

# Human Rights: An Examination of Universalism and Cultural Relativism

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The social work profession is only beginning to incorporate human rights into its policies and practices. To understand what is meant by human rights, social workers will need to understand underlying concepts. The two of the most important concepts in terms of understanding the application of human rights to policies and practices will be universalism and cultural relativism. Knowing how to analyze and critique these two concepts will be crucial to developing an acceptable standard of knowledge about human rights.

We have good reason to be doubtful about the preventive impact of human rights codes. Yet, if human rights has not stopped the villains, it certainly has empowered bystanders and victims.

Michael Ignatieff (2001a, p. 8)

Basic concepts underlying human rights present little that is new to the social work profession. The profession has a history of advocating for education, equality, health care, housing, and fairness, all of which fit neatly under the umbrella of human rights (NASW, 2003; van Wormer, 2004; Wronka, 1998, Staub Bernasconi, 1998, Ife, 2001).

However, what does present the social work profession with a novel challenge in respect to human rights concerns a truly analytical approach to the topic. Social work literature rarely addresses the actual topic of human rights and, when it does, usually only with cursory treatment (Reichert, 2003).

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Detailed analysis of human rights documents and principles remains in an infant stage. Yet, for social workers to truly understand the significance of human rights to the profession, much more emphasis on human rights education needs to occur. With the Council of Social Work Education mandating the teaching of human rights as part of social work curricula, the option of addressing human rights issues no longer exists (CSWE, 2003).

Many human rights documents currently exist on issues relevant to social work, including economic, social and cultural rights, women's and children's rights, and rights of persons with disabilities (United Nations, 1966, 1975, 1978, 1989; CEDAW, 1979; Beijing Declaration and Platform for Action, 1995). Just as important as specific human rights, though, are two principles that continually make the application of human rights a balancing act: universalism and cultural relativism.

A founding principle of human rights embraces the notion that human rights belong to everyone wherever he or she resides - human rights are universal. In contrast to this universalism is the basic theme that individual cultures define their own values and ethics. A universal application of human rights without deference to cultural traits diminishes the cultural identity - a human rights violation in itself: "everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights" (United Nations, 1966 - preamble). Academic discussions of universalism vs cultural relativism often focus on a Western tendency toward universalism and a non-Western tendency to highlight cultural identity (Harris-Short, 2003; Gangjian & Gang, 1995; Morsink, 1999; Ife, 2001; Ishay, 2004). However, cultural relativism also occurs in Western countries like the USA. The reality is that no country or culture readily accepts the imposition of a "universal" human right when that right clashes with indigenous viewpoints.

This article examines concepts of universality and cultural relativism within the context of human rights.

### Overview of Human Rights

Within the USA, the social work profession has yet to infuse specific references to human rights documents and principles into practices and policies. In its latest policy statements covering numerous social work issues, the NASW refers to human rights only twice - under the international section and briefly under women's issues (NASW, 2003). NASW emphasizes the strong historical link human rights has with social work but acknowledges that the "profession does not fully use human rights as a criterion with which to evaluate social work policies, practice, research, and program priorities" (p. 211).

The NASW Code of Ethics does not even mention human rights and, only recently has the CSWE referred to human rights within its educational standards for accreditation of schools of social work (NASW, 1999; CSWE, 2003). While this standard only mentions human rights in passing, it does appear to

require integration of human rights into social work education. Without clear and mandatory references to human rights within ethical statements or educational curricula, a logical consequence has been the lack of impetus within the profession to incorporate human rights into policies and practices.

When it comes to analysis of core issues relevant to the profession, social work literature continually prefers the term “social justice” over human rights (Swenson, 1998; Reichert, 2001, 2003a). While human rights clearly do not supersede concepts of social justice, a primary advantage of reference to human rights principles involves a clearer and more encompassing set of guidelines than those associated with social justice. NASW recognizes the limitations of social justice compared to human rights principles:

Social work can be proud of its heritage. It is the only profession imbued with social justice as its fundamental value and concern. But social justice is a fairness doctrine that provides civil and political leeway in deciding what is just and unjust. Human rights, on the other hand, encompass social justice, but transcend civil and political customs, in consideration of the basic life-sustaining needs of all human beings, without distinction.

NASW (2003, p. 211)

Human rights provide the social work profession with a more global and contemporary set of guidelines, while social justice tends to be defined more in vague terms of fairness vs unfairness or equality vs inequality (Reichert, 2003a). This distinction gives human rights an authority that social justice lacks.

