International Social Justice

The Contribution of Social Work Education and Professional Social Work Practice to the Implementation of Social Rights[1]

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Abstract

In this article, I first want to ask what the self-made barriers of the profession to the engagement for social justice are, because there is a chance that self-made barriers can be moved away. Then I shall discuss definitions of social justice relating to the individual, community/societal and transnational level, starting with John Rawls and his critiques. And in the third part of my presentation I shall illustrate these definitions with projects on each social level realized between 2002 and 2010 in the master of social work in Berlin defining *Social Work as Human Rights profession* (see the UN-Manual about Social Work and Human Rights of 1992; Ife, 2001, Reichert, 2007 & Staub-Bernasconi, 2007).

1. Introduction

To approach such a theme as part of the social work discipline and profession, it is indispensable to start with the internationally consensual definition of social work, elaborated and agreed upon by the International

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17

Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) (in Supplement 2007, p. 5):

> The social work profession promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilizing theories of human behavior and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work.

I wouldn't be surprised if many readers thought that this is a very idealistic and thus unrealistic definition, considering today's huge world problems – from wars and (socio)ecological catastrophes, to exploitation, dictatorship, extreme poverty, forced migration, terrorism, refugees etc. (see for example Ferdowsi, 2007) – and the relative social marginality of the social work profession. To protect social work from too big expectations and promises, I would have no objection to reformulate: *The realistic contribution of social work education to social justice as a part of human rights.* This choice legitimizes me not to start with an analysis of the problems of world society that often end up with some appellative recommendations to social work, which gives way to critical comments from many colleagues and practitioners that you can just forget about all this.

Another problem is the neoliberal cultural colonization of the world by neoclassical economics and management tools (Meyer, 2005) as one of the main causes for the mentioned problems, implemented as a top-down-project including social work (Staub-Bernasconi, 2008). Its ideology is in contradiction with every idea of social justice, especially professional ones. But, instead of looking for external factors which *transform* social workers into helpless victims of neoliberalism, we have good reasons to ask how come, that – in comparison with other professions – social work shows the broadest, almost uncritical reception of management speak and tools (Exworthy, 1999; Lavalette & Ferguson, 2007; Seithe, 2010). But in addition, one should remember that also a long time before the neoliberal invasion, i.e. before and after the seventies, there was much complaining about the absence of social work in public debates, social policy-making, political

lobbying etc. and thus the failure to engage in social justice and initiate social change. Gil (2006/1998) speaks explicitly of the "intellectual paradox of social work", which has in its Code of Ethics the mandate to fight injustice and repression, but the professionals seem not only to lack the knowledge about the dynamics and strategies of change (1998, p. 167), but, as one has to add, they also lack a precise, differentiated notion of social justice. The consequence of this is that they are not able to even verbally stand up against the imputations in relation to their social practice.

2. Obstacles to the realization of social justice in social work education and practice

We – including myself – are very quick to blame social workers for all sorts of problems they produce in practice, but also for their lack of public social engagement. But in the last years I have started to think also about education and curriculum building is a cause for this. My field of observation is, of course, Europe, especially the German-speaking context of Europe, Germany, Switzerland, and Austria, which has many singularities, but also commonalities in relation to the international context.

2.1 Masters of Social Management colonizing social work and the ethnic/national closure of social policy and social politics

A first observation is the fact that in the German-speaking context we have over 100 masters of social management, but no single master of social policy/social politics and social work (with one exception in Innsbruck/Austria). So the problem has already started with the lack of general and professional theory about the connection between social policy and social work. Social management should be taught as a specialized function on the master level which has to guarantee with professional methods – derived from sociology, economy, organizational and management-theory – the professional practice of social work with individuals, families and communities. Instead of this distinction, we have

the uncritical take-over of management concepts and tools in social work theory and methods until their distortion. Then, there is the dominance of Beck's *Risk Society* and *Individualism-Theorem*, accompanied by Luhmann's negation of the determinative effects of social stratification on individuals in modern societies and on the other hand the dominance of the category of *Lebenswelt* (Thiersch) to characterize a social work approach. All this hinders the building of a complex image and theory of society and world society with its stratification structures and dynamics.

Furthermore, if politics and social politics are taught within the curriculum, it usually ends at the national border of the society, without thinking about the *rest* of the world. So it remains an internal *ethnic affair of a national society* for its indigenous members without considering how national (socio-)political decisions affect the environment of a national society, especially migration processes. Thus, migrants, asylum seekers are intruders into a *pseudo-homogenous* indigenous population. Especially for those who feel deprived or discriminated by the national social policy, these foreigners become *social parasites*. To reflect theoretically and ethically about social justice and social politics today means that the object base must be the world-society.

2.2 Teachers of social welfare and social work proclaiming legal positivism

That lawyers teaching social work urge their students to respect social legislation can be rightly expected. But do they also teach the distinction between a positivistic, legalistic understanding of laws and the question if these are also ethically legitimate? Yet, a sort of legalism also comes from an unexpected side: to my surprise, the international definition of social work is a threat to many professors teaching in faculties of social work. One of them wrote an article about his discovery. Referring to it, he writes: "...fundamentally social work is defined and determined normatively by the public (politics, the state and the social agencies) in the name of the public." According to him, the goals of social work are given and prescribed exclusively from outside: "So the decision about what social work has to and

can contribute to social justice is exclusively defined in advance by others." (Möhring-Hesse, 2010, p. 12). For him, the same holds for the conflictive situation, when the *mandate* given to social work by the agency or society contradicts the idea about social justice of the social work profession. In this case social workers are not allowed to introduce their own definition and vision of social justice into their practice. They aren't allowed to "ignore the public instruction of 'control' and 'normalization'." (p. 13 f.) Initially I thought that Möhring-Hesse is describing an empirical situation in order to reflect critically about it. But the following sentences don't leave any doubt that for the author, a teacher of theology, ethics, professionalization and social services, this is the desirable and thus prescribed *state of the art*. According to him, social workers are only allowed to reflect about social justice outside of social work – as citizens – and thus to join the public debates about it. He continues: If "social work contributes to social justice, this is no matter between social worker and client, but is determined by the reference to society and its social order." (p. 13). To be able to judge the significance and influence of the ideas of Möhring-Hesse, a theologian, one has to know that in Germany about 80% of the field of social work is structured by Christian social agencies such as *Caritas* and *Diakonie* and about 30 to 40% of the 74 of the universities of applied sciences are confessional schools.

