Chapter 9

Social and Human Rights

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ABSTRACT

Social rights may be understood as articulations of human need; as the mutual claims that human beings make upon one another as members of a uniquely social species. In recent times, collectively guaranteed social rights have been recognised in economically developed countries as rights of welfare state citizenship. But they have also been recognised as a core component of an international framework of human rights. The idea that human development necessarily entails social as well as economic development has resulted in rights-based approaches to policies and provision, on the one hand, for social protection and security, and on the other, for human services, such as healthcare, education and housing. Rights-based approaches, however, can take different forms and may prioritise: self-determination and individual freedom; the realisation of agreed standards of social provision; or the identification and eradication of poverty as a violation of human rights. Social rights are dynamic social constructs, central to social policy and development.

The concept of social rights has been central to Social Policy as an academic subject of the global North, though the concept of human rights has until recently remained relatively peripheral. But the expanding boundaries of the academic subject and it burgeoning engagement with processes of social development in the global South (Gough et al., 2004; Surender & Walker, 2013) has brought concerns with human rights more to the fore (see Dean, 2015).[i] This chapter will first address differing conceptions of social rights and their place within the human rights framework, before discussing different kinds of rights-based approaches to social development.

CONCEPTS OF SOCIAL RIGHTS

Social rights may, on the one hand, be understood as rights of citizenship that pertain in the established welfare states of the global North: rights specifically created through legislation relating to provision for social security, education and employment, health and social care, and housing. On the other hand, they may be understood as a component of the international human rights framework. The 1948 Universal Declaration of Human Rights (UDHR) committed signatory states not only to observe basic (or 'first generation') civil and political rights, but to promote 'economic, social and cultural rights' (an expression for which the term

'social rights' generally serves as a synonymous contraction): rights that were held to apply throughout the world and which are of critical salience in countries in which social welfare provision is less fully developed.

The term 'social rights' is relatively new. They are portrayed as a new (or 'second') generation of rights that were first explicitly recognised or created in the mid-twentieth century. It may be argued, however, that what we now call *social* rights pre-dated the concept of rights, having their origins in customary rules and practices by which all human societies have in part been governed and through which, as interdependent beings, people have sought to ensure their mutual wellbeing. Social rights are constructed through the struggles by which human beings socially negotiate the naming and claiming of their needs and the legitimacy of the demands that they place upon each other (Dean, 2015; Isin, 2008). In this sense, the distinction between human and social rights is false. Let us nevertheless consider the way in which contemporary concepts have emerged.

Social rights as rights of citizenship

At the citizenship level, according to TH Marshall (1950), social rights were the achievement of advanced industrial capitalism and the creation of social legislation by modern welfare states. The ancient origins of citizenship as the exclusive status of a patrician male elite had given way, following the so-called European Enlightenment, to new modes of governance commensurate with the development of capitalism (Turner, 1986) and eventually to mechanisms by which, in highly complex affluent societies, it was potentially possible for the needs of all citizens to be met through statutory mechanisms for collective distribution (Titmuss, 1970). The social rights to which modern welfare states gave birth had been preceded for centuries by a variety of charitable and administrative practices, the nature of which inevitably influenced and shaped the emergence of social rights. But it was the prior development of civil and political rights that characterised modern liberal democracies and made it possible for social rights to be formally constituted as creatures of policy and law.

Marshall's highly influential concept of social citizenship was expressly premised on a liberal ideal of equality not of income, but status: an equality 'not so much between classes as between individuals within a population which is now treated for this purpose as though it were a single class' (1950, p. 33). Marshall's vision that cohered with that of an era in which

FD Roosevelt had recognised that 'necessitous men are not free men' (1944)[1], so justifying the establishment of a right in more highly developed nations to a national minimum that should always nevertheless, in Beveridge's (1942) words, 'leave room and encouragement for voluntary action by each individual to provide more than that minimum for himself and his family'. It was a vision that cohered with prevailing Keynesian economic orthodoxies, which sought equilibrium through state intervention, so establishing the hyphenated society of 'democratic-welfare-capitalism' in which political, social and civil/legal rights might exist in synergistic harmony (Marshall, 1981).

