

# **HUMAN RIGHTS AND SOCIAL WORK – DIALOGUE BETWEEN EAST/ASIA AND WEST<sup>1</sup>**

## **SPEECH AFTER RECEIVING THE INTERNATIONAL KATHERINE KENDALL AWARD**

**2010**

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2010 Joint World Conference on Social Work and Social Development

10th to 14th June, 2010, Hong Kong Convention & Exhibition Centre, Hong Kong, China

Friday, June 11th, 2010

**Dear IASSW-President, Angelina Yuen; dear Letnie Rock (chair) and Members of the Kendall Award Committee, dear IASSW-Board Members, Friends and Colleagues,**

**Coming from a small country, mostly known for its cheese with small holes and banks with recently big holes, and - at the World Exhibition in Shanghai – famous for waterproof socks as a great hit - hopefully without holes - it was a real surprise for me that you found me in the middle of all these holes. But let's become serious: I feel very deeply honored to have been chosen for the Katherine Kendall Award 2010. My gratitude goes to the committee which nominated me for this award. But my thanks are also in the name of all colleagues, friends and students who accompanied me during all these years and hold up the vision and hope for a world society which – in spite of all backlashes – tries to bring the idea of human rights closer to reality, especially closer to social work reality.**

**Recently a Chinese correspondent to the United Nations in Geneva gave an interview at the radio. He started with the following remark: Can you imagine, what's the content of a small talk between a Chinese and a Swiss meeting for the first time at the UN? The Chinese is very polite and praises the Swiss chocolate and the Swiss alps. The Swiss partner asks – with deep concern in his voice - for informations about the human rights situation in China. Are the Chinese perhaps so polite to overlook the fact that also Switzerland - in short - Western countries violate human rights? And what legitimates the Swiss to raise such a far-reaching question about a very complex problem in a small-talk?**

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<sup>1</sup> A more elaborate version of this presentation will appear in the Journal „Ethics and Social Welfare“, Januars 2011!

If one wants to initiate a fair dialogue between representatives of so-called Western and Asian values and corresponding Human Rights Charters, I think, we have to leave the level of small-talk. Yet, it isn't enough to stop at ethics; we have to move on the „philosophical level“ and start with another philosophical question: with ontology as one „branch“ of philosophy which is closely connected but not identical with ethics. *Ontology* asks about the elements und composition/structures as relations between the elements of the world. It is the „metascience“ about the general characteristics of reality. *Ethics* asks about values and norms, i.e. how the world should be, but deals as its consequences also with facts such as valuations, decisions and actions of people. Thus, „goodness“ or „rightness“ is not outside the chain of multiple causes and effects. For the purpose of this article, I deal with just one topic of ontology, namely the question of elements and their relationships, especially individuals in relation to social reality and social systems. On the philosophical level we have three distinctive answers to this question, labelled as Individualism, Holism and Systemism or Systemic Thinking.

- Individualism

Individualism holds that there are no societies, only individuals that – perhaps, but not necessarily - interact with each other. Hence individualism is incapable of accounting for the very existence of supra-individual entities, such as societies and their structures, governments, or nations, as well as for supra-individual processes, such as development or progress.

That said, it is obvious that individualism is right in stressing the biological, psychic, social needs and culturally defined wishes, as well as the corresponding rights of the person. Liberalism as the corresponding political philosophy of individualism asks for the respect for the person and the limitation of the power of the state, f.e. by democratic procedures.

*When applied to human rights*, individualism emphasizes mostly freedom rights. In fact it asks for a substantial realm of personal freedom – including freedom of conscience, speech, association, property, occupation and trade, which the state should not intrude upon except to protect individuals from physical harm and the loss of their private property (Brown 2007, p. 151). Freedom and freedom rights have – according to Kant, Rawls, Nozick – an axiomatic or at least a priority status. This

