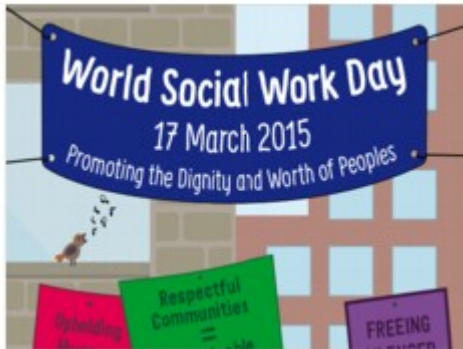


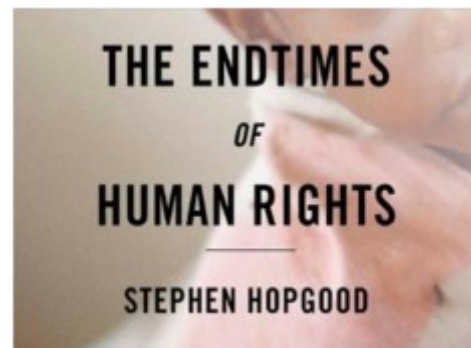
Human Dignity: Surviving the End-times of Human Rights



The title I have chosen for this talk for World Social Work Day is 'Human Dignity: Surviving the Endtimes of Human Rights'. The reference to human dignity will perhaps come as no surprise. After all, the international theme for World Social Work Day is “Promoting the Dignity and Worth of Peoples”.

More surprising perhaps is my reference to “the endtimes of human rights”. Some of you may want to challenge me that human rights are not in their endtimes, or that the language of survival and endtimes is too bleak for ideas of such importance as human rights. Others, meanwhile, may be thinking that I am referring in particular to the sustained criticism that human rights receive at the hands of both sections of the media and sections of the political establishment in the United Kingdom in recent times.

In fact, the phrase draws upon the title of a book by Stephen Hopgood. Hopgood is not concerned with human rights in the UK, but internationally. His thesis is an attack on human rights as a brand, an activity conducted through (he suggests) ever less accountable organisations. In the words of one powerful review of his work,



“Human rights, Stephen Hopgood argues in this hard-hitting provocation, began as the last version of Europe’s Christianity that was transformed into the imperial language of America’s hegemony.”

Hopgood is particularly concerned by the idea of universal human rights, that there can be agreement about what human rights look like across the globe. This a debate about modernism and post-modernism, about cultural relativism or universal values.

I'll come back to Hopgood's arguments later. Suffice to say at this point that they are international in flavour, which is timely and appropriate on World Social Work Day. What I want to do first is to reflect upon how dignity, rights and social work have been interwoven each with the other throughout their shared history, and then to focus upon what respecting the dignity and worth of peoples might mean for social work in the United Kingdom.



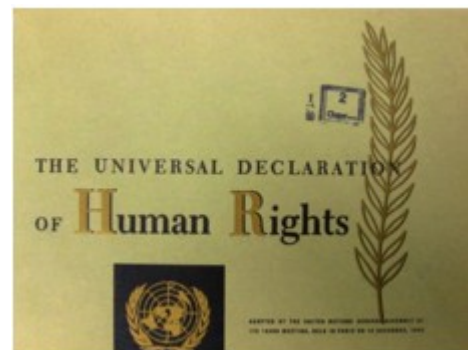
Human dignity and human rights have a long history of relationship each with the other. I had threatened to mention Thomas Aquinas, and find that I dare to do so. This medieval Catholic theologian developed the idea of *imago Dei*, human beings uniquely in the image of God. This idea provides a simple basis for believing, **first**, that human beings

are all equal in worth to each other; and **second**, that in any hierarchy of worth, human beings are particularly valuable. As such, we have a basis for a philosophy of human dignity. But Aquinas also developed his ideas to encompass reasoning towards natural law, that there were therefore universal laws to be discovered. This idea has in turn developed to be the forerunner of what we now more commonly term human rights.

Dignity and human rights are again found in each other's company when international human rights treaties came to be agreed in the period following the Second World War. Take a look at the opening words of the Universal Declaration of Human Rights,

“Recognition of the inherent dignity of all members of the human family is the foundation of freedom, justice and peace”.

These words are both reflected and expanded in the more recent Convention on the Rights of the Child:



“recognition of the ***inherent dignity and of the equal and inalienable rights*** of all members of the human family is the foundation of freedom, justice and peace in the world” [my emphasis]

Or consider the European Union Charter of Fundamental Rights

“Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law.”

Or of the United Nations Convention on the Rights of Persons with Disabilities:

“The principles of the present Convention shall be:

a. Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons”

Indeed, those who deal in human rights have had to deal with the question of whether human dignity is a human right, or a whether all human dignity is a fundamental building block upon which all human rights have come to be built.