Social rights, therefore, were creatures of capitalism and its underpinning legal and ideological doctrines. Notions of 'natural' rights had been largely subsumed during the so called European Enlightenment by notions of inviolable *individual* rights to 'life, liberty and estate [i.e. property]' and/or by 'man-made' laws crafted in accordance with the emerging principles of political economy. The citizen of a nation state was constituted as an individual proprietor or owner of alienable goods and, for the masses, their principal or only alienable good was their labour power (e.g. Fine, 1984; Offe, 1984). Social rights and social protection developed in part though evolving doctrines of social liberalism (George & Wilding, 1985) and in part through the demands of organised labour (Bottomore, 1992). They were compromises that revolved around the commodity status of labour power and the essential human services necessary for the reproduction and maintenance of labour power. The effect of social rights was to bestow certain protections with regard to the terms upon which labour was sold; a measure of security for those excluded from the labour market; and the regulation, subsidy or provision of education, healthcare and housing upon which the renewal of labour power depended. The outcome could be regarded as a process of partial de-commodification. The extent to which de-commodification occurred varied between different capitalist states (Esping-Andersen, 1990) as individual welfare states managed tensions between the state and the market through the 'fine-tuning' of social rights (Lockwood, 1996).

The neo-liberal ideological turn that has been affecting the welfare states of the global North, largely since the 1980s, may be regarded as a process of re-commodification or the 're-calibration' of social rights (Fererra et al., 2001) as labour markets have been de-regulated, as benefits and services have been privatised, marketised and/or retrenched. But insofar as the administrative apparatuses of the welfare states of the global North retain legitimacy and a

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[1] References to 'men' and 'man' and the associated use of the masculine pronoun in this section are a direct historical reflection of enduring patriarchal assumptions – even in the twentieth century – with regard to the nature and extent of women's legal and citizenship status.

formalised labour market remains universally 'embedded' (Polanyi, 1944) within the social structures of such states, the concept of social rights espoused by Marshall retains a particular meaning and relevance; a relevance that, as we shall see, may not necessarily or readily extend to the global South.

Social rights as human rights

The international human rights framework emerged in the aftermath of the Second World War. It was a global reaction to the horrific consequences of totalitarianism and amounted to an abstract claim for a person's 'right to have rights' independently of her or his citizenship of a sovereign state (Arendt, 1951). But it was citizenship rights that provided the conceptual model for human rights (Clarke, 1996). Though the UDHR bore the stamp of a liberal-individualist interpretation of the human being as a bearer of rights, its 'emotive force' derived in part from an implicitly collective recognition of human vulnerabilities and the need for systems of mutual protection (Turner, 1993, 1996; Woodiwiss, 2005). It portended, potentially, the translation of social rights to the world beyond the global North.

The inclusion of social rights within the Declaration had been controversial, not least because the states parties' representatives on the Commission tasked by the UN in 1945 with drafting the Declaration had different understandings of social rights: Western European nations and the US espoused a notion of social rights broadly consistent with the model that would later be crystallised in Marshall's account (see above); developing nations, especially the Latin American countries, espoused an approach that linked the cause of social rights development with the demand for economic development; while the Eastern European Soviet bloc espoused a state socialist approach, prioritising state duties to provide for social needs (Davy, 2013). The result was an uneasy compromise, though it included rights to work, education and even leisure, and an overarching right 'to a standard of living adequate for health and wellbeing' (Article 24). After the United Nations adopted the Declaration in 1948, some eighteen years elapsed before international covenants could finally be agreed to bring it legally into force. And, though the Declaration had asserted that civil and political rights on the one hand and social rights on the other were equally inalienable and indivisible, they were inscribed in separate international covenants and unlike the Covenant on Civil and Political Rights, the Covenant on Economic , Social and Cultural Rights (ICESR) admitted a principle of 'progressive realisation' (Article 2), requiring states parties unable immediately to fulfil the rights prescribed to 'take steps towards' achieving their realisation.