Reflecting on the causes leading to such astonishing statements of a theologian, one can think at least about two hypothesis: The first: The dogma of the *Zwei-Reiche-Lehre* (the theological idea of two separate reigns, one on earth and one in heaven), which in one interpretation says that from the standpoint of a higher, transcendental and future kingdom – and accordingly to a higher justice coming from God – it is possible to leave the *real* reality to the dominant social order and powers. Besides, this was one of the main criticisms about the function of religion for the legitimation and stabilization of injustice, repressive social and cultural structures of Karl Marx. The second, more *worldly* hypothesis is the following: The churches, their representatives and teachers in social work faculties, who in the German part of Europe have mostly not studied social work, fear the loss of

definitional power over social work, if it claims professionalism by referring to an internationally consensual base with a triple mandate: one from the clients, one from society and social agencies and one from the profession itself. This three-dimensional mandate means relative autonomy due to a scientific base for the analysis and interventions about social problems and a self-defined professional code of ethics.

Taking the quest seriously to accept without hesitation actual societal definitions of social justice for one's work would have the following consequences:

First, social workers would for example have to accept, what prime minister John Major announced, namely that the United Kingdom is a classless society, because most wealth is nowadays acquired rather than inherited (for empirical falsification see Kissling 2008); or they would have had to echo President Clinton and his administration that the United States is "the republic of the middle class" which requires a fundamental reform reducing social welfare dependency to a maximum of 5 years (Bunge, 2009, p. 370); or in Switzerland they would have to take over the notion of social justice of the rightist magistrate Christoph Blocher who defined it as "being no burden for the state"*!* This *social positivism* becomes even more problematic, even cynical, if we think of social work under Apartheid, Nazi Germany, Fascist Italy, the Soviet Union, the Pinochet dictatorship, etc.

Second, social workers have to accept the following neoliberal mainstream definition of social justice: It is the market that guarantees social justice in the form of contractualism as a special form of *rational egoism*. So it is the task of social workers to throw welfare clients as quickly as possible out of welfare. The market is the best and "most efficient mechanism for the distribution of goods and services, as competition wipes out the inefficient..." (Bunge, 1989, p. 189) Contractualism contains the following thesis:

> An action is right if it conforms to a generally agreed on deal, and morals are a
> byproduct of contracts – which means: if you keep your contracts, morals will take

care of themselves. From this it follows, that it is the contract itself – and no metatheoretical or philosophical-ethical reflection – which guarantees morals and justice, independently of its content. (Bunge, 1989, p. 226)

So, social work had and has to learn: in a contract which settled rights and duties formally as the main tool of case management – which has replaced psycho-social casework – it is the failure of fulfilling the contract, as unjust as its content may be, and whatever the social and psychic causes are which are responsible for this failure, which has to be sanctioned negatively.

According to the above-mentioned Supplement, the guiding normative ideas of the professional International Code of Ethics are *human rights* and *social justice* (Supplement 2007, p. 7–12). They should be the criteria according to which the ideas and ideologies of the population, also of politicians (and possibly social workers) and the criteria underlying social politics have to be analyzed and, confronted with alternative conceptions of social justice.

2.3   The influence of social employers

To leave the German context, I remember the question of a representative of the Council on Social Welfare at a European EASSW-conference in Dubrovnik in 2009, representing the boards, directors and social managers of social welfare during a session about the above definition: "Who is legitimized to define social work?" Silence! The audience realized that the answer was of course known in advance: the board members and employers of the social agencies and not the social workers. The question was followed by a statement that the definition was "too political, even ideological". There is no difficulty in imagining what this means for the daily social work practice if the board members and managers follow this line of thinking.

Yet, the way *ideology of social justice* is eliminated in a more *subversive* manner is the introduction of management technologies and tools under the label of *quality management*. I don't know of any approach or *quality management tool* which introduces the quality-criteria of social justice for service-users – leaving human rights aside. This is especially the case when case manage-

ment is the only procedure to deal with *cases*. In many documents the first step of professional work, namely a differential *social diagnosis* or *assessment* is missing because the main job of the case-manager is to match *supply* with *demand* leading to a *contract*, which then has to be controlled. What we have is the *cold elimination* of any ethical criteria and professional approach. For an example with far-reaching consequences for the German voluntary welfare sector, mostly managed by *Diakonie* and *Caritas*, see the *Quality Goals* of the four most important *social employers* (in Staub-Bernasconi, 2010b).

Here we can see just two illustrations on the individual social worker level about the internalization of the actual macro social and organizational conditions of their practice as givens – be they defined by theologians, teachers in social work, but also lawyers and employers. It shows the perfect functioning within whatever social order exists. The first example refers to an exam text of a master student: "If one has a state employment, one is obliged to obey the rule, without mistakes and effectively, and one is also obliged to implement it – if necessary with coercion" – which means: "even if one is not secure, if it is just and according to the professional code", as the student added in a discussion.[2] Another student says in an interview that the newly hired "social police agents for the detection of welfare-misuse or fraud" are her legitimation for social work. (Interview given to Avenir Social, 2008, December, p. 40–41). This shows that the professional triple-mandate has become a mono-mandate from society and the employers of social welfare (for many more examples see Seithe, 2010).

In sum, facing all these influences, one can't blame the social workers alone for their conformity and socio-political inactivity. But what's the way out of these deprofessionalization processes where social work gets, once more, exploited by politics? As I can't expand on the whole underlying issue of professionalization in this article (see Staub-Bernasconi 2007 & 2009), I

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2   „Denn wer beim Staat angestellt ist, hat sich eben auch auf dessen Rechtsauslegung und dessen regelkonformer, fehlerfreier und effektiver Anwendung und schliesslich auch auf die entsprechende Durchsetzung verpflichtet".

restrict myself, as announced in the title, to the reflection on one of the central values in the code of ethics of social work – social justice – and its link to the social rights of the United Nations Declaration of 1948 about Human Rights.

3. Social Justice Defined – August Friedrich Hayek, John Rawls and Beyond

It might be necessary to remember August Friedrich Hayek's negative, defensive definition of social justice, which underlies neoclassic economy and the culture of neoliberalism: first, the market distributes profits and losses of cooperation in an unequal manner, but this distribution can't be called unjust, because justice criteria are exclusively part of intentional acts and not of a *quasi-natural order* of the market. Second, redistribution is unjust, because it promotes inequality and restriction of freedom: one gives a part to the poor that one doesn't accord to the rich. The necessary unequal treatment by the market shouldn't thus lead to a compensatory legitimation for an unequal treatment by the political system. Third, the rule of *supply and demand* can only function when it is not distorted by classical criteria of justice as merit, performance or needs. (Marti 2011:93) This is a conceptualization in a framework of market fundamentalism and absolutism in an economy with atomized individuals – except bound by contracts according to competition rules – and notions of societies without social institutions/systems, structures and processes.

An answer to this social illiteracy and blindness is John Rawls with his Theory of Justice (1971). Reflecting on social justice, it is impossible to leave him out. Admittedly he initiated a significant turn in social philosophy, which – after a long phase of linguistic-analytic philosophy – began to tackle real social problems again. His goal was to find general principles of social justice.

