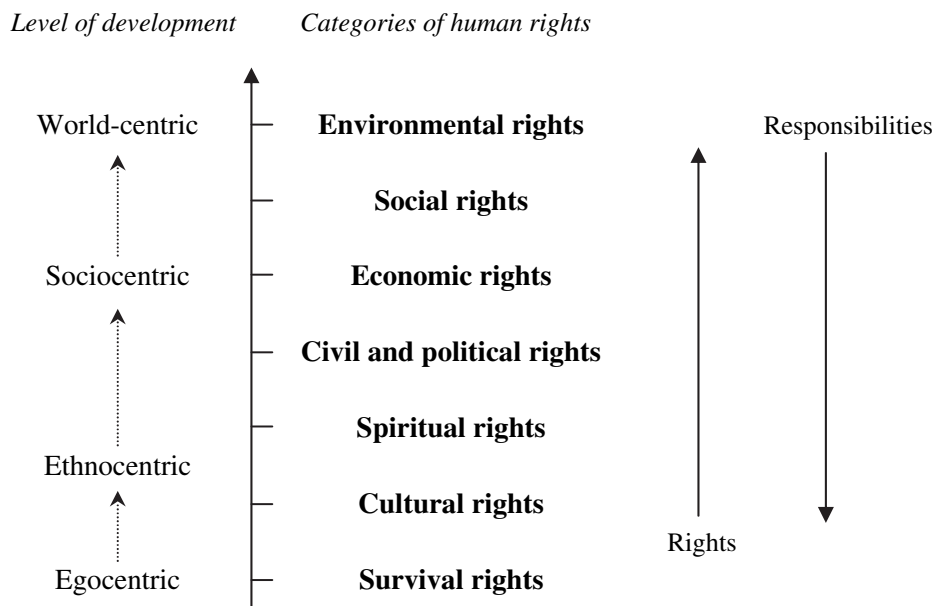
Level of development   *Categories of human rights*

Fig. 2. Arranging human rights according to corresponding levels of development.

of development. It is also arbitrary as to how many levels of rights are included. However, notwithstanding the rudimentary nature of the hierarchy of rights shown in Figure 2, it nonetheless makes it possible to understand rights as capable of being arranged according to their fundamental importance, and for this arrangement to be both hierarchical and developmental.

The same hierarchy of rights shown in Figure 2 is represented differently in Figure 3. Here the metaphor is not of a ladder, but of a pyramid. The ascending orientation of rights determines that the most fundamental rights are located at the base of the pyramid, and from an individual's rights perspective, survival is most important. As we proceed up the hierarchy (ascending), the rights decrease in importance. In other words,

individual rights *are* of greater importance than collective rights. However, this is only half the story, because whenever we have a hierarchy of rights, we also have a hierarchy of responsibilities.

Hierarchy of responsibilities

The seven categories can also be understood in terms of how they are positioned in a hierarchy of responsibilities. Remember that responsibilities have a descending orientation, and consequently, the most fundamental responsibilities would be those associated with the highest levels of development, with relative importance decreasing as we move down the hierarchy (descending). A hierarchy of responsibilities would look something like Figure 4.
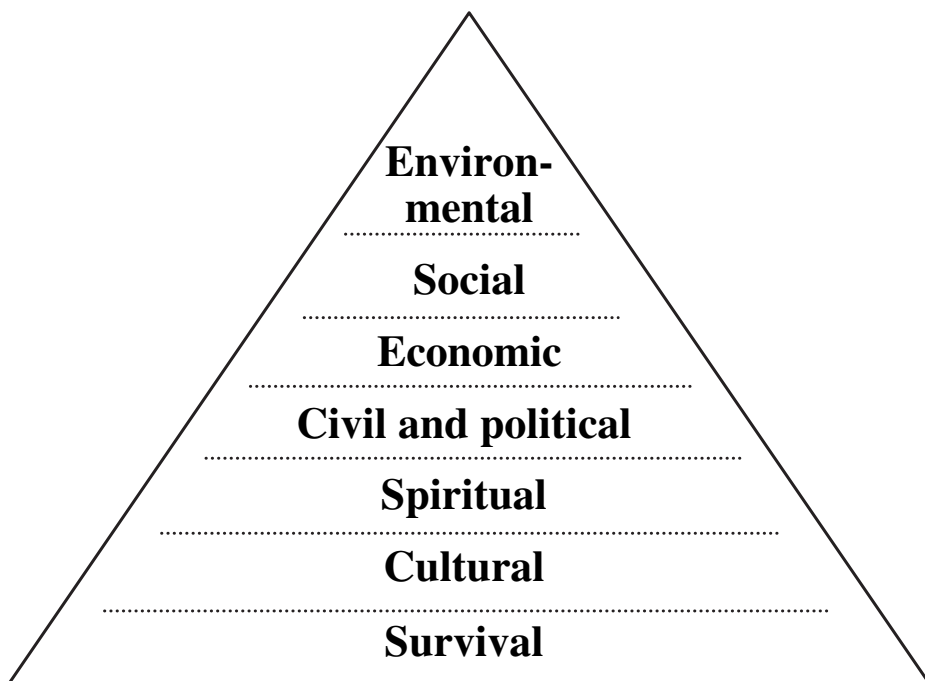
Fig. 3. Hierarchy of rights.