Social rights clauses have since been written into a variety of supranational instruments and treaties and, in a variety of forms, into many national constitutions, including the constitutions of countries throughout the global South. In some instances, such rights have been rendered justiciable (Langford, 2008), affording human rights activists and civil society organisations important new avenues for championing social rights (see Dean, 2015: ch. 8), albeit that the effectiveness and validity of bringing legal processes and procedures to bear upon the development and exercise of social rights have been hotly contested (Scheingold, 1974/2004; Gearty & Montalouvou, 2011). There is an important on-going debate about the place for legal remedies in the context of rights-based approaches to social development. The focus of this chapter, however, will be on a wider debate concerning the place of social rights and rights-based approaches in relation to social policy and development. Scholars and practitioners in the field of international development have turned their attention to human rights in general, not only as a relevant factor in the negotiation and administration of international aid arrangements but as a consideration central to the goal and process of development (Uvin, 2004).

Social rights in global context

This begs the question of what is meant by 'development '. The question is addressed by several other chapters in this volume [*cross reference to chapters in Part 1?*], but insofar as the term 'development' is used as a synonym for human progress, it may be measured with reference to economic or social criteria; to the ideals of advanced capitalism on the one hand, or to levels of social wellbeing and human fulfilment on the other. It may, of course, be measured by both, but the extent to which either might depend on the other is deeply contested. As we have seen, contemporary understandings of social rights have been largely and substantively shaped by the emergence of capitalism. But how far have those understandings permeated?

Older notions of 'development' that associated progress with industrialisation divided the globe into three: the capitalist 'First World', the communist 'Second World' and the unaligned and less industrialised 'Third World' (Wolf-Phillips, 1987). The demise of Soviet communism and the consequences that followed have largely collapsed the so called First and Second worlds into one; a diverse world containing a shifting variety of 'welfare regimes' (Esping-Andersen, 1990; Ferragina and Seeleib-Keiser, 2011; Cerami & Vanhuysse, 2009), albeit that it perhaps loosely shares an overarching understanding of social rights as rights of

citizenship. The so called Third World, which we generally now describe as the global South, may be subdivided into several regions or parts. Some parts are essentially capitalist: much of Latin America and East Asia include what may be regarded as emerging if incomplete welfare states, with systems of social rights modelled on those of the global North. Communist China, the most populous nation on Earth, has adopted a rapidly developing form of state capitalism and has begun to introduce fragmented social rights systems based selectively on designs from the global North (Chan et al., 2008). Other parts of the world have been classified as either 'informal' or 'insecurity' regimes (Gough et al., 2004): the former include South Asian countries, where despite a variety of governmental and NGO initiatives (and in the case of India, accelerating economic growth), human wellbeing is often ultimately dependent on provision by family and community; the latter includes, for example, much of sub-Saharan Africa, where governance may be systemically weak or unstable and living standards for many may be chronically precarious. Properly detailed accounts of social policies in many of these countries or regions are provided elsewhere in this volume [*cross references to relevant chapters in Part II?*], but it can be seen that in parts of the global South *elements* of citizenship-based social rights have been emerging, albeit that full realisation of the social rights proclaimed in the UDHR is far from having been achieved.

The question this begs is whether a rights-based approach is universally workable. The charge made against attempts allegedly to 'impose' social rights in the global South relates not only to the obstacles faced by impoverished nations in resourcing provision for social rights, but also to the cultural obstacles and the inappropriateness of the concept of rights, especially in cultures shaped, for example by Confucian, Buddhist, Hindu, Islamic or other 'non-Western' religious and philosophical traditions that may value loyalty and obedience above individual rights (Deacon, 2007; Uvin, 2004; Sen, 1999). It may, of course, be contended that the development of essential human rights principles, like foundational mathematical and scientific principles, have universal validity regardless of the cultural context in which they were first discovered or developed (Donnelly, 2013). And it can be seen that certain social rights elements have been more or less directly translated from the UDHR into the constitutions of China, India and several Islamic states (Jung et al., 2013). Declarations of Human Rights containing interpretations of social rights were adopted in 1990 by the Organisation of the Islamic Conference and in 2012 by the Association of Southeast Asian Nations. It is arguable nevertheless, that liberal-individualist values and principles that have dominated the human rights agenda can conflict with key tenets of non-Western traditions. And yet, as has been pointed out, the social rights component of the