3.1   John Rawls and his critiques

John Rawls (1971) criticized the purely political conception of democracy, and proposed his own. He did not dispute the right to private ownership of the means of production, but held that the state should take over the supply of public goods, as well as a measure of social (redistributive) justice. His two principles of social justice or fairness are:

- First: Each person is to have an equal right to the most extensive basic liberty compatible with the similar liberty for others (=the liberty principle).
- Second: Social and economic inequalities are to satisfy two conditions: (a) they are to be attached to positions and offices open to all under conditions of fair equality of opportunity (= the principle of fair equality of opportunity); and (b) they are to be to the greatest benefit of the least advantaged members of society. (= the difference principle)

Furthermore, the first principle is prior to the second and the same holds for the second principle. According to Rawls, it is not allowed to restrict the principle of equality of chances in order to realize the difference principle. With this he wants to avoid that one has to renounce freedom for the sake of a just distribution of goods.[3]

Although it was a milestone, Rawls' theory of justice is also heavily criticized. (Bunge, 2009, p. 355 ff.):

> ... Rawls did not tell us how to craft the just social order, except that it should be a task for a strong state. Thus, Rawls missed no less than the marrow of politics – interests, struggle, participation, and governance. In short, he offered social liberalism without democratic action.

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[3]   Revised version (p. 42):

(a) Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, whose scheme is compatible with the same scheme of liberties for all; and

(b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit to the least-advantaged members of society (the difference principle).

Rawls' vision was just as apolitical and unrealistic as that of the utopian socialists of the previous century (such as Morus, Fourier, Kropotkin). Hence it has no practical use for political activists (Bunge, 2009, p. 355). This argument has been elaborated by Sen (2010) extensively who calls Rawls' definition "transcendental institutionalism" which departs from an almost unreachable ideal of social justice and the corresponding institutional rules instead of the development of empirical comparisons between more or less social justice (2010, p. 34).[4]

> ... A Theory of Justice includes such unnecessary fictions as the (tacit) social contract, the original position, the veil of ignorance, and rational choice. All of these fictions have given rise to a voluminous literature that has only succeeded in losing sight of Rawls' goal, which was to try and combine political and economic liberalism with welfarism.

The two *principles of justice* are incomplete, "because they are not accompanied by any explicit prescription concerning duties. That is, Rawls' conception falls into the classical category of to each norms. It keeps silent about the from each side, without which there is no justice" (p. 367). These criticisms could possibly be integrated into his theory, but...

> ... (W)hat is beyond repair is Rawls' assumption that liberty is prior to everything else. This mistake comes from thinking of society as a collection of individuals not bound by any ties other than those stipulated by contracts – as if all contracts were made on symmetrical grounds, with equal power, and regardless of actual bonds... If some individuals wield much more political, economic or cultural power than others, there will be no liberty (for their dependents, StB). Think of the landowner doubling as political boss in an Indian village; or of the Italian priest threatening to excommunicate anyone voting for the Left. (o.cit. p. 367)

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4   But also this critique has to be criticised, because also empirical comparisons need criterias to make distinctions between rules which promote or hinder the empirical realisation of social justice. (Staub-Bernasconi 2010: 381–392)

Or think of the CEO and his employees who dictates wages and bono, fusions, the closure of departments, and thus the number of dismissals and coerced unemployed; or of the social manager who dictates the violation of liberal or democratic or social rights of clients, accompanied by threatening social workers who oppose and resist with dismissals.

Besides, but very important is the axiom that individual liberty is prior to everything else, and also social justice – going mainly back to Kant – is at the root of the strong criticism of the countries of the Global South about the westernized conception of human rights, which privilege liberty and democracy at the cost of social justice. As an example Makau Mutua, co-founder and chair of the Nairobi-based Kenya Human Rights Commission, starts his critique with the introductory sentence: "I have always found human suffering unacceptable. But I did not name my struggle against deprivation, dehumanization, and oppression a fight for human rights" (2002, p. ix).

> International human rights fall within the historical continuum of the European colonial project in which whites pose as the saviors of a benighted and savage non-European world. The white human rights zealot (Eiferer) joins the unbroken chain that connects him to the colonial administrator, the Bible-wielding missionary, and the merchant of free enterprise. Salvation in the modern world is presented as only possible through the holy trinity of human rights, political democracy, and free market. (Mutua 2002, p. 2)

Mutua sees the political liberal democracy as "final inflexible truth", for which also Rawls' argumentation is an example (p. 2). Mario Bunge states:

> Individualists (setting liberty first) have rightly pointed out that social and ethical collectivism (or holism) (setting social justice and social rights first)... crushes the individual. However, they overlook the fact that, wherever individualism prevails, most individuals are crushed by a privileged minority. (1989, p. 214)

3.2 A multidimensional definition of social justice

As this article is oriented to educational and professional practice, I won't discuss in detail the broad historical and actual debate about social justice, but present the definitions which underlie the examples of social action following this chapter. A main reference is Mario Bunge (1989 & 2009, but also Henry Shue, 1996; Schmitt & Montada, 1999; Ross & Miller, 2002; Liebig & Lengfeld, 2002; Miller, 2009; Wilkinson & Pickett, 2010). The common characteristic of these authors is that they have developed their argumentation not only on an abstract philosophical, i.e. ethical, but also on an empirical base. The empirical base relies on studies about what people *really* think about social justice (especially Schmitt & Montada, 1999; Liebig & Lengfeld, 2001; Ross & Miller, 2002). In addition we have macro sociological, epidemiological studies about the relationship between socioeconomic stratification, especially the dramatically growing income inequality of northern societies and its effect on psychic wellbeing, health and illness and further social consequences such as poor educational and work performance, poverty and unemployment, unmarried underclass mothers and their children, violence, criminality, etc. (Wilkinson & Pickett, 2010). In this article I will concentrate on the normative aspect of social justice. The discussion of the empirical findings would need a separate article.

Furthermore we need definitions of social justice which differentiate between injustice on the individual, the national and the transnational level. This requires an approach, which "combines the good and avoids the bad points of ... (individualism and holism), for it joins the concern for the individual with that for the social organizations (or social systems, StB) that make individual survival possible and desirable." (Bunge, 1989, p. 214)

So we can suggest the following general dimensions of social justice, namely (Bunge, 1989, p. 182 ff.):

- *To each* according to his or her *dignity as human being* (= the formal equality principle as citizen and in front of the laws).
- To each according to his or her biological, psychic, social and cultural

needs and justifiable desires/wishes (which are those that don't prevent anyone from meeting his or her needs and legitimate wishes) (= the simple equality principle about resources and equal opportunity).
- To each according to his or her *merits* (the inequality or *qualified* equality principle – called undominated, just inequality or diversity).
- *From each* according to his or her *personal abilities and social service or contribution to the social good*.