From the collective's perspective the most fundamental responsibilities are environmental and social – the so-called 'collective rights'. These are considered more important to the well-being of the collective. Put simply, the collective cannot survive unless environmental and social factors (the higher levels of development) are in harmony. In comparison, the survival of an individual is of less importance to the overall well-being of the collective. However, even though the collective has only a small responsibility to ensure an individual's survival, this is counterbalanced by that individual's strong and fundamental right to survival, indicating how rights and responsibilities exist as a package.

An indivisible package of rights and responsibilities

Responsibilities are not merely flow-on effects that arise as a consequence of possessing rights. Responsibilities exist on their own terms. Each set of so-called 'rights' is in fact, a set of 'rights *and* responsibilities'. Together the hierarchy of rights and the hierarchy of responsibilities form an indivisible package, not of human rights, but of human rights and responsibilities (Fig. 5).

A developmental model provides a new way of conceptualising human rights and responsibilities. We are no longer constrained by Ife's (2001a) 'broad
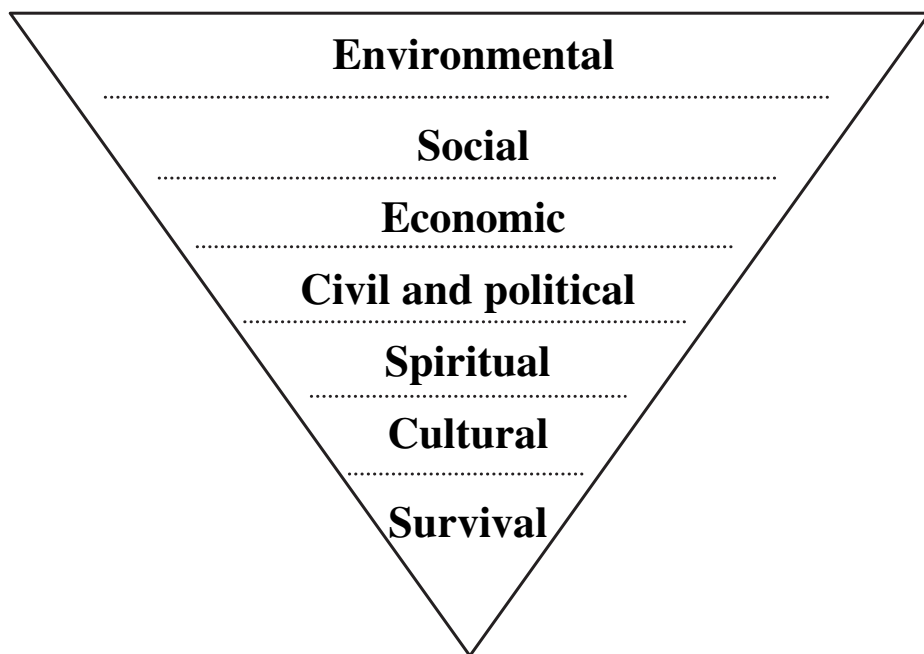
Fig. 4. Hierarchy of responsibilities.

conception' of human rights whose denial of hierarchy is counterintuitive. In comparison, a developmental model can incorporate a hierarchy of individual rights without denying the importance of collective conditions. Importantly, it addresses the Asian critique by incorporating a notion of collective responsibility. A developmental model of human rights and responsibilities recognises that a discourse in responsibilities has been noticeably absent from the field of human rights, and that only through a combination of individual rights and collective responsibilities can we create an indivisible package of human rights and responsibilities, where all categories of rights and responsibilities are considered equal.