human rights agenda can speak to, or resonate with, solidaristic moralities. In this context we might point to the Confucian idea of *Rén* (the achievement of full 'human-ness'), the ancient pan-African belief system, *Ubuntu* (wherein personal identity is realised through inter-personal dependency); a pillar of Islamic faith, *Zakat* (the religious obligation to share personal wealth); the Gandhian ideal of *Sayodaya* ('progress for all'). These examples illustrate what may be referred to as alternative epistemological traditions or 'axiologies' (cf. de Sousa Santos, 2006), with which a discourse of individual rights may not sit easily, yet which in substance rather than form express a commitment to the fulfilment of the claims of others.

RIGHTS-BASED APPROACHES TO SOCIAL DEVELOPMENT

If we focus specifically on the notion of social as opposed to economic development, it is possible to distinguish three broad approaches, each with a different interpretation of a role for social rights. The first regards social development as a process of self-determination; as the means to freedom. The second regards social development as a technical process, by which systemically to reduce the scale of global poverty. The third regards social development as a humanitarian process, by which to achieve global social justice.

The right to self-determination

In 1986, the UN's Declaration on the Right to Development (DRtD) gave expression to what was hailed as a 'third generation' of human rights. Third generation rights are widely represented as collective, group or solidarity rights: as rights to peace, to a healthy environment and to 'development'. Central to the concept of development was the principle of 'self-determination' (Rosas, 2001). The instigation of the demand for a right to development is often attributed not to a call for the right to live, but 'to live better' (e.g. M'Baye, 1972). The agenda for the DRtD was driven largely from the global South, with some resistance from parts of the global North, most especially the US (Marks, 2004). The Declaration was primarily aspirational and did not give rise to legally binding covenants. Its supporters contended that it transcended the schism between first and second generation rights (Sengupta, 2010) and set them in a broader context. The Declaration expressed the right of 'every human person and all peoples … to participate in, contribute to, and enjoy economic, social, cultural and political development'; which implies 'the full realization of the right of

peoples to self-determination', including 'the exercise of their inalienable right to full sovereignty over all their natural wealth and resources' (Article 1).

The Declaration reiterated rights proclaimed in existing treaties and instruments, while seeking to re-frame them in terms of an overarching right to development. But it entailed elements of ambiguity. The DRtD proclaimed the right of peoples (in the plural), but stressed that the human person (in the singular) is the central subject. It proclaimed the duty of nation states to formulate national policies, but required all states to co-operate in the formulation of international policies. The Declaration added nothing specific to the exposition of social rights already contained in the UDHR and ICESCR, other than to call for international assistance in realising them. It thereby exposed the conflict between the interests of the nations of the global South who championed the right to development, and those of the global North which revolved substantially around the challenges such development might pose to the established international economic order.

In one sense, the right to self-determination expressed in the DRtD may be thought of as the combination of first generation rights to freedom and democracy scaled up to the international level. In the current context of extreme global inequalities, democracy between nations premised on an effective right to national self-determination would require a revolutionary upheaval to the global capitalist world order (Andreassen & Marks, 2010). In another sense, the DRtD portended a re-contextualisation of second generation social rights. The impetus for the elusive idea of a right to development has been sustained in part by Amartya Sen's (1999) liberal-individualist framing of 'development' as freedom. Sen's approach prioritises 'individual freedom as a social commitment' (1999, ch. 12) and encapsulates the 'self-determinist' approach. It is an approach *to*, rather than a theory *of* development and attempts simultaneously to embrace potentially contradictory notions of freedom (freedom of individual opportunity and freedom of systemic process); and yet implicitly or explicitly it supports a role for competitive markets (Prendergast, 2005; Dean, 2009).

Though not a supporter of solidarity rights, Sen's framing of human development resonated with certain underlying purposes of the DRtD, while remaining attractive to international sponsors of developmental aid. He can be credited with shaping certain elements of the work of the United Nations Development Programme (UNDP). For Sen, human rights provide the means to guarantee basic human freedoms. Human development enhances human capabilities so as to give full expression to individual freedoms. Rights therefore are but a means to that end, rather than a collectively established end in themselves.