A key starting point in understanding human rights is the Universal Declaration of Human Rights. Every member nation of the United Nations, including the USA, has approved this 1948 document, which lists specific human rights (Reichert, 2001). The declaration is not legally binding on any country. Yet, at a minimum, approval of the declaration by a country indicates commitment to satisfying the specified rights.

The Universal Declaration contains three distinct sets or generations of human rights. The first set or generation, known as negative rights, lists political and individual freedoms that are similar to how many US Americans view human rights. These human rights include due process, freedom of speech and religion, freedom of movement and assembly, as well as guarantees against discrimination, slavery and torture fall (United Nations, 1948, Art. 2-15). Another set of rights, referred to as positive rights, attempts to ensure each individual an adequate standard of living. Under this second set of human rights, everyone “has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services”. In addition, “motherhood and childhood are entitled to special care and assistance” and everyone has the right to a free education at the elementary level (United Nations, 1948; Art. 16-27).

A third set of human rights involves collective rights among nations. This set of rights is the least developed among the three types of human rights.

Under the 1948 declaration, everyone is entitled to a social and international order in which the “rights and freedoms” listed in the document can be fully realized (United Nations, 1948, Art. 28-30). Essentially, promotion of collective human rights requires intergovernmental cooperation on world issues, like environmental protection and economic development. One group of countries should not dictate conditions to another group when these conditions would inhibit the growth or prosperity of the other group. Industrialized countries should not take advantage of less economically developed countries by exploiting resources (Reichert, 2003b). The third set of human rights indicates that solidarity among nations and individuals form a core value of the declaration.

Today, no nation wants to be singled out as a violator of human rights, with this aversion often promoting the side-stepping or concealment of human rights issues:

[D]ue to the activism of civil society around the world, the human rights paradigm has become such a powerful legitimizing force in national politics and international relations that no government in any part of the world today would openly reject or defy its dictates. Governments will of course deny that they have committed human rights violations or claim that they are striving to comply with those norms to the best extent permitted by their local circumstances. They will try to get the benefits of international legitimacy without the ‘inconvenience’ of compliance with human rights standards, but that is true of constitutional rights in any domestic setting even in the most developed and stable societies.

An-Nai'im (1995, p. 427)

While countries and individuals obviously try to avoid being labeled as failing to adhere to human rights principles, the significance is that human rights do matter. Within a period of just less than 60 years, most countries recognize that human rights have evolved into a major goal or at least stated goal of the entire world.

### Universalism

The concept of universalism came into prominence after World War II (Morsink, 1999; Ife, 2001; Reichert, 2003a). With the adoption of the Universal Declaration of Human Rights, countries all over the world discussed and negotiated values that would become the basis for human rights. The horrific consequences of World War II left a legacy that great harm could result in allowing individual countries or nations to define and pursue their own values. By establishing racial purity laws that led to the extermination of “lesser” human beings, Germany had showed the world how destructive an individual culture could become without an overriding check. This cultural relativism, meaning that one country/culture can determine its own values, regardless of human dignity and life, can have horrendous results (Morsink, 1999; Wronka, 1998).

A core concept of human rights is that those rights belong to everyone, no matter of what status that person holds in society. This notion of universalism underpins human rights. Every individual has a claim to enjoyment of human rights, wherever the individual resides (Reichert & McCormick, 1998; Reichert, 2003a). For example, human rights include adequate health care and nutrition for everyone. Perhaps a country's resources are insufficient to provide universal health care and food for everyone and not everyone receives adequate care and nutrition. However, because health care and food are integral to human rights, governments have an obligation to provide a framework for ensuring the delivery of these rights even if local cultures consider the procurement of these items a matter for the individual. Interestingly, in the USA, the government does make some efforts to ensure that everyone receives adequate nutrition (via "food stamps" or Link card) and health care (via Medicaid) but does not view these human rights as universal.

Universalism is not without criticism. Critics charge that universalism perpetuates colonialist practices, complaining that one group assumes superiority over the other and bases values, ethics, power on that assumption (Ife, 2001; *Economist*, 2001; Harris-Short, 2003). Similarly, criticism focuses on the "imperialistic" nature of human rights: "Human rights doctrine is now so powerful, but also so unthinkingly imperialist in its claim to universality, that it has exposed itself to serious intellectual attack. These challenges have raised important questions about whether human rights norms deserve the authority they have acquired: whether their claims to universality are justified, or whether they are just another cunning exercise in Western moral imperialism" (Ignatieff, 2001b, p. 102).