Responsibilities and obligations

The concept of 'responsibility' is widely misunderstood and more often than not, confused with the notion of 'obligations'. Ife (2001b) recognises three different types of obligations that (he says) are implied by rights. These obligations are:
• To ensure that rights are met and protected
• To respect the rights of others
• For citizens to exercise their own rights.
    However, a closer examination reveals that the first of these obligations, 'to ensure that rights are met and protected' is not really an obligation at all, but is, instead, the concept of responsibility – ensuring that 'rights are met and protected' refers, in fact, to the
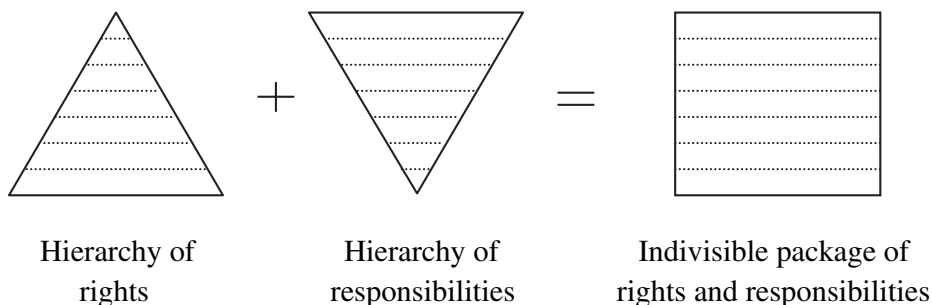
Hierarchy of
rights

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Hierarchy of
responsibilities

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Indivisible package of
rights and responsibilities

Fig. 5. A develepmental model of human rights and responsibilities.

descending orientation of collective responsibility. Yet these collective responsibilities are not recognised as entities in their own right, and are subsumed within a much broader category of 'obligations'. The result is that any discourse in responsibility is marginalised and its power diluted. The focus on human rights (a result of the entrenched individualism of the West) has marginalised collective perspectives to the extent that a concept of responsibilities is seen as inferior or secondary to a concept of rights – the 'real' discourse is one of rights. The concept of responsibility has been collapsed into the more general (and less potent) concept of 'obligations'.

The dominance of a discourse in human rights, then, has resulted in the conflation of responsibilities and obligations. If human rights are to occupy a central position in social work, this conflation must be resolved, and the concept of responsibilities and obligations differentiated, for it is the domain of 'responsibilities', and not 'obligations' that is integral to many contemporary social work theories (particularly those in the structural tradition). The developmental model of human rights and responsibilities proposes that the differentiation between

responsibilities and obligations can be understood in the following way (Fig. 6).

While rights and responsibilities can be thought of as having a vertical orientation in relation to the 'ladder' of development, obligations involve horizontal exchange between and within, individual and collective components. The difference between rights, responsibilities and obligations can be described this way because: (i) we are individuals, we have *rights* to protect our autonomy; (ii) we belong to a collective, we have *responsibilities* towards our constituent parts; and (iii) we live in a community, we have *obligations* to respect the rights of others and to exercise our own.

Implications for social work

While a discourse that focuses solely on human rights may occupy a marginal position in the field of social work, in contrast, a developmental model of human rights and responsibilities is directly relevant and important to social work. This is because, at its very core, social work embraces a similar conception of rights of responsibilities – only
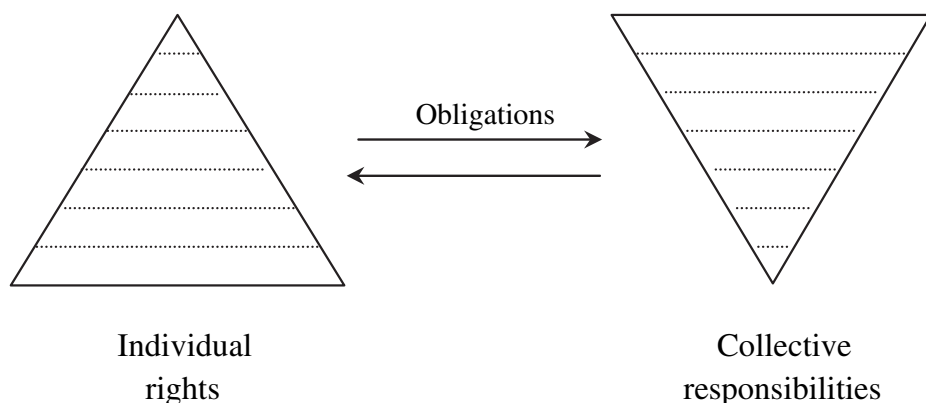
Individual
rights

Collective
responsibilities

Fig. 6. Differentiating responsibilities and obligations.

in social work, they are not called 'rights' and 'responsibilities', they are called 'micro' and 'macro'. The concepts of 'the micro' and 'the macro' are core aspects of social work praxis, and they can be thought of as social work's versions of rights and responsibilities. These concepts evolved in parallel, and essentially, they refer to the same fundamental elements of the human condition.