Technocratic approaches

Initial debate around the DRtD had coincided with a realisation that attempts by the World Bank and the IMF to address poverty in the global South though crude structural adjustment programmes were failing (Deacon et al., 1997). The result in the 1990s was a partial shift of thinking on the part of key UN agencies. While still favouring free markets and restricted public spending, they now espoused a social safety net approach to global poverty alleviation (Deacon, 2007; World Bank, 1991). The emphasis was on 'getting the institutions right' (Yeates, 2008, p. 287); on promoting both private sector reform and good governance; on social risk management; on partial re-regulation and the use of 'smart' conditionalities; on the tailored use of social funds to promote community level initiatives.

The highpoint of this technocratic turn was the publication of the UN's Millennium Development Goals (MDGs) [*cross reference here to relevant chapter (s) ??*]. The initiative had been partly inspired by Sen. The first chapter of the *Human Development Report 2000* (UNDP, 2000) was written personally by Sen and extolled the case for the MDGs as a means for the realisation of human capabilities. But in the rest of the report, in place of Sen's use of the term and the concept of 'human capabilities', the term and the concept of 'human capital' were deftly substituted. The latter are concerned with productive capacities, not personal freedoms. Development, the UNDP assumed, self-evidently required economic growth, which could best be engineered in a pluralistic and apolitical social context in which NGOs and civil society groups could play a role as much as governments. The realisation of social rights, according to UNDP, required regulatory mechanisms and so it began to draw on language bearing the hallmarks of new public managerialist doctrine (Porter & Craig, 2004). It spoke of the need for incentive structures, self-assessment techniques, benchmarking and culture change; and for poorer countries to avail themselves of the 'opportunities' that globalisation offered. The significance of the language of the UNDP and the World Bank (2001) - was that it reflected the context in which the UN's MDGs had been framed: their purpose was to urge upon the members of the UN the meeting of important *goals*, but not the realisation of *rights*. The MDGs prescribed action against poverty, hunger, unmet schooling, gender inequality and environmental degradation, by setting agreed minimal – critics would say minimalist – targets to be met by the year 2015.

In 2001, the UN's Committee on Economic Social and Cultural Rights asked the Office of the High Commissioner for Human Rights to develop draft guidelines on

integrating human rights into poverty reduction strategies. The OHCHR published a conceptual framework document (Hunt et al., 2004) and draft guidelines, which were eventually adopted and published as *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies* (OHCHR, 2006). The guidelines required: specific and prioritised norms and defined standards; accessible mechanisms of accountability (that may or may not entail justiciability); democratic participation; particular attention to the well-being of especially vulnerable social groups; the identification of immediate, intermediate and long-term targets; the use of indicators and benchmarks to monitor progress (Hunt et al., 2004, p. 21). The end result was a set of 'rights standards' (cf. Mishra, 1999), with ordered targets. The approach embraced the principle of progressive realisation (see above) and the methods of public managerialism. The document was to all intents and purposes a sister document to the MDGs. Rights to work, food, housing, health and education were specified, though an express right to social security was omitted. The document articulated the links between development and poverty, drawing in the language of rights, but the implied assumption is that poverty and development are antithetical. The document was a response to the UN agenda and its premise that economic development is the *sine qua non* of poverty alleviation.

By 2015 'significant progress' towards meeting the MDGs was claimed (World Bank/IMF, 2016) and the MDGs were superseded by the Sustainable Development Goals (SDGs), which set renewed goals and targets to be met by 2030. The SDGs are in some respects more closely focused than the MDGs and they have also been extended to encompass issues around social protection, labour standards and the need to combat climate change. And yet the SDGs may yet be regarded as modest in their ambition. One of the key criticisms of the SDGs has been their failure to refer explicitly to the UDHR and the social rights set out therein (e.g. Köhler et al., 2014). The approach is oriented to the setting of technically defined social standards, rather than the realisation of social rights.