Bunge, referring to Louis Blanc (1839), calls the set of criteria *the principle of proportionality*. The conception joins rights *(to each)* with duties *(from each)* and asks for a balance between rights and duties in contrast to what we have today in almost all societies, namely more or only rights without duties in the upper, neofeudal classes including the right to exploit and oppress lower classes; and more duties, or only duties in the lower classes. "The sole inequalities justified in the distribution of goods and services are those which are to the benefit of all. ..." (io.cit 1989, p. 182 & 2009, p. 105). This principle is, interestingly enough, already formulated in art. 1 of the French Declaration of Human Rights of 1789, namely: "Men are born and remain free and equal in rights; social distinctions may be based only upon general usefulness." I dare to say that if Marx had read this article carefully, he wouldn't have criticized the Declaration as a strict *bourgeois* document! But I think that art. 4 of *The Declaration of the Rights of Woman* (1790) of Olympe de Gouges is an even more interesting, even revolutionary definition of *liberty and social justice*, namely: "Liberty and justice consist of restoring (giving back) all that belongs to others ...", contrasting art. 4 of the *official* French declaration, which says, following Kantian reasoning: "Freedom consists in doing everything which doesn't harm others."

Here are some further clarifications:

First, this characterization of social justice stands for the integration of two central normative notions, namely a) the equal, non-discriminatory distribution of (primary) *social goods*, instrumental for the satisfaction of human needs (education, non-discriminatory, income, land or capital) and chances of access to these goods according to fair social rules (Rawls), and b)

the necessity of developing *capabilities* to use these goods freely for individual and social goals. (Sen 2010/2009, Nussbaum 1999)[5]. The reason for this is that to have and develop capabilities without access to goods is comparable to learn how and be able to ride a bicycle without a bicycle, or to be capable of farming without land. And to dispose of goods without the ability to use them freely for personal and social goals is comparable to having a bicycle or bank account, or even a diploma, without being able – and have the right – to use and dispose of them – in the case of the diploma to get a paid job. An important example for this intertwining of goods and capabilities is the Grameen Bank, founded by Muhammad Yunus in 1983, which was first highly applauded as an effective contribution to eliminate poverty. Actually there is growing criticism, for example, because one neglected aspects of training and/or in addition social, i.e. family aspects which can lead to the husband's abuse of money, so that the women can't pay back the received capital and interest rates and therefore becomes dependent on a system of debt-slavery *(Schuldknechtschaft)*.

Second, as a contrast to an idea of social justice which qualifies equality unconditionally as just and inequality as unjust, the underlying notion is here that there is just equality in relation to the satisfaction of needs and legitimate wishes and just inequality according to merits, and on the other hand we have unjust equality, if individuals can't satisfy their needs and legitimate wishes and unjust inequality when differences in merits are honored equally, without distinction. The actual discourse, which qualifies *diversity*, sociocultural distinctions as positive, overlooks the fact that differences between people can be a result of domination (e.g. class or race or gender distinctions). In other words, it is important to differentiate between dominated and undominated (sociocultural) diversity.

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5   Sen "constructs" not only a radical incompatibility between an approach which favors social distribution rules and an approach that favors chances of self-realisation and the development of capabilities under conditions of freedom. (2010:35, 98f.) He also constructs a clear distinction between Rawls' notion of goods and his and Nussbaum's notion of capabilities (p. 46-48). For me it is the commong "academic strategy" of promoting one's approach to the detriment of (all) others instead of asking how to integrate their central theoretical ideas and put them to an empirical test.

Third, social justice has to be defined on the individual level, but also on the national and transnational level of world-society if one wants to overcome the ethnic bias of national social politics.

3.2.1 Social justice on the individual and interactional level (Bunge, 1989, p. 187; Miller, 2009)

A person is being treated justly when s/he is being treated according to his/her needs and legitimate wishes (= the principle of equality), and according to his/her merits in relation to the performance of duties (= the principle of qualified equality or just inequality), in short, when s/he is capable of realizing his/her personal well-being and the well-being of others, especially for any dependents.

To be born into a poor family and/or social context, or having bodily, neurological or psychologically impaired capabilities are – from a normative justice standpoint – *just facts* without any connotation to social justice. What is decisive when speaking of social justice is the way interaction partners and the members of social systems (institutions) cope with these facts and what the content of the social rules of access is, as well as of the distribution of goods and the implementation of fair procedures (Marti, 2011, p. 100f.).[6] Just as decisive is how society copes with impaired capabilities. This means that fairness on the individual and interactional level is a necessary but not a sufficient condition of social justice. Therefore we need criteria of social justice at the national level which secure just access and distribution rules as characteristics of social systems such as the family, education, economy, politics etc. Only fair access rules – the liberal position – to a discriminating, repressive, illegitimate social system, also excluding individuals and whole social categories – won't generate and guarantee the fair distribution of goods. And only just distributive rules of benefits (rights) and obligations (duties) without corresponding fair access rules to needed goods of a social system has to be called ethnocentric. Here too, we need a combination of

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6   But of course, the poor family or sociocultural context themselves in which somebody is born is with
     great probability an issue of social justice.

behavioral and structural criteria of social justice. And in addition, society has to be able to produce the necessary goods for the well-being and use of all its members. So, let's introduce a definition of a just society.

3.2.2 Social justice on the societal/national level

"In a just society benefits/rights and burdens/duties are distributed equitably." So, we propose with Bunge (1989, p. 372 f.):

> A society is internally just if every member of the society
>
> - receives what they require to meet their needs;
>
> - can earn, by doing socially useful work, what he or she requires to satisfy his or her legitimate wishes and aspirations;
>
> - fulfills the obligations assigned to him or her by the family, workplace, and social circle(s) – assignments which, in the case of adults, are made by mutual agreement;
>
> - is free to satisfy their legitimate aspirations and to pursue those inclinations that are not antisocial;
>
> - is free to work for points one to four above, by him or herself or in association with others ...
>
> A society is externally just if it does not hinder the economic, social and cultural development of other societies. A society is just only if it is both internally and externally just.

3.2.3 Social justice on the transnational level

Looking historically back to the colonization of the *global south* by western countries, which has its subtler, but according to its effects, still brutal continuation today, we badly need to define redistributive social justice. In this context, even the liberal principle of just access to the rich countries is violated *first* on the individual level in relation to forced migration and *second* on the national level regarding the importation of goods with protectionist exorbitant taxes or even the prohibition of imports. According to this problematic of neo-feudalism, we have to return to Olympe de Gouges, defining freedom and social justice as *restoring all that belongs to others.* This boils down to the question of how much responsibility and duty of sharing can reasonably be expected from one person, group, class or

society who became rich with the exploited labor of others, or by mere speculation etc.? Henry Shue suggests the following principles (1996, p. 114—115):