What we think of as the 'traditional' notion of human rights (first generation rights) is, in fact, a very legalistic and individualistic construction of human rights. It is not surprising that social work never embraced it. Such a narrow individualistic understanding of an individual's place within society was more akin to the principles of free-market liberalism, than to social work. Yet nor did social work abandon it altogether. While the discourse on human rights advocated a legal framework for human rights, social work concentrated instead on the individual's lived experience of human rights (the subjective reality of the person in the environment) within the context of

traditional casework – the so-called 'micro level' of social work practice.

Meanwhile, at the opposite end of the scale, more collective understandings of social problems were emerging. The structural approach emphasised collective solutions to social problems, feminism examined dominant social forces of oppression and community development work sought to create social capital. Here, the focus is on the collective's responsibility to its constituents. The forces of change are not so much within the individual, but are located at the level of the collective – the so-called 'macro level' of social work practice.

In effect, rights and responsibilities are the conceptual equivalents to the micro and macro levels of practice in social work. Micro level practice is, simply, human rights work. They both are concerned with the individual with respect to the collective. This explains why the criticisms aimed at human rights – that it is individualistic and lacks a collective perspective – can be aimed equally at micro level practice. Similarly, macro level practice

can be understood as human responsibilities work. They are both concerned with the collective's responsibilities to its various parts.

Furthermore, the relationship between micro level practice and macro level practice parallels the relationship between rights and responsibilities. Just as the human rights discourse has come to dominate the human responsibilities discourse, in the field of social work, micro level practice has dominated macro practice (Finn & Jacobson 2003). Clearly, the way forward is to integrate the micro and the macro, in a way that allows both perspectives to operate alongside each other. The developmental model of rights and responsibilities is one way of conceptualising the integration of the micro and the macro (ascending and descending) forces that come into existence whenever individuals form communities.

The model is directly relevant to social work practice whenever an individual (or group) interacts with a higher level of development, such as a community or the State. An interesting example is in relation to marginalised groups. Members of marginalised groups, such as children, the disabled and indigenous people, are said to be accorded special human rights on the basis of their perceived degree of disadvantage (Ife 2001a). However, how can these be 'human' rights, when 'human' rights are universal and are meant to attach to the whole population, and not to a specific group? And if the rights are not considered human, does this mean the group itself is less than human? Ife's model of human rights can only handle this scenario by claiming that a right attached to a specific group and not the whole of humanity can, in some cases, be considered a 'human' right, especially if

'that right is essential to achieving their full humanity' (Ife 2001a; p. 10). It seems that for Ife, universal isn't always universal.

However, the model proposed in the present paper can explain how these marginalised groups can be recipients of certain 'human' rights when the rest of the population is not. The model would argue that these groups can be granted additional rights on the basis of the collective's responsibility to that group. In this way, a concept of responsibilities acknowledges the existence of structures of oppression and the disadvantages faced by marginalised groups. A concept of responsibilities explains the need for additional human rights. For example, children have additional rights because the collective acknowledges that they are disadvantaged in relation to the adult population, in other words, the collective has an extra responsibility to this group. The same argument can be made with respect to the disabled – the collective has an added responsibility to this group. In relation to indigenous groups, the extra responsibility on behalf of the collective is because of the continued disadvantage experienced by members of this group as a result of previous intergenerational human rights abuses. These examples indicate the versatility of the model, and its suitability and adaptability to social work.

Conclusion

So what's wrong with rights? Essentially, what's wrong is that rights are inherently individualistic – they ignore the social and collective aspects of our humanity. This paper has shown how Ife's response to this criticism is to broaden the definition of human rights so

that it includes a notion of collective rights alongside a notion of individual rights, and to suggest that these rights come as a universal and indivisible package, where collective rights are of equal importance to individual rights.