Humanitarian approaches

The process that led to the formulation of the MDGs had begun with the UN's Vienna Declaration of 1993, followed by the Copenhagen Social Summit of 1995. The former is often credited with having declared that poverty was a violation of human rights; the latter resulted in a redoubled commitment to social development. At both events the universality and indivisibility of human rights and the principles of DRtD were ritually reaffirmed. What

the Vienna Declaration specifically affirmed was that 'the existence of widespread extreme poverty *inhibits* the full and effective enjoyment of human rights' (Article 14 [emphasis added]) and that 'extreme poverty and social exclusion constitute a violation of human *dignity*' (Article 25 [emphasis added] - an affirmation expressly restated by the UN General Assembly (2012)). Neither affirmation states that poverty is *of itself* a direct violation of rights. The report from the Copenhagen Summit committed itself to creating an environment that 'will enable people to achieve social development', and to 'eradicating poverty in the world' (UN, 1995, p. 11 & 13). The means to such ends included provision for a stable legal framework; an enabling economic environment; and dynamic, open and free markets. The report added that the parties to the Summit would 'reaffirm, promote and strive to ensure the realization of rights set out [in the UDHR, the ICESCR and the DRtD] … particularly in order to assist people living in poverty' (*ibid.*p. 12).

The UN was in no way retreating from the principle that social rights are progressively, not immediately, realisable and, in this sense, cannot be wholly inviolable. The claims made fell short of declaring a right not to be poor. It was accepted, however, that the scale of global poverty amounted to an injustice, giving rise to obligations on the part of the international community to mitigate the obstacles to, and facilitate the promotion of, the right to development (Salomon, 2010). In 2001 the UN's Committee on Economic, Social and Cultural Rights finally concluded that:

> The rights to work, an adequate standard of living, housing, food, health and education, which lie at the heart of the Covenant [the ICESCR], have a direct and immediate bearing upon the eradication of poverty. Moreover, the issue of poverty frequently arises in the course of the Committee's constructive dialogue with States parties. In the light of experience gained over many years, including the examination of numerous States parties' reports, the Committee holds the firm view that poverty constitutes a denial of human rights. (ECOSOC, 2001, para. 1)

The idea that poverty represents a violation of rights is an important and powerful one (Lister, 2004). It brings the symbolic and mobilising potential of rights discourse directly to bear on the process of social development. It can do so, broadly speaking, in two ways: through formal institutional approaches to combat global injustices; or through substantive interventions that give expression to our universal humanity.

The principal standard-bearer for the institutionalist approach is Thomas Pogge, for whom social rights are 'moral claims on the organization of one's society' (2002, p. 64). His concern is with moral, not legal, rights and here he draws on the authority of the UDHR, Article 28: 'Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized'. He contends that a global institutional order that continues to permit a foreseeable and extensive incidence of extreme poverty is in violation of human rights. By that standard, the commitment under the MDGs merely to halve the proportion of people living in extreme poverty by 2015 was simply not enough. The alternative, according to Pogge, depends first, on the entrenchment of democracy. His contention is that the most affluent have shaped the world order to the disadvantage of the poorest and we must hold the powerful to account. It is necessary first, to obtain international agreement that no kind of financial aid should be provided to non-democratic regimes. Second, he proposes the introduction of some form of international fiscal mechanism with which to fund development aid. One such mechanism would be a Currency Transfer Tax (or Tobin Tax), a globally administered tax on speculative currency transfers. Alternatively, a Global Resources Dividend, funded through a levy on those countries that use or sell limited natural resources extracted from their own territories, could be used to redistribute from those in the world who make the greatest demands on the world's resources to those who make the least.

The third of Pogge's proposals is for some form of cosmopolitan citizenship. There are similarities here with other proposals for cosmopolitan or global citizenship emanating from a spectrum of authors (Delanty, 2000; Falk, 1994; Held, 2010). The common core of these proposals is a form of institutional cosmopolitanism premised on generalised and universal equality between all individuals and forms of post-national inclusion at both sub- and supra-national level. However, none of these proposals contain much, if any, explicit detail as to the role of social rights. The assumption appears to be that the realisation of social rights is somehow assured on the basis of generic cosmopolitan principles that include a commitment to social justice and wholesale reforms to the apparatuses of the UN. Some critics would question the conceptual validity of this interpretation of cosmopolitanism (Braidotti, et al., 2013). And James Midgley, while advocating a 'One World Perspective' in social welfare (2017, ch. 12), highlights practical obstacles to the application of social democratic cosmopolitan ideals to the task of realising global social rights.