Duty/Obligation to Give Right to Receive/Take	Unlimited Preference Satisfaction of fancy desires with luxury goods with no saturation point	Satisfaction of wishes with goods for comfort cultural enrichment	Elastic needs/ Non-basic Rights Satisfaction of psychic, social & cultural needs & legitimate wishes	Non-Elastic Needs Basic Rights Satisfaction of biological (psychic) needs
Basic Rights	REQUIRED 1 (Primary)	REQUIRED 2 (Secondary)	REQUIRED 3 (Tertiary)	PERMISSIBLE 4
Non-basic Rights	PERMISSIBLE 5	PERMISSIBLE 6	PERMISSIBLE 7	PROHIBITED 8
Cultural Enrichment	PERMISSIBLE 9	PERMISSIBLE 10	PERMISSIBLE 11	PROHIBITED 12
Preference Satisfaction	PERMISSIBLE 13	PERMISSIBLE 14	PERMISSIBLE 15	PROHIBITED 16

Table: Required, Permitted and Prohibited Transfers According to the Priority Principle (Shue, 1996, p. 115)

We *translate* the basic concepts of Shue as follows:

Basic Rights:	refer to mainly inelastic biological and psychic needs
Non-basic Rights:	refer to elastic psychic, social and cultural needs & legitimate culturally co-determined wishes
Cultural Enrichment:	refers to wishes of comfort and cultural enrichment
Preference Satisfaction:	refers to luxury goods and greed

Elasticity is defined as the time span it takes till the organism collapses when a special need can't be satisfied. For oxygen it is the case of a couple of minutes, for social justice one can be deprived one's whole life with the known psychic and social consequences.

The worldwide (re)distribution of resources, which are also applicable to national redistribution processes, according to Shue has to follow the following principles (p. 118):

1. The fulfillment of basic – mostly biological – needs & rights takes priority over all other activity.
2. The fulfillment of non-basic needs (psychic, social and cultural) & rights takes priority over all other activity except the fulfillment of basic rights.
3. The fulfillment of cultural enrichment takes priority over the satisfaction of luxury desires except the fulfillment of human needs and basic/non-basic rights.[7]

So it is forbidden to ask sacrifices from classes, groups or nations who can just satisfy their inelastic, mainly biological needs. On the other hand it is legitimate to ask for contributions from the upper classes that are able to

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7   There is no hierarchical ranking of needs and their satisfaction according to Maslow which has led to a social politics which can stop if the need for biological survival is respected (Galtung calls this a "zoo-conception" of needs. But it seems to me that animals in a zoo have better life conditions than poor human beings).

satisfy their comfort and self-realization wishes and those classes who can satisfy every fancy desire with luxury goods and useless bells and whistles. This is doubly legitimate, if *first*, their income and property serve for speculation and have no relation to their market contribution of real goods, performance and merits and thus don't satisfy the meritocratic principle of a modern society; and, *second*, if their wealth is inherited according to biological, i.e. feudal criteria, which is more and more the case (Kissling, 2008).

Shue could show on the base of international UN statistical data that it would be enough to demand a *sacrifice* from the upper-upper classes – and this was 1996/1980? (p. 123). According to more current data about the distribution of income (Wilkinson & Pickett, 2010), which show an enormous growth in the discrepancy between the highest and lowest incomes compared to the also growing amount of inner family transfer of capital by pure biological criteria without any merits (Kissling, 2008) the application of the first principle of Shue is even more necessary. The Tobin-Tax – or in a newer wording – the *tax on financial transactions* for shareholders with a huge capital for speculative investments, but also the idea of a worldwide unconditional basic income and minimal income wages are new attempts at distributive justice (Benz, 2004). But for all these suggestions one has to admit that they won't change the basic rules of private, individual and organizational capital accumulation on the basis of socially accumulated labor. This is even less the case relying only on an individual capability-approach.

3.2.4   Social Justice and Human/Social Rights

Irene Kahn, secretary general of Amnesty International between 2001 and 2009, reminds us in her book *The Unheard Truth. Poverty and Human Rights* (2010) about the scandal of poverty. It is a plea to define poverty as a grave violation of human, especially social rights and thus to help empower the poor to use their rights. Here we first have to remember that Europe and the US are the cause of the big asymmetry between freedom and social rights. They compelled the Nations assembled at the UN to divide the human rights in two separate pacts from which only the Pact on Liberty Rights has the

status of justifiability. Yet, liberty alone doesn't feed anyone. And somebody who is hungry, without money, has debts, is ill with no access to medical services won't be able to act freely and in a self-determined manner. This leads Krennerich to formulate that "social rights are freedom rights" (2007). One could also formulate that the realization of social rights is a necessary condition for being capable of realizing freedom rights of self-determination and social participation (see 4.1). According to Pogge (2007), over 300 million people died according to poverty-related causes, and each year we have a further 18 million die and – if we consider the consequences of man-made natural catastrophes – even more millions of people dying. Furthermore there is another big asymmetry: the violation of freedom rights evokes a globally concerted scream and condemnation by a huge number of groups, human rights activists, NGOs, media, which ask for immediate intervention, while the scandal of grave violations of social rights takes place in a soundproof vacuum (Ai Wei Wei the dissident Chinese artist whose imprisonment filled the feuilletons during weeks is a recent example).8 This is one of the reasons why social work has to put its emphasis heavily on social rights and social justice.

Furthermore, referring to social justice as the implementation of human/social rights, this means a big challenge to the principle of balanced individual rights and duties – and thus to the proportionality principle: human rights set minimal ethical standards which aren't negotiable; their implementation can't depend upon the fulfilling of duties. This transcendence of the *golden rule of reciprocity* is an answer to the disasters of the last century, especially Nazi Germany and the Holocaust, but also the much less discussed Holomodor, as the hunger catastrophe initiated and ordered by Stalin in 1932/33 with about 14 million deaths. It showed what huge atrocities human beings are capable of committing against other human beings, defining them as enemies and thus dehumanized objects and making them powerless in an absolute sense till their systematic extinction.

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8   This doesn't say to renouce to the protests, but it says to work heavily on this very unjust imbalance.

In the face of these horrors the *golden rule* was extinguished for the perpetrators, who had any right to maximize their power over absolutely powerless victims. This insight must – implicitly or explicitly – have given birth to the, for many, disturbing idea underlying the Human Rights Documents of 1945 and 1948, namely that all human beings are bearers of and entitled to *inalienable rights regardless of any characteristics and without any precondition – just because they are human beings*. Thus, they don't have to fulfill norms and duties first to get the protection of their rights. This central idea is a big challenge for despotic dictators, patriarchs, but also regimes which accept officially the universality of human rights (see the African Banjul-Charter of 1981, the Asian Bangkok-Declaration of 1993, or the Cairo and later the Arabic Declaration of 1994 rooted in the belief of God and its laws), but refuse any intervention into national affairs which threaten the unity, cultural and religious values of the family, nation or religious community. Instead of a quick and arrogant western condemnation of this on the basis of the universality of human rights one should understand these defenses – although possibly problematic – first as a result of the still conscious colonization experiences by the Northern countries. Problems arise when the claim is a submission to possibly dehumanizing cultural traditions or discriminating constitutions, state laws etc., which are considered prior to the observance of human rights. Yet, this is also the case for northern countries: the death penalty in the US is a prominent example. The sexual abuse of children and its *handling* according to medieval, internal criteria to protect the church as *societas perfecta* (perfect community) against an investigation and condemnation by a civil court is another example. And furthermore, the northern countries should be aware that they also violate human rights if they accept poverty and unemployment.