means, that they should be applied universally and they are prior to other rights. Yet, there are very few activities that have no implications for others, let's consider the behavior of parents in relation to their children, the policies of employers in relation to their employees etc. The idea of the supremacy of freedom rights has led to the mostly unconditional protection of property rights not only for individuals which were meant in the French Declaration of 1789, but to-day also for huge corporations without any democratic legitimation. And, as a recent example, it has led to the completely inflexible handling of the government of Denmark of the problem of the cartoons about the prophet Mohammed in the newspaper *Jyllands-Posten* – setting the freedom of expression as axiomatic without considering the possible consequences: more than hundred deaths, about 800 wounded and the destruction of 18 Christian churches. It was seen as an attack on the prescription of the Islam religion (not found in the Quran, but the Hadiths) that nobody is legitimate to draw a concrete image of the prophet. In the Bible we have an analogue prohibition in relation to God. According to individualism the subjugation of the needs and interests of individuals under the demands and commands of a social whole has to be criticised. Liberals remind us that human rights in the West or North had to be fought for against emperors, the disaster of European Nazi Germany, Soviet Stalinism, but also against colonialism and apartheid - and till to the 20th century: against the church. Neoliberals know almost only economic rights. Yet: „Many (neo)liberals know exactly the difference between right and left, but not the difference between right and wrong“ (Bunge 2009, p. 157)

- Holism

Holism – also called structuralism or organicism – focuses on wholes or totalities. The components of wholes are negligible, and have the only or main function and duty to support stabilise the totality.

As political philosophy, holism emphasises „harmony“ and „social stability“ applied to families, the state, society, the ruler and the ruled, in short: social order. It demands almost absolute loyalty to family members, friends, superiors, and rulers and discourages contention and rebellion. And the way to secure this harmony and loyalty is an ethics of duties (as well as the instruments of punishment, expulsion, police and military force if this loyalty is threatened). Pure holism regards individuals and their personal feelings, thoughts and actions as negligible. Individuals are instruments for

the stabilisation of social order and harmony, more exactly the position of power-holders. On the whole it emphasises duties at the expense of rights.

However, holism has the merit of insisting that society is not just a collection of atomised individuals pursuing only their own interests. It reminds individualised westerners that every person is born into pre-existing social systems and social (power-)structures: the family, organisations, the nation etc. And it reminds them that persons as members of wholes and the whole itself must be protected against attacks from in- and outside. Individuals need orientation and protection as positive responses to their need for physical, psychic and social security.

*When applied to human rights*, holism has the assumption that the dignity of the individual comes not from the capacity to act self-determined and independently (as Kant sees it), and to create his own laws relying on democratic participation rules, but from the capacity to be a part of an interdependent whole with rules and duties given by the rulers (Madsen 2007, p. 127). Holism states in the weak version to focus on collective social rights (such as the right for education, work, social security etc.) at the expense of individual freedom rights. In the strong version it focuses dominantly on the fulfillment of duties as precondition of getting rights at all. Furthermore, individual rights, if recognised, are under the restriction of the national laws or the national moral and local traditions.<sup>2</sup> According to Madsen (2007) Asian philosophy, especially „Confucianism represents a holistic moral perspective that is at variance with modern Western philosophies, especially the liberal tradition, which sees society as made up of (egocentric, StB) individuals and which posits a sharp distinction between public and private life.“ (p. 200). From a holistic standpoint the axiomatic stressing and superiority of individual freedom rights has thus to be criticised. Yet in general, this criticism is supported by the assumption of the superiority of a holistic world view and view of society, too.

- Systemic Thinking or Systemism

Regrettably, holism is very often confused with systemic thinking and vice versa, although there are important differences between them (Bunge 1996). *Systemism combines the virtues of individualism and holism and tries to avoid their problems: It recognizes the „dignity“<sup>3</sup> of all individuals with their needs, wishes, cognitions, hopes*

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<sup>2</sup> See the African Banjul Charta of 1981.

and capabilities. But at the same time individuals are members of social systems – whether actual or potential.

*Contrary to holism*, systemic thinking admits the possibility of decomposing wholes, more precise: to conceptualise sociocultural systems as composed by more or less autonomous individuals. This can be done either through critical conceptual or value-analysis or/and through the critical practice of individual or collective actors, who can change, rearrange/reconstruct, even overthrow or leave the social systems to which they belong. Thus, the individual person has its own dignity and it can criticize the ruler if the ruler is doing something wrong - and of course vice versa. So, both have the responsibility of making the ruler act in the best interests of the people and individuals (Madsen 2007, p. 119ff.).