An approach distinguishable from that of Pogge is that of Tom Campbell (2007). Campbell regards poverty as a violation of rights; not so much because it is unjust, as because

it is an affront to the humanity of its victims. Poverty violates human rights in the same sense as torture or slavery does. Poverty should be eradicated or indeed abolished for humanitarian, not economic reasons; by enforcing the rights of those who experience it. On this basis, Campbell would prefer a Global Humanitarian Levy to Pogge's Global Resource Dividend. A Global Humanitarian Levy would replace existing bilateral and multilateral overseas aid arrangements with an international system under which all national governments would levy a hypothecated tax of on all personal incomes and on all personal wealth in excess of some specified level. Such a mechanism, according to Campbell, would ensure the fulfilment of subsistence rights that are 'grounded primarily in the universal humanitarian obligation to participate in the relief of extreme suffering' (2007, p. 67).

It is possible to conceive of a range of other mechanisms by which to garner resources for poverty eradication or alleviation, but this leaves aside the question of just how such resources should be distributed. Peter Townsend has argued that such funding should provide the basis for establishing an international welfare state (Townsend, 2002, 2009; Townsend & Donkor, 1996). His argument was that provision for a right to social security was already internationally enshrined through the UDHR and the ICESCR and should be realised, by building on the experiences of the richer OECD countries in developing social security systems. Elements of his argument are reflected in the ILO's Social Protection Floor initiative (ILO, 2012; Deacon, 2013). This is an approach that contrasts radically with that of the OHCHR's guidelines for a rights-based approach. A concrete and practicable first step in the construction of an international social security system, according to Townsend, would be the introduction of an international universal child benefit, funded by a Tobin Tax, and rolled out globally, merging with and/or succeeding existing schemes as appropriate (including, for example, the conditional cash transfer schemes currently being developed in parts of the global South) [*cross reference with Chapter 22 ?*].

Agitation for rights-based action against poverty can be detected at other levels. Callinicos (2003), for example, has suggested that through global networks such as the World Social Forum it might be possible to build campaigns drawing upon diverse constituencies for rights-based demands for basic incomes, reduced working hours, and better public services. Some of these demands are also expressed in proposals by Guy Standing for the extension, globally, of a new form of 'occupational citizenship' (Standing, 2009).

Apart from what sceptics might see as their utopian nature, what marks out the various proposals outlined above is an explicit commitment to social rights as an expression

of human solidarity as opposed to a means to self-determination or the prescription of minimum social standards.

CONCLUSION

Social rights, whether framed as rights of citizenship or as human rights, are socially constructed. This does not mean that they are a mere ideological fiction; that they are not real. They result from real social and political processes; from negotiation and struggle (Dean, 2015). They have real consequences, the outcomes of which in terms of social development can be measured (e.g. Fukuda-Parr et al., 2015). But, as we have seen, they remain ambiguous constructs.

We have seen first, that there are significant issues regarding the translation of rights developed in the global North to the global South. In part this relates to the availability of material resources and the relations of power that determine just how such resources are or can be distributed. But it also relates to differences in cultural and epistemological understanding. Secondly, we have seen that there are competing interpretations of the role that social rights can or should play in relation to social development. We have distinguished between normative interpretations based on: (i) principles of self-determination and the idea that poorer countries should be allowed and assisted to develop freely and on their own terms; (ii) technocratic principles and the idea that poorer countries should be motivated and assisted to achieve minimum social standards or targets; (iii) humanitarian principles and the idea that poverty is a violation of human rights that demands an effective response from the international community as a whole.

Social Policy as an academic subject must embrace a critical understanding of these competing approaches. Social development as the development of substantive social policies is a social process by which human needs may be named and claimed; recognised and negotiated; articulated and fulfilled. Such a process need not draw explicitly upon a language of rights, but a concept of social rights provides particular meaning and a way of understanding social development. And in practice, an explicit language of social rights may, where appropriate, provide a powerful discursive resource upon which to draw.

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[i] This chapter draws extensively upon this particular source and previous work by this author.