In sum, social justice and social rights remind us that democracy with its liberal and participation rights is necessary, but not enough for the organization of a free and fair national and world society. Yet, their realization is part of many struggles, advances and backlashes of social and revolutionary movements, but also the goals of many states, their judicial courts as well as local, national and international NGOs up to the world

organizations as the United Nations and its sub-organizations. Social work with its mandate for social justice and human rights is a small player in all this, but the projects described in the last chapter show – within a multilevel conception of social work – that they can make a contribution to more social justice.

4. Social justice and the action space of social work

All described projects were initiated and coached within the educational and practice context of social work. All started with social research as a basis for qualified professional argumentation and thus showed *empirically* and not just with the *moral finger* the violation of human, especially social rights. And all examples show that it is unfair to ask individual social workers to be some kind of lonely moral heroes who have to sacrifice themselves for the implementation of human, especially social rights. And in these neoliberal times it is even more unfair to criticize them for a missing engagement in professional politics with the possibility of losing their job. The educational staff that adopted neoliberal criteria of curriculum planning conforming to mere employability criteria also has its share of the situation. The key to success in all the following examples – which surely does imply backlashes and new beginnings – is cooperation between faculty, social practitioners, students, members of NGOs, lawyers, activists of civil society and so on.

The first three accounts (see 4.1) are part of a project of the second year of study in the Master *Social Work as Human Rights Profession* and started in Berlin. The other ones have been realized in Switzerland, India and Australia.

4.1 Social justice on the individual level and the initiation of a multilevel approach

The first project deals with poverty in Germany and shows the skillful involvement of different social levels, from the individual up until the UN-level of world society – following the tradition of the Women of Hull House,

especially the writings and practice of Jane Addams (Addams et al., 1916; Knight, 2005; Staub-Bernasconi, 2010, p. 49–100).

Many social workers working with the poor and unemployed under the current Code of *Demanding and Sustaining* (Fordern und Fördern) have great difficulties to accept the idea that a human being has the inalienable social right of having met his or her needs without having to fulfill duties. This doesn't hold for the fulfillment of moral obligations according to one's capabilities, which is a case for professional competence. Some relevant articles of the UN-Charter are:

- Art. 22: "Everyone, as a member of society, has the right to social security and is entitled to realization, ... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality."
- Art. 23: "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment …"
- Art. 25: "Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing, and medical care and necessary social services ..."

The social legislation in Germany, has – without the slightest theoretical base about biological, psychic, social and cultural needs – *decided* that 359 euros are enough for a decent living and social integration, and that one can even cut the welfare money for heating and warm water, because everyone, the whole population, and thus also the poor, have to contribute to the remedy of the fiscal scarcity of the state (remember the first principle of Henry Shue which prohibits the transfer of resources of the poor to segments of the population which are better off). As a comparison, Vienna in Austria pays more than double the gross amount. This is the social policy of a rich society where CEOs as individuals get millions and more per year for their *adequate standard of living* and where the income disparities are – as in almost all northern countries – growing at a fast pace (for details see Wilkinson & Pickett, 2010). In Switzerland one can show that alone the boni (surplus

gratifications) of the big CEOs would be enough to finance the whole Swiss welfare system. But not only individuals, also corporations have exorbitant capital: one of the very rare pieces of information in the TV news during the big negotiation crisis about the US state budget in June 2011 was that the financial means, for example of Apple, are bigger than that of the state budget; but instead of investing in the USA and creating new jobs, Apple invests abroad, where they can exploit the cheapest labor.

Here follows the short summary of three small research projects about aspects of being poor, living on welfare. They explored three dimensions of this situation on the individual level, namely a) the concrete, every-day living situation, b) the service quality of the employees of job-centers as new neoliberal welfare agencies, and c) the social consequences of a cut of welfare down to zero.

- In the first project, extensive narrative interviews were conducted and analyzed according to the question: What does it mean to live with 359 euros in Berlin? Just some results: Each day one has to decide if one can satisfy biological *or* psychic *or* social *or* cultural needs to the detriment of all others. After the 20th day of each month there is for almost all interviewed individuals no money to buy food. If an individual has to pay 10 euros in advance for the use of a medical service s/he renounces it, even if it is badly needed medication for a serious illness. The public stigmatization of the poor, especially by political parties of the right, as *social parasites* is so prevalent that they are completely isolated, which makes a caricature of the political intention, and with 359 euros they also have to guarantee social participation and integration. In other words, we have a situation where one can't satisfy even so-called *basic needs* such as food and health let alone the right to wellbeing and social participation. Being isolated, accompanied by depressive reactions and despair, they have no energy or chance to develop capabilities for which they could be perceived and honored by significant others or even society. According to social rights aspects we have a violation of Art. 22 and 25 of the UN Charter. The Supreme Court of Germany condemned the government,

which had to adapt the amount according to the real living costs, including a higher amount for children. After statistical computations, taking the average of 20% of the lowest income classes (mostly working poor, students, old people living from state rents and welfare clients), they found out that exactly 5 euros were lacking! (Gurzeler, Ortelli & Rohleder, 2009)

- The second project used the method of participant observation for the inquiry about interactional, more precisely procedural justice. What was observed was the interaction between employees of job-centers and welfare recipients: In almost all the cases the treatment contravened all principles of interactional fairness, violating even a minimal respect of human dignity. Parallel to this, it was often accompanied by refusing to provide the money to which the clients were entitled by social legislation. In one case an employee denied that the client had an invitation, although she had the written invitation in her hands. He disappeared saying that now he is *on vacation*. Furthermore, it didn't make any difference if a client was accompanied by a person, in this case a social worker, or came alone. In almost all cases the social worker had to decide between her professional ethics and the ethics of scientific research of objective observation. So she became an *observing participant* because the treatment was so utterly unfair that she decided to intervene to avoid hunger, being thrown out of the room or apartment and thus not being able to get a job – in short, the production of absolute powerlessness. Thus, we have here a combination of procedural arbitrariness in relation to the application of laws, combined with the consequence of not being able to satisfy individual needs and the disrespect for human dignity.