While criticism of universalism presents valid issues, human rights do not originate without considerable input by diverse nations. Human rights are internationally agreed values, standards or rules regulating the conduct of states toward their own citizens and toward non-citizens. Human rights are, in the words of the preamble of the Universal Declaration of Human Rights, a common standard of achievement for all peoples and all nations (United Nations, 1948). These rules, which states have imposed upon themselves, serve to restrict the freedom of states to act toward their entire population: citizen as well as non citizen, men as well as women, whites and non whites, believers and non believers, married persons and the unmarried, heterosexuals as well as homosexuals. This situation is different from the past, when states, or rather their princes, were absolute sovereigns who could treat their subjects in any way they wanted. Nowadays, human beings have rights: human rights (Baehr, 2001).

A long process of civilization has imposed norms to restrain human behavior, and these norms of restraint evolved in parallel fashion across different cultures (Turner, 2002; Elias, 2000). Without some common agreements about appropriate conduct across social strata and between different societies, social life would not be possible.

While universalism implies that some moral requirements are the same for everyone, it does not imply that we all have a moral requirement to be the same,

or that we have any moral requirement that discourages cultural diversity (Tilley, 2000). From this perspective, the universal concept of human rights immediately encounters a legitimate obstacle—the local cultural, religious, and legal norms. Why should any country accept rules that have been devised by a world body that includes members that often appear to have little in common with other members? The response goes back to the background leading to the creation of the United Nations and its Universal Declaration of Human Rights. Genocide, poverty, unemployment, colonization, and other afflictions all led to a search for a better way, one that would at least help prevent or ease these afflictions. No single nation could do that. Only by working together and agreeing on a universal set of principles could all nations obtain some success in creating a better world.

In 1993, the World Conference on Human Rights issued the Vienna Declaration, which affirmed that “the universal nature of these rights and freedoms is beyond question” and that “all human rights are universal, indivisible and interdependent and interrelated” (Vienna Declaration, 1993). “The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms” (Vienna Declaration, 1993).

Of course, universal principles impose responsibility upon nations of the world to enforce those principles. It is this responsibility that often becomes a sticking point when local cultural norms contradict established human rights principles. Which prevails - local culture or broad statements of human rights?

### Cultural Relativism

Cultural relativism received its greatest prominence as a means to counter colonialism (Roth Pierpont, 2004). The theme during colonialism in the 1800s was that one culture was superior to others. However, in the 1900s anthropologists questioned this cultural superiority and emphasized that each culture has value in itself. At the time, this viewpoint appeared innovative and progressive.

In cultural relativism, all points of view are equally valid, and any truth is relative. The truth belongs to the individual or her or his culture. All ethical, religious, and political beliefs are truths related to the cultural identity of the individual or society. Cultural relativism is appropriate in some aspects. Language, food, clothing, art, and architecture differ from one culture to another, and it is desirable for the relative differences to remain (Pasamonik, 2004). Also, “cultural relativism maintains that there is an irreducible diversity among cultures because each culture is a unique whole with parts so intertwined that none of them can be understood or evaluated without

reference to the other parts and to the cultural whole, the so-called pattern of culture'' (Lawson, 1998, p. 13).

The phrase ''cultural relativism'' often creates confusion when discussing human rights. What does this cultural relativism really mean? Simply stated, cultural relativism refers to a view that all cultures are equal and universal values become secondary when examining cultural norms. No outside value is superior to that of the local culture. If the local culture allows female genital mutilation, then the human right prohibiting cruel or degrading treatment should not prevent the genital mutilation. If the culture accepts genital mutilation, then no outside principle should overrule the cultural norm.

When an uninsured American does not receive adequate medical treatment for an illness because he or she has insufficient income, the local culture and legal system accepts that result - even though the Universal Declaration of Human Rights states that everyone is entitled to adequate medical care. This is another example of cultural relativism. The result seems appalling. How can someone be denied medical care? Imagine, though, if the United Nations tried to intervene by saying this was a human right violation? The UN would get nowhere.

The problem with an uncritical acceptance of cultural relativism lies within the resulting avoidance of examining the societal structure that creates the cultural norm. Who determines culture? As with many cases of cultural relativism within a human rights context, the power to define cultural, religious, and legal norms controls the outcome. For that reason, social workers should avoid an uncritical acceptance of culture over universal human rights principles.

### Analysis of Cultural Relativism

Cultures are always changing and pluralistic; they are not static (Ife, 2001; El Obaid & Rehman, 2002; Lawson, 1998; Tilley, 2000; Turner, 2002). Divergence exists within every major culture and cultural dynamics are fluid over time. Cultures always have to be analyzed in the historical context, with an awareness that the recording or defining of history was done by those in power (Ife, 2001; Reichert, 2003a; Staub Bernasconi, 1998).