Some of you may have heard of the case Elaine MacDonald, the former prima ballerina who did not wish to suffer the indignity of wearing incontinence pads, and lying in her own urine, when she was not in fact incontinent if only she could be helped by another human being with her toileting needs. Framing her argument in terms of human dignity, she failed in the courts of this country, which instead framed her arguments in terms of established human rights, and found that there had been no breach of her rights. There were, indeed, particularly harsh words exchanged between their Lordships when the Supreme Court gave its judgment in that case. Lady Hale, now the Deputy President of the Supreme Court, said that she would have allowed the appeal because

“we are, still, I believe, a civilised society”

but she was in a minority of one, and was rebuked in these terms:

“I totally disagree with, and I deplore, Lady Hale’s suggestion that the decision of the majority would logically entitle a local authority to withdraw help from a client...”

This case - which is, of course, about human dignity in social work practice in this country, and which touches acutely and topically on the consequences for human dignity of rationing in a time of austerity - went on to the European Court of Human Rights which decided it last year. In the course of their judgment, they endorsed what Lady Hale had to say about dignity:

“the very essence of the [European Convention on Human Rights] was respect for human dignity and human freedom... insofar as the present applicant believed that the level of care offered by the local authority would have undignified and distressing consequences, she too was faced with the possibility of living in a manner which “conflicted with [her] strongly held ideas of self and personal identity”. In the Supreme Court, Baroness Hale, in her dissenting opinion, appeared to accept that considerations of human dignity were engaged... The Court agrees with this general assessment...”

So, it is not only in origin and in treaties that we see dignity and rights side by side, but in social work practice too. Indeed, it is instructive to reflect upon this difference between the former and current versions of BASW’s Code of Ethics. In 2002, the Code of Ethics had a section entitled “Human Dignity”, which included references to human rights. In 2012, the revised Code had a section on Human Rights, which included a reference to human dignity.



We can see therefore that dignity and rights have always gone hand-in-hand, in history, in international treaties, and in social work ethics.

In social work, the international profession has reaffirmed its commitment to human rights as central to social work as recently as in the new definition of social work approved last year. But consider for a moment this critique of the

former definition of social work, offered by the Asian and Pacific Region of the International Federation of Social Workers:

“Wherever we go, however, similar criticisms and complaints have been heard - “it is the West's”... between the lines, Western democracy, Christianity and modernism can be read”.

I cannot help but observe that that criticism of the definition of social work might easily be confused with the criticism of human rights with which I opened, given the observations I have made about Catholic theologians, who built on the thinking of Ancient Greek philosophers, and whose ideas were in turn built upon by American revolutionaries (“created equal, endowed by their creator with certain inalienable rights”), and after WWII the victorious allies in their international treaty negotiations.

“Wherever we go, however, similar criticisms and complaints have been heard—“It is the West’s”... Between the lines, Western democracy, Christianity, and modernism can be read.” (Matsuo 2012: preface)

If human rights and social work are intertwined, but the authority of human rights both at an international level and a domestic level is on the wane, the question I wish to raise is whether a return to the linked principle of human dignity can assist both of the other enterprises, human rights and social work. Here, I set out a positive vision for what human dignity might mean for human rights and social work, drawing on four key ideas: ***Dignity in equality; dignity in personhood; dignity in relationship; and dignity in freedom.***

First, therefore, ***dignity in equality.*** In human rights terms, this brings us back to some key ideas within the Universal Declaration of Human Rights, which predates the rights we have been given under our Human Rights Act, and contains a wider vision. That vision has sometimes been expressed in the language that rights are universal, inalienable, and indivisible. The idea of universal rights is that they apply to everyone by virtue of their common humanity. Those universal rights, to which we as a profession aspire, include not only those with which we are familiar in human rights challenges, but also the right to an adequate standard of living, to food and clothes, to work and leisure and to peace and co-existence.

From the idea of dignity and equality, therefore, we will have social work recognising the value of those who are often not valued – those who are not economically active, indeed those who lack the capacity to be so; offenders who by their conduct have forfeited other civil rights; migrants and in particular those who are asylum seekers, seeking protection in our country.

Turning, then, to ***dignity in personhood***. While Aquinas may have (somewhat controversially) used the idea of *imago Dei* to distinguish humans from animals, in my celebration of personhood, I want to make a different distinction that he would not have known: the personhood of each human being can be contrasted to the lack of personhood of corporations.

Such is the ubiquity of the idea that a corporation is a legal person in our neo-liberal world that we can almost forget how strange is the idea that a corporation might have rights. Yet, it is established that companies can bring human rights challenges on their own behalf. Moreover, in certain circumstances companies can also be absolved from having to give effect to the human rights of others – in effect, can have their cake and eat it. Companies apparently have a reputation they're entitled to protect; and their brand or image is seen as worthy of protection also.

There is a motion coming to BASW's AGM next month on TTIP – the Transatlantic Trade and Investment Partnership negotiations. I consider what's going on in these negotiations as potentially the most iniquitous development yet in relation to the rights of companies. Firstly, because it is being suggested that companies may be able to bring legal actions which prevent Governments legislating for the public good. Yet it seems a simple enough argument that flows from human dignity in personhood, and from all we in social work hold dear, that it is human beings who are valuable, who matter, that the state is there to serve the people and not the other way round; so the idea that corporations might have any right to undermine the right order of things should concern us all greatly. Second, the proposal is for an international court, whose dealings will be largely secret, to decide matters brought under these international agreements. It is hard to understand why our Government is so hostile to an international court protecting the rights and dignities of



human beings, but not one that protects the rights of corporations. If you can, I'd urge you to support BASW's AGM motion.