- The third project started with the question: What happens when youngsters under 25 years of age get their welfare cut to zero because they didn't cooperate according to the contract (e.g. because they didn't appear or bring the necessary documents in time). The hope of politicians – without any theoretical foundation – is that this sanction will urge the youngsters to get quickly into the labor market. And when social workers

were questioned about this problem, they had no idea what really happens. Just one said that she has been contacted by mothers, who were aggressive or in despair, saying that they don't know how to feed their children after the welfare cut for one of the youngsters. The direct effect of such cuts is a collective punishment of the family, which is a violation of the principles of a democratic constitutional state. The study shows that none of the interviewed youngsters got a job. They either get depressed, sat at home and watched TV, or started a downward career without any possibility to get out of it – for example joining criminal gangs, getting into prostitution. The justification of the social workers for the cut in welfare was the contract about the rights and duties of the young clients without questioning the legal and ethical content of the contract and the consequences of the sanctions in terms of their professional mandate of social justice and human rights. Thus, they became a blind instrument of the current political power structure and their professional triple-mandate shrinks to a one-sided mono-mandate, which hurts the ethical principles at the base of their professional Code of Ethics. (Grießmeier, 2009)

To summarize, under criteria of social justice and social rights, we have here not only the violation of the social rights of human beings to satisfy their biological, psychic, social and cultural needs – not the wishes – unconditionally, but also the right to be treated fairly and with dignity. Many studies about physical and psychic illness show a social causality with social stratification, deprivation and – as a consequence – the impaired capacity to cope with life situations and social exigencies. Social deprivation are when human needs are not satisfied over a long time (Grawe, 2004; Richter & Hurrelmann, 2011; Lahelma, 2006; Wilkinson & Picket, 2010). Instead of helping them to develop these capacities and the corresponding satisfaction of the development of new motivations and goals, they are left to *the dynamics of the street* or of *psychic depression*, relying on a contract which violates social rights in many respects. Once more, but from another perspective, people can't renounce material goods for the satisfaction of

human needs because of their close causal connection with human, i.e. emotional, cognitive, normative, behavioral and role capabilities.

The next question following a multilevel approach in social work is: Besides direct help for individuals, what has to happen on social meso- and macro levels where the individual problems are or have to be connected? How does social work transform privatized troubles into public issues? On the basis of the studies, two action lines were chosen: one followed the issues of poverty, ironically caused by the state, and the one of arbitrary treatment by the welfare system. The other had the goal to abolish the zero-cut.

-   The students of the first study contacted a *Citizen's Platform* in a *district of Berlin*, which works in the community organizing tradition of Saul Alinsky (1972, see also Schraml, 2010 & 2011; Pentha, 2007) with the goal to integrate also welfare recipients in this social movement. They realized that this is hard motivational work with clients who have lost any hope of changing their situation. For the interviewed persons it was already a big event to know that what they had communicated was worthbeing part of a report which would be sent to the UN. Accordingly, the next step in relation to the problems of welfare and arbitrary procedures was to use the fact that the 5th *National Government-Report* about the situation of social, economic and cultural rights in Germany was due for the UN Periodic Review of 2011. According to this report, Germany saw no problem with its 6.3 million welfare recipients and the amount of welfare. 20 NGOs contributed to the *Parallel report of the Alliance for Economic, Social and Cultural Rights in Germany to the 5th State Report of the Republic of Germany about the Implementation of the International Covenant on Economic, Social and Cultural Rights* (E/C.12/DEU/5). The alliance was coordinated by an alumni and a representative of FIAN (FoodFirst Information- and Action-Network) and supported by the master students who had done the different studies. In May 2011 there was the hearing at the UN in Geneva reserved for the short presentation of the main claims of the NGOs, followed by the *constructive dialogue* between the members of the Committee on Economic and Social Rights and the State party with

a high level delegation, which included representatives from relevant Ministries. The questions of the committee members were very precise and were reworded in a friendly manner when the answers didn't satisfy. The answers of the delegates were mostly very vague and sometimes not to the point. The *Concluding Oberservations* of the Committee begin with the appreciation of a couple of *Positive Aspects* which fill half a page; the rest of the 10 pages contain the *concerns*, the *deep concerns* about 30 topics and which it formulates that it *recommends*, *calls on*, or *urges the State party* to *take the necessary measures to address* the mentioned problems till to the next Periodic Review in 2016. Finally the

Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible, and to inform the Committee on the steps taken to implement them in its next periodic report, due on June 2016.

The media titled *Germany at the pillory/whipping-post* which was accompanied by defensive reactions of government representatives. Yet, the resonance in the media is mostly a *hype* of a couple of days. What is now needed are long-term follow-up monitoring actions. The first one will be an invitation of the managers of the job-/welfare centers of Berlin to a discussion of the critical points and recommendations in the UN Report from their perspective of the situation and the possible steps for a solution (see Prasad, 2011 for the coping with the UN-organization, committees and UN-documents). A second action should seek a discussion with the social minister and/or the subordinated functionaries of the national government. And actions on the level of social work will be to engage social practitioners to register human rights violations in their daily practice as documentation for the next Review.

- Regarding the *zero-cut-project* in another big city, its *government* decided – after having discussed the study's results and political claims from social workers active in the Union – to find ways to cancel the implementation of the 100% sanctions for young people. A master thesis which discussed

all (very few) further studies about the problem, but also the problem of legality and legitimacy of (social) legislation supported the claim additionally (Grießmeier, 2011). Thus, the city's government decided to bring the issue to the *national conference of representatives of all big cities in Germany (Städtetag).*

4.2   Social justice as the equitable allotment of benefits/rights and responsibilities/duties on the national level

The project goal of three other students was to get Switzerland to sign and ratify the European Social Charter. Switzerland belongs – together with Liechtenstein, San Marino and Monaco – to the four states out of 34 ones which didn't ratify the European Social Charter of 1961 and the revised one of 1996. They all are rich countries which seem to follow the guideline: as many rights as possible, and as few obligations as possible. The concept of *redistributional justice* is either a *foreign* or a *four-letter-word* for many politicians.

When students – together with an alumnus – planned a national campaign and parliamentary lobbying activities to influence the parliament to put the ratification of the European Social Charter on the agenda, very well informed people about the political power structure commented with: "No chance at all, just forget it!" Yet, the students reacted as follows: "Well, let's find out if this is true!" They started to win organizational and prominent, publicly known individual supporters from the political center and the political left and published the result on a website. Their hypothesis was that the project would only then have a chance if they could mobilize the political center. They looked for sponsors for an expertise of lawyers about international law who had to compare the compatibility of the exigencies of the European Social Charter with the paragraphs of the constitutional and national law. The result was that the identified differences shouldn't be a very serious obstacle for ratification.