Some argue that states should not ask for cultural exceptions to human right laws (Homing, 2004; Harris-Short, 2003). Instead, cultures should evolve to accommodate human right standards. How can this be accomplished? Certainly, education is an important ingredient in changing cultures. Important questions to ask are: Whose voices are being heard in a culture? Who defines culture, who has the power to define? Who benefits from the definitions of culture, who does not benefit? How can all voices to be heard? How can education be designed so that those without power can be empowered (Freire, 1998).

States or groups often use culture to justify controversial practices. For instance, China acknowledges that the sale of children, female infanticide

and the abandonment of girl-children present ongoing problems. However, rather than address the role that China's family planning policies may play in creating these problems, the government conveniently focuses instead on the part played by "poverty and the persistence of feudal and backward thinking" (Harris-Short, 2003).

Another important point is that people have to understand the meaning of human rights. Consider the situation with Female Genital Mutilation (FGM). Every year about 5 million girls are subjected to this procedure (Harris-Short, 2003). Human rights principles state that FGM procedures violate the rights of the child (United Nations, 1989). Leaders of countries where FGM occurs generally also agree that FGM should be prohibited. In Sudan, the government has outlawed FGM since 1925, yet this practice still routinely occurs. The rationale for continuing FGM is that it is part of the local culture. To outlaw FGM is not enough, since many people still practice it. Only through education based on local teachings will people understand why FGM is not an acceptable practice. The crucial point is that attempts to deter people from FGM should avoid the appearance of being imposed by outsiders.

### Prevalence of Cultural Relativism

The usual criticism of cultural relativism focuses on "Westerners" trying to impose their views on "non-Westerners". However, when Western societies use cultural relativism as a mitigating factor within their own societies, a backlash can occur.

- In Germany, in August 1997, an 18-year-old woman was burnt to death by her father for refusing to marry the man he had chosen. A German court gave [the father] a reduced sentence, saying he was practicing his culture and religion.
- In Iran, women and girls are forcibly veiled under threat of imprisonment and lashes, and cultural relativists say that it is their religion and must be respected.
- In Holland, the Ministry of Foreign Affairs states that Iran's prisons are "satisfactory for third world standards", allowing the forcible return of asylum seekers (Namazie, 1998).

According to one speaker, cultural relativism promotes these crimes. It legitimizes and maintains savagery. It says that people's rights are dependent on their nationality, religion, and culture. It says that the human rights of someone born in Iran, Iraq, or Afghanistan are different from those of someone born in the USA, Canada or Sweden (Namazie, 1998). Cultural relativists go further to say that universal human rights are a Western concept. How come when it comes to using the telephone or a car, the mullah does not say it is Western and incompatible with an Islamist society? Culture for the sake

of culture is not sacred. Racism and fascism also have their own cultures. A culture that cannot defend human beings to live a better life is worthless. Struggling for universal human rights means condemning and disrespecting reactionary beliefs. The struggle against dominant reactionary ideas is a struggle against the ideas of the ruling class (Namazie, 1998).

Certainly the above criticisms aim at non-Western societal values. However, cultural relativism exists in Western societies, too. In the USA, southern states and their representatives strongly opposed equality and integration between whites and blacks. With the adoption of the Universal Declaration of Human Rights by the USA in 1948, a major clash between the idea of equality for all and the notion of inferiority among African-Americans occurred within segments of US society. Many white southerners strongly opposed the universalism of human rights (McDougall, 2004). Promoting cultural relativism in this situation would have defeated the purpose of human rights, since cultural relativism would have legitimized racism. Trying to overcome the cultural relativism of racist thinking within the USA has been extremely difficult, with this fight continuing today. Perhaps more than other examples, past slavery and segregation practices illustrate why limits must be placed on the concept of cultural relativism.

### Balancing Universalism and Cultural Relativism

In a human rights context, guidelines can help identify and resolve conflicts between local cultural, religious, and legal norms and universal principles of human rights. For purposes of illustrating these guidelines, consider the following example:

Social policies in the United States do not guarantee economic and social human rights, including food, shelter, and medical care (US Human Rights Network 2005). While some assistance in these areas may be available through private donors, government, relatives, and other avenues, U.S. cultural and legal standards do not view these circumstances as human rights. Why does this situation exist in the United States, one of the world's richest countries?

The following guidelines can be used to analyze the above example of cultural relativism from a human rights viewpoint.