However, this ignores the fact that, in certain situations, individual rights are given greater priority and hence can be understood as more fundamental than collective rights. In other words, rights comprise a hierarchy in which the individual is of greater importance than the collective. The answer, then, lies not in denying the existence of a hierarchical structure of rights, but in accepting and embracing it. The answer is to counterbalance the individualistic aspects of human rights, not with a notion of collective rights, but one of collective responsibilities.

This paper has argued that the notion of human rights, as they are traditionally understood, should be replaced with a broader concept of human rights and responsibilities. This is because rights and responsibilities are two equally important aspects of the same basic phenomenon. Furthermore, this phenomenon represents a fundamental link between rights, responsibilities and social work – it is the notion of 'human conditions', the conditions in which we maintain our existence. After all, we can only exist (as individuals or as a collective) where the conditions are satisfactory, and rights and responsibilities are the rules that determine what is or is not satisfactory. So, perhaps the dominant discourse needs to be about human conditions, and not about human rights. This, after all, is a concept common and fundamental to both human rights and social work.

What is clear, is that a discourse in responsibilities is currently lacking. This is the major benefit of adopting a developmental (hierarchical) model of human rights – it specifically outlines the importance of a concept of responsibilities. The model incorporates a notion of collective responsibilities alongside the notion of individual rights. In this way, the model parallels the social work domains of the micro and the macro, making the model directly applicable to various forms of social work practice.

However, if a human rights framework is to become relevant to social work, it requires more than just a parallel concept of responsibilities to make it workable. Other aspects of the human rights and social work debate must be addressed. These include: the incorporation of a concept of 'needs', the problem of minimal (satisfactory) versus optimal conditions, and how a developmental model can be non-marginalising. These aspects all require further clarification and exploration. And while (I believe) a developmental model of rights and responsibilities can successfully respond to all of these concerns, these arguments are beyond the limited size and scope of this paper.

The notion of human rights brings a powerful discourse to the field of social work at a time when it is struggling with its own identity and direction. Yet if the human rights discourse is to ever occupy a more mainstream position in social work, it must incorporate a corresponding concept of, and discourse in, human responsibilities. For rights and responsibilities work together to protect fundamental human conditions, and to focus solely on rights is to see only half the picture. The 'power' attached to the

human rights discourse is an attractive lure that appeals to our individual freedom and autonomy (our 'righteousness'), but it should not divert our attention away from the responsibilities that we inherit when we live within a larger community. For as a society, we are responsible for the well-being of our parts, and the rights of the individual must be supplemented by the responsibilities of the collective. Isn't that, after all, what social work is all about?

References

FINN JL & JACOBSON M (2003), Just practice: Steps toward a new social work paradigm. *Journal of Social Work Education*, 39 (1), 57–78.

HIL R (2001), 'Globalisation', governance and social work: Some implications for theory and practice. *Australian Social Work*, 54 (4), 63–77.

IFE J (2001a), *Human Rights and Social Work: Towards Rights-based Practice*. Cambridge University Press, Cambridge.

IFE J (2001b), Challenges for human rights in the new global order. *Division of Humanities* [homepage on the Internet]. Centre for Human Rights Education, Curtin University of Technology, Perth; [cited 26 April 2004].

Available from URL: http://www.humanities.curtin. edu.au/pdf/hre/ChallengesForHumanRights.pdf

IFE (2003), Human rights beyond the 'three generations'. *Division of Humanities* [homepage on the Internet]. Centre for Human Rights Education, Curtin University of Technology, Perth; [cited 26 April 2004]. Available from URL: http://www.humanities.curtin.edu. au/pdf/hre/ThreeGenerations.pdf

IFE (2004), Making human rights work: Key human rights principles for service delivery. *Division of Humanities* [homepage on the Internet]. Centre for Human Rights Education, Curtin University of Technology, Perth; [cited 26 April 2004]. Available from URL: http://www.humanities.curtin.edu.au/pdf/hre/ MakingHumanRightsWork.pdf

IGNATIEFF M (2001), The attack on human rights. *Foreign Affairs*, 80 (6), 102–116.

MOHAN B (1999), *Unification of Social Work: Rethinking Social Transformation*. Praeger, London.

PEILE C & MCCOUAT M (1997), The rise of relativism: The future of theory and knowledge development in social work. *British Journal of Social Work*, 27 (3), 343–360.

WILBER K (2000a), *Sex, Ecology, Spirituality*, 2nd edn. Shambhala, Boston.

WILBER K (2000b), *Integral Psychology*. Shambala, Boston.