Then, they conducted interviews with all members of the sociopolitical commission of the parliament about their image of the state, their personal goals about social politics, and the idea of ratification of the Social Charter etc. Furthermore, they organized training for committed social workers that

wanted to learn "about the skills of professional lobbying". And, to the big surprise of many: the topic was put on the agenda of the parliament *(Ständerat).* There were enough votes so that the national executive *(Bundesrat)* got the task to work out a resolution text for the parliament. Of course, let's be realistic, the issue still isn't settled today. But what they have reached by now is much more than the negative prognosis of those who presented themselves as well informed counselors. (Compare Beuchat, Gremminger & Valero, 2009)

4.3   Transnational social justice and social work

The basic idea for this project – an Indian Education Centre for Social Workers called CESCI (Centre for Experiencing SocioCultural Interaction) – is an example of Shue's concept of worldwide redistribution, in this case on a small scale between members of two nations: Swiss and Dalits in India. In this center westerners can go on expensive vacations during the months with a feasible climate. And they can also learn much about the Indian continent, Gandhi's philosophy and historical achievements, but also about many of Dalits's current projects in India. The rates are so high that they are the financial bases for the Centre's activities during monsoon time. In these months, it is used by social activists, who call themselves barefoot social workers. They can recover here from stress, illness and other problems and parallel to this, they have the possibility to reflect on what they have reached as human rights activists, what should be improved, what the next goals and steps are and what kind of training in social capabilities, especially empowerment, they need for further actions. For the transfer of money and personnel to this project, no cent is wasted on a bureaucratic back office with salaries at a rich country's standard.

The project started in Switzerland at the Zurich School of Social Work with an ad-hoc seminar for interested students, but expanded over the years to a supporting institution with more than 100 members and parallel institutions in other European countries. For next year a big march of at least 100,000 people to New Delhi is planned in order to support the claims of the landless for a piece of land which could support not only one person, but a whole

family, but also to protest against land expropriation, displacement and forced migration due to the alliance between government and big business. Here not only money, but also stolen land has to be redistributed, either from feudal landowners or from neofeudal transnational companies. The latter buy land for their own resource supply (e.g. Nestlé, Coca Cola for water) or for the establishment of fancy tourist resorts etc. They do this without any consideration for the rights of the millions of indigenous people nor for the social, economic, cultural and psychic consequences this has for the indigenous population. This march, called Yanadesh – claims *Land for Life and Livelihood* – will be accompanied by people, including journalists from Europe, but also by parallel marches in Europe, for example to the UN and possibly the ILO in Geneva. A first Yanadesh of 24,000 people in 2007 laid the base for negotiations of its leader, Rajagopla P.V., with the government and a governmental commission. But because these were only partly successful and are now blocked by powerful interests of *western companies*, it needs a new effort, this time the mobilization of more people and publicity as the only power sources poor people have.

Also this example shows that *goods* and *capabilities* are intertwined: what's the use of being trained and skilled in farming without land, and in addition, if one is never sure to be chased from one's land? And it also shows that you can't ask the dispossessed first to conform to the national laws – India defines itself as democracy having human rights in its constitution – in order to be entitled to minimal social rights to survive. Finally, it makes explicit the double morality of *big transnational firms* whose headquarters and highly salaried personnel enjoy the protection of their human rights by the states where they are domiciled, but are scrupulously violating any human right according to their interests *abroad*.

4.4   Social justice and transnational migration – an Australian example

The last example shows how concerted action on different social levels and the *social construction of an intermediate level: public panels and a tribunal condemning the government* can be an important leverage for change. The goal

was: Changing immigration policy in Australia through concerted action of social work faculties, practitioners, fieldwork students, lawyers and members of civil society leading to a tribunal against the Australian government.

Linda Briskman from Curtin University in Perth/Australia made the following contribution at an international congress of IASSW in Durban/South Africa (2010): Australia had a very restricted, extreme inhuman policy with asylum seekers. The refugees they couldn't send back immediately were imprisoned in *immigration offshore detention centers*, separating families, denying decent living conditions, medical and juridical services, using degradation strategies etc. In sum, almost every human right was violated. Yet, the Howard government could say that they don't violate human rights, just as the U.S. tried to reassure the world that they don't use torture, while they had outsourced the problem to Guantanamo. As the government refused to provide information about what's going on in these centers, 20 Australian faculties of social work gave themselves a self-appointed mandate for a national survey and corresponding hearings. As the plan became known, there was immense support and engagement by social practitioners, researchers, fieldwork students, lawyers who engaged in interviewing, planning, organization, media communication and 10 public panels all over the country. The report became the basis for a tribunal against John Howard, chaired by Linda Briskman in the name of the Fabian Society. The content of the accusation was "crimes against humanity and lying about the real conditions of the detainees". According to Briskman the tribunal contributed significantly to the fall of the Howard government in 2007. And with Rudd as the new Prime Minister of a Labor dominated parliament, not only a new, more human policy was introduced for asylum seekers, but also the Aborigines had finally what they had been longing for for decades: an official apology for the sufferance and exploitation caused by the English colonialists. Yet, success can be followed by backlashes; we don't know what kind of asylum and aborigines policy the newly-elected Julia Gillard – with just one surplus vote – will follow, having putsched away prime minister Rudd, giving him the position as minister of foreign affairs.

In such projects, one can't exclude new backlashes, big disappointments and consecutively the reduction of motivation and social engagement of many participants in social movements. Yet, the professional and ethical mandate of social work should be a guarantee, that one get's up once more than falling down!

I added this example because it shows in an exemplary way the gains of supportive networks between universities, their social work faculties and educational staff, students and practitioners and any other supporters of the issue at hand.

5. Conclusion

We now have over 30 years of in many ways successful neoliberal colonization of social work and dozens, if not hundreds of critical analysis of it. I joined this choir, too. But I think that now the time has come to think of social work beyond neoliberalism. Social work should be able to show that it has, together with others, a significant contribution to make on different social levels for the realization of its professional scientific and ethical premises. International social work can't only mean student and faculty exchange, coming home and being enriched, often without asking, if the exchange partners abroad are enriched, too. The ten years of development and implementation of a master of social work in Berlin, which sets science-, and human rights-based social practice and corresponding projects as the core of its curriculum has shown to me what can still be done and reached in very unfavorable neoliberal conditions. But, as already mentioned, social work practitioners can't be left alone in their struggle and vision for a more just world. What is needed are independent actors and organizations which can conceive – together with practitioners –a self-appointed mandate.

This leads to the claim of Linda Briskman who told us at the international IASSW-conference in Durban to be "academic activists" which – in many respects – still benefit from the academic freedom we have. Nevertheless

it takes some courage to speak out in the name of a profession. Ministers of religion have been told to stick to the pulpit and not lurch into politics; health professionals have been told that their role is to dispense direct care and not to be advocates; and activist lawyers have been smeared by their own profession. A practice ethnographer can respond to the question of 'what is the business of social work in this' with 'I know and therefore I must act'… The biggest risk to free speech is not reprisals or repression but self-censorship. Even, if we don't succeed, the biggest failure would be not to try!" (2008, p. 8–9)

So, let's end the endless debate, if social work has to be political or professional, if it has to solve individual problems or work for social change. With its triple mandate, referring to science-based action guidelines as well as to social justice and human rights as its ethical guidelines, there can't be an either-or, but only a skillful combination of both.

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