*Contrary to individualism*, systemism suggests focusing on social systems and their interacting individual members. It relies on the principle of generalized reciprocity and assumes that, in the face of conflicting interests and conflicts, persuasion, deliberation and negotiation instead of coercion and violence are the best ways to solve the issues at hand. These ideas can be traced directly to Confucian philosophy, but also to Western democracy. Systemic thinking as a rejoinder knows distinct personalities which act in groups/society, for groups, or against groups and social systems. (Bunge 2009, p. 23)

When applied to human rights, systemic thinking asks for the equivalent implementation of individual and social rights without postulating a superiority or subordination of one over the other. In short, we have many historical examples for the following fallacies: Freedom and democracy don't guarantee quasi automatically social rights as the implementation of social justice (see Russia after the fall of the Sowjetunion; South Africa after apartheid etc.). And the implementation of social rights policy is no guarantee for the respect of liberal and democratic rights (see again the Sowjetunion, China under Mao Tse Tung etc.). Formulated in a positive way: Social rights are the condition for freedom rights and vice versa.

An important implication of human rights based on systemic thinking is, that a vulnerable individual or group whose rights are violated, doesn't have to fulfill some duties in order to or before they get the protection of human rights. This is a crucial point grounded in the notion of „inalienable human dignity“ which can't be taken away or be made conditional of being loyal and compliant to a ruler. It protects persons

from the illegitimate power of all sorts of despotic power-holder who ask first for the fulfillment of duties in order to be protected against discrimination, humiliation, political persecution, arbitrary legal procedures, torture, poverty, exploitation, etc.

- Wrong labeling and resulting misunderstandings in the international debate about Human Rights

Taking all this into account, we have much wrong labelling in debates about human rights. Considering the international, especially UN-debates about human rights, the *individualistic philosophy and (bourgeois) interpretation of human rights is attributed to the West*, the holistic philosophy and interpretation of them is attributed to *Eastasia* as „Asian Values“ (but see also the African Banjul-Charta as a debate between North and South). This is a much too simple, untenable overgeneralisation and dualism, which generates – as I see it - huge misunderstandings on both sides.

The unreflected attribution of Western individualism to human rights is blind for the fact, that „the West“ has plenty of holistic figures in philosophy, theology, as well as in theory-building in the human and social sciences. This holds also for theory-building in social work which focuses for example on mere social functioning and employability according to the hegemonial societal role and efficiency expectations (Staub-Bernasconi 2010). Furthermore we find in economic corporations and social (welfare)organisations preaching market fundamentalism a mostly undetected combination of individualism as individual-achievement, self-reliance- and risk-taking-philosophy combined with holism as the strict subordination of the employees to the autocratic top-down-decisions of the management about policies, new technologies, outcomes, expansion, fusions, dismissals, etc. Some time ago, the Swiss banks were telling people, that if the banks as a whole prosper, all people in Switzerland will prosper. Well, in the last months, they were very silent about this sort of advertisement. A recent example of holism is the practice of the Catholic Church in the face of sexual abuse and sadism which protected its victimizers according to its own church law and made out of victims perpetrators threatening the whole/the holiness of a worldwide church.

And on the other side the uninformed attribution of holism to so-called „Asian Values“ is blind for the fact that we have two Asian Declarations of Human Rights which both accept the „universality of human rights“ which means, that they belong to all human beings and thus can also be claimed by all, when violated.

## Two „Asian Charters of Human Rights“ as examples for a holistic and systemic orientation

A closer look shows that the charters handle the notion of „universality“ very differently:

- First, let's have a look at the „*The Bangkok Declaration*“ of 1993. It was issued by thirty Asian and Middle Eastern states in preparation for the 1993 UN World Conference on Human Rights, and signed by representatives of Confucian, Christian, Buddhist, Hinduist, Islam philosophy and religion and where the „White Papers“ of the government of the People's Republic of China played a major role. Reading it closely, it oscillates between a) the acceptance of the „universality and non-selectivity of human rights and the need to avoid the application of double standards in the implementation of human rights ... „ and b) the „principle of respect for national sovereignty, territorial integrity and non-interference in the internal affairs of States.“ (p. 263f.). According to the second principle it repeatedly cites the need to maintain the „social stability“ and „harmony“ necessary for the basic right of economic development as a justification for its authoritarian rule. (p. 131) However, we should not forget, that this declaration as well as the African Banjul Charter have to be seen as a reaction to recent and historical experiences of Western colonialism, exploitation and wars, but also to the use of human rights as instrument of political pressure and double morality. To label it as „governmental paternalism“ is blind for this fact. Thus, the described ambivalence about a clear position in human rights issues is – also, not only – a product of Western hegemonialism.
- Second, we have the „*Asian Human Rights Charter: A People's Charter*“ of 1998 (Appendix in Sullivan/Kymlicka 2007, p. 168-180) drafted in Hong Kong by grassroots organizations (the „Asian Human Rights Commission“). A Western author and expert calls it with an elitist touch a „more populist declaration“ (Madsen, 1007:132), which seems to mean that one hasn't to take it very seriously. Yet, according to my perspective it is a very impressive document which shows – parallel to the „African Freedom Charter“ what's the outcome, if the people – the so-called women and men from the street - are asked to formulate a Human Rights Charter:

**A first characteristic is that the Charter criticizes implicitly the holistic philosophy of the Bangkok declaration. So, it demands that „we Asian people must eliminate those features in our cultures which are contrary to the universal principles of human rights. We must transcend the traditional concept of the family based on patriarchal traditions so as to retrieve in each of our cultural traditions, the diversity of family norms which guarantee women’s rights. ... We must stop practices which sacrifices the individual to the collectivity or to the powerful, and thus renew our communal and national (social) solidarity.“ (Art. 6.2, p. 275). Another central passage refers to the „Asian Values“: „Authoritarianism has in many (Asian) states been raised to the level of national ideology, with the deprivation of the rights and freedoms of their citizens, which are denounced as foreign ideas inappropriate to the religious and cultural traditions of Asia. Instead there is the exhortation of spurious theories of ‚Asian values‘ which are a thin disguise for their authoritarianism.“ (Art. 1.4, p. 269)**

**Astonishingly, the liberal, democratic/civil and social rights are much better integrated in the text of this Charter than in the UN-Declaration of 1948, followed by Pact I about social rights and Pact II about civil and political rights of 1966. The negotiation process resulted in superior, first class individual freedom and political, and second class social rights. The Asian Charter integrates also the Rights of Women, Children, Differently Abled Persons, Workers, Students, Prisoners and Political Detainees etc. Ironically, it formulates a much better Asian vision for the novelty the Western founding fathers of the United States introduced into their constitution – alien not only to all religious but also to Confucian and Kantian Ethics which all emphasize the notion of duties: the right to pursue happiness! combined with the right of freedom.**

**In sum: I would state, that this impressive document shows implicit systemic thinking as metatheoretical or philosophical approach, containing Asian and Western values. Thus, instead of the dominating mistrust between its representatives, it could be a possible base for dialogue and negotiation between Asia and the West.**

**What conclusions to all this?**



**In a world-systemic view, Human Rights belong to the whole world population and can't be a hegemonial instrument of the Occident or the Orient, the North or the South (Bielefeldt 2005), although one can't negate that there are significant differences of implementation in different countries. But, let's be honest, the same is the case also in social work and their agencies. Yet, instead of telling, blaming and ashaming others about how they violate or have to implement human rights, one should start looking first at one's own record and then search for facts, dialogue, negotiation, perhaps pragmatic consens, but also clear judgement and condemnation without double standards. And additionally we have reasons to trust that in each country the population, social movements, human rights activists, NGOs and hopefully social workers and social work agencies as well as governments will further work for this huge project of human mankind about a minimal consensual world-ethics – consisting of thousands or millions of small contributing projects – including the Hong Kong Charter.**

**My personal biography is paved with visions and projects where most of my social environment told me - especially when I planned a whole master about „Social and Work and Human Rights“ - that with the universal neoliberal „Zeitgeist“ it will have no future, support and interested students. In spring we started with the sixth master. Thus I dare to formulate also to-day my vision and hopes. It is that social work education, curricula, research, management and practice will more and more make a significant contribution to this worldwide project. And my vision for IASSW and of course the other two associations is that they become more and more courageous on Human Rights issues, which would actually „only mean“: „putting one's own international documents into practice“!**

**I close with saying thank you once more for the support of my visions and projects by nominating me for the precious Kendall Award.**

## Literature:

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Zurich, June, 6th & July, 10th 2010