- *Examine closely the history of the cultural practice.* What is the background or history leading to the cultural norm that conflicts with a particular human right as established within a declaration or other human rights document? What apparent rationale or reasons have created the cultural norm?
- *Examine the powerbrokers who determine the cultural norm.* Has a democratic process of any kind been instrumental in establishing the cultural norm in question? After analyzing the history and background of a cultural

practice, the next step in placing the practice into a human rights context requires analysis of who has actually determined the cultural norm? Have many voices been included in the establishment of the cultural norm or does it appear to have been established by only a few segments of society?

- *Analyze the cultural practice within a contemporary human rights standard.* What are the contemporary human rights standards against which the cultural practice should be compared? Over time, cultural norms that have existed for many years may appear incompatible with contemporary human rights standards. By analyzing a particular policy or practice by reference to historical background, relevant democratic factors, and contemporary human rights standards, social workers can better understand the role of cultural relativism in human rights. This analysis also enables social workers to determine whether cultural relativism should control when the policy or practice conflicts with human rights (Reichert, 2006, forthcoming).

### Analysis of Example

Referring back to the example concerning the position of economic and social human rights within the USA, should cultural relativism prevail by not recognizing food, shelter and adequate medical care as human rights? While few would question everyone's need for food, shelter and medical care, the relevant question becomes: Should everyone be able to claim those items as a human right?

- *Historical consideration.* An examination of US history supports an individualism that negates a concept of economic rights being elevated to the status of a human right. However, that was back in the days of self-sufficiency, when government barely existed in some areas of the country. The individual and his or her community provided the focus for support. The situation is different today, with government existing on all levels of society. Is there really such a person today as the rugged individual? While history may support that concept, the reality is obviously different.
- *Democratic factors.* Who has decided that economic and social human rights are not enforceable in the USA? As a general rule, many individuals probably agree that government should not guarantee economic and social human rights. However, what happens when one of those individuals finds himself or herself without medical care or shelter? Would the opinion of the individual change? How many elderly individuals would want to be without Medicare, the government program insuring most elderly? It is inconceivable that politicians would ever dismantle Medicare, at least not without replacing that system with some other form of guaranteed health care. Why should one segment of society receive guaranteed health care and other segments not? Most likely, the current policy of not guaranteeing basic economic and social

human rights has more to do with government policies based on special interests rather than specific cultural identity (Reichert, 2006, forthcoming).

- *Contemporary human rights.* Many countries have identified economic and social human rights as being just as important as political human rights (United Nations, 1966). Governments all over the world recognize the importance of economic and social rights and take steps to ensure broader delivery of those rights. However, the USA lags behind contemporary thinking in this area: "Twenty percent of American children live in poverty - the highest rate of any industrialized nation in the world. Millions of young Americans receive an inadequate education. Millions of young Americans are unemployed. Millions experience serious hunger. Millions lack health insurance - and as a result, thousands of Americans die prematurely each year (Sunstein, 2004, p. 234).

Only by distorting historical background, subverting democratic participation, and ignoring contemporary human rights principles can cultural relativism prevail when analyzing the above example relating to economic and social rights in the USA.

The above guidelines can be applied to any conflict between universalism and cultural relativism, regardless of country or society. The resulting analysis will often find that cultural relativism rests upon an outdated or oppressive foundation.

### Living with Cultural Relativism

Entrenched cultural, legal, moral and religious norms can overpower what seems to be an obvious human right. Cultural relativism often represents a major challenge to the concept of human rights. Arguing against cultural norms may seem like a fool's errand. And does not everyone have the human right to participate in "cultural life" (United Nations, 1966, Art. 15(1)(a)).

Certainly the human right to take part in a person's culture has the same importance as any other human right. However, the human right of culture does not validate practices that clearly cause physical, severe emotional or other harm to another. For instance, the right of men to participate in a culturally accepted form of domestic violence should not prevail over the human rights promoting dignity and freedom from cruel treatment. The human right to adequate health care should always prevail over a culturally accepted health care system that excludes the uninsured from appropriate treatment.

Cultural relativism plays an important role in analyzing how we interpret human rights. Cultural relativism does serve as a check on an unrestrained view of human rights. Cultural relativism does require a consideration of culture in how human rights are applied to daily life. However, cultural relativism should be viewed critically and not be given an illegitimate priority over established principles of human rights.

## Conclusion

The social work profession is only beginning to incorporate human rights into its policies and practices. However, with mandated teaching of human rights and clear links between the profession and human rights, unquestionably social workers will increasingly encounter references to human rights.

To understand what is meant by human rights, social workers will need to understand underlying concepts. The two most important concepts in terms of understanding the application of human rights to policies and practices will be universalism and cultural relativism. As discussed in this article, cultural relativism may clash with universal principles of human rights. Knowing how to analyze and critique these two concepts is crucial to developing an acceptable standard of knowledge about human rights.

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