And to reflect that dignity in personhood means we in social work must always be cautious about whether the privatisation of our service or any service which is supposed

to promote human dignity might in fact undermine it. If private services are less accountable than public ones, if private services can be handed back if they are not profitable, if private services mean ever-shorter home visits, ever more targets to drive profitability instead of service, then our commitment to human dignity in personhood means we must act.

Of course, the State is no more a person than is the corporation, and individuals working for either are capable of caring, or of not caring. I am not arguing here that the private sector is universally bad and the state sector universally good. It would not only be inappropriate to do so, it would be impossible, because it is not true. And hypocritical, from one with long practice as an independent social worker. But I am urging that we are alive to the iniquities that can result from a lack of accountability, or of transparency, from a diffusion of responsibility that makes it unclear whether everyone or no-one is accountable, from a dilution of care and ethics in the interests of investors and returns.

Next, ***dignity in relationship***. Often, our notion of human rights focuses upon the rights of the individual, asserted against the world, and maybe asserted contrary to the common good. Too often, our notion of human rights involves atomising individuals, setting the rights of the parents against the rights of the child, one person's rights to privacy against another's right to freedom of expression, one person's rights to religious freedom against another person's right not to have to hear uncomfortable views.

But neither human dignity nor human rights are to be found in isolation from the rest of humanity, but in solidarity and in relationship with the rest of humanity.

Consider again Elaine MacDonald, who took her argument about human dignity to the Supreme Court and on to the European Court of Human Rights. On the face of it, her argument that she wanted a carer rather than incontinence pads might be described as an argument about money, and the indignity of sitting in a wet incontinence pad. But at a different level, she was arguing for the right to be cared for by another human being. As Malcolm Payne, whose writings in relation to the social model of disability have been so influential, has commented on this case, “non-human care is not care”.

One of the concerns that were expressed about the former international definition of social work was that it did not sufficiently emphasize the collective. Thus, in the new definition adopted last year, there is specific reference not only to promoting social change, but to promoting social cohesion. There is recognition not only of principles of human rights and social justice, but also of collective responsibility and respect for diversities. And the value of indigenous knowledge is reflected as part of the theory base of social work.

So it turns out that human dignity in relationship is another way of saying “put the 'social' back into social work”. It might be reflected in practice that emphasises support to try to keep families together; that reconciles fractured communities with restorative justice; that allows those who are dying to do so in the company of those they love and who love them.

And finally, ***dignity in freedom***. It is quite possibly in freedom that we see the most explicit links to human rights as it is encountered in challenges to social work practice, since our Human Rights Act embodies in particular the freedoms that were valued by the drafters of the European Convention – liberty, freedom of expression, assembly, the right to a private life, freedom of thought, conscience and religion. While I have shown that human dignity embraces a far wider vision than this of what human rights and social work might look like, nonetheless, as social workers we do need to pay attention to dignity in freedom. It is sad that too often we are the subject of human rights challenges brought against us, because our vision, our “humane mission” to use Pithouse’s evocative phrase, has led us to pursue a better world at the expense of the rights and freedoms of others. So we can be found using the language of best interests to promote independence when the result can sometimes be to leave

people isolated and unsupported rather than in flourishing independence; or to interfere in long-standing relationships on the basis that they are unhealthy, or that health of one of the parties warrants it; or not to allow for the possibility of change and improvement because it does not fit with “the child’s time frame”.

I started by explaining that the end-times of human rights reflected in particular Stephen Hopgood’s concern about the “brand” of human rights, and that it had become far removed from the original radical and emancipatory potential of human rights. I have gone on to suggest that human rights have always been bound up with ideas about human dignity, and that by rediscovering human dignity we can give new life and new authority to social work’s humane mission. I have set out that human dignity means dignity in equality, in personhood, in relationship, and in freedom.

This bigger vision for human rights and social work is reflected in BASW’s recently published human rights policy, copies of which are available here today. It clearly dissects what it means that human rights are universal, inalienable and indivisible as I have set out today. In particular, it distinguishes what rights-based practice looks like for all social workers in every conceivable setting, from the specific human rights legal obligations of those who work in statutory settings.



"THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive... to promote respect for these rights and freedoms and... to secure their universal and effective recognition and observance"

Preamble, Universal Declaration of Human Rights 1948

In concluding, I take you to the pre-ambble to the Universal Declaration on Human Rights, and to words which startled me when I first discovered them, so familiar was I with the notion of human rights asserted against the world and contrary to the common good, of human rights asserted as giving responsibilities to the state in particular. In

that original vision, a document which underpins our social work practice, it says this:

"THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive... to promote respect for these rights and freedoms and... to secure their universal and effective recognition and observance"

That means you and me, and it means social work as a profession. It behoves each and every one of us and our profession to promote the dignity and worth of peoples.

Allan Norman

World Social Work Day, March 2015