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### Abstract

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# What Can Psychology Contribute to the Defence and Promotion of Human Rights?

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SUMMARY: This article explores how the Human Rights discourse functions in relation to injustice and social violence and suggests what it is to be human is the result not the origin of psy-complex processes.

KEY WORDS: Human rights, metadebate, unemployment, indigenous people

I share with human rights activists abhorrence at the abuse, injustice, oppression, and social violence being relentlessly directed at countless people and peoples around the world. Over several decades in my work in community psychology, critical psychology, into unemployment and with my activist friend and colleague, Mrs Cathy McCormack, I have tried to uncover and resist what Cathy calls a War without Bullets, a briefcase war, being waged often alongside wars with bullets, against people around the world (McCormack, 2012; 2009).

That said, a debate in which we're agreed that a human rights approach was the 'right' way to go to tackle injustice and social violence and in which all agreed that psychology can and should contribute to the promotion of human rights ... the only question being how ... would be a dull '*motherhood-and-apple-pie*' affair, could be uncomfortably self-congratulatory and might offer few productive opportunities for forward progressive momentum in praxis.

I make this clear at the outset because I want to engage with the discourse of human rights through *critique* and, in particular, from a critical standpoint strongly influenced by the *tradition of postmodern scholarship associated with Michel Foucault*. Here, I do not want to engage in a debate *within* the discourse of human rights. Rather I want to engage in meta-debate *about* the discourse of

human rights. In particular I want to (a) explore how the Human Rights discourse (and the apparatuses of which that discourse is but one element) *actually functions* in relation to abuse, injustice, oppression and social violence; (b) ask to what the human rights discourse commits those who deploy it; and (c) suggest what it is to be human is the result not the foundational origin of psy-complex processes.

The discourse of human rights is now routinely deployed in reactionary ways.

In *The Forrest Review, Creating Parity*, Andrew Forrest, a Western Australian mining magnate currently a non-executive chairman and previously the chief executive officer of Fortescue Metals Group who, according to Forbes, has a personal net worth of 2.1 billion US Dollars, issued a 'call to all Australians' as follows: 'It is time to end the disparity between our first Australians and other Australians' in relation to (un)employment (Forrest Review, 2014).

There is indeed a disparity – according to the ABS (last updated 11 June 2015) Australia's (seasonally adjusted) unemployment rate recently increased to 6.0%<sup>1</sup>. The unemployment rate for Aboriginal and Torres Strait Islanders is not reported by the ABS separately but, according to the most recent census data, is almost three times higher than the non-Indigenous rate at 17.2%<sup>2</sup> – actually a gross understatement.

In his *Forrest Review*, Mr. Forrest is explicit about his view of the causes of Indigenous unemployment: 'The rates of low or no literacy and numeracy in the Indigenous population are primary contributors to the low levels of employment and employability and the high levels of disparity we discuss in this report.' He continues: 'We need to be clear about education as the right of every child. *Parents who send their children to school every day accord this fundamental human right to their children. Children who are not sent to school regularly are denied this right*' (page 87).

What Forrest does here is use a human rights discourse to position Aboriginal and Torres Strait Islander parents, (in practice, mothers) as responsible for mass indigenous unemployment in Australia by denying their children their human right to a school education. This is a misrepresentation of the actual locus of oppression, deprivation and social violence in relation to First peoples in Australia, who are amongst the most deprived, disadvantaged and oppressed colonised Indigenous peoples on earth<sup>3</sup>.

Moving on: writing in the context of the US Department of Defense issuing, on 21<sup>st</sup> March 2002, guidelines for military tribunals, Butler wrote: 'It is crucial to ask under what conditions *some human lives cease to become eligible for basic, if not universal, human rights* ... viewed and judged such that they are deemed *less than human*, or as *having departed from the recognisable human community*.' (Butler, 2004: 57)

Summarising her paper 'Indefinite detention', Butler writes: 'The prisoners indefinitely detained in Guantanamo Bay are not considered 'prisoners' and

receive no protection from international law. Although the US claims that its imprisonment methods are consistent with the Geneva Convention, it does not consider itself bound to those accords, and offers none of the legal rights stipulated by that accord.' Butler continues; '*As a result the humans who are imprisoned in Guantanamo do not count as human*; they are not subjects protected by international law. They are not subjects in any legal or normative sense.' Butler adds: 'the dehumanisation effected by 'indefinite detention' makes use of an ethnic frame for conceiving who will be human and who will not.' (Butler, 2004: xv-xvi)

The manoeuvre is clear: if human beings have human rights, then, in order to warrant what would have been human rights violations, they are repositioned as non-human and therefore not entitled to human rights. The Human Rights discourse is deployed in reverse to dehumanize subjects who then have no rights. This cynical manoeuvre of 'un-humaning' through reverse deployment of the Human Rights discourse produces conditions in which beings positioned as un-humans within a racial and ethnic frame can be: murdered by drones, subjected to extraordinary rendition, thrown into oubliettes, subjected to 'enhanced interrogation techniques', whilst compliance with the Universal Declaration of Human Rights is claimed<sup>4</sup>.

Thirdly, the Universal Declaration of Human Rights positions humans as 'born free and equal in dignity and rights ... endowed with reason and conscience'. Stated this way, it is clear that the discourse of human rights based on Enlightenment assumptions is, as Henriques et al (1998: ix) put it: 'rooted in the notion of the unitary rational subject still predominate (sic) in the social sciences in spite of the critiques which have shown such a concept to be untenable'. 'Human Rights', rather than inalienable, essential, universal, apolitical and progressive, are a manifestation of historically contingent, culturally particular, dominant Enlightenment discourses.

From a critical standpoint: what it is to be human is not a foundational given, ontologically prior to discourse, but a manifestation of discourse: 'the human' is the result of a particular type of individualisation not the foundation for and of it.

Whereas classic neoliberalism is widely regarded as a political rationality based in deregulation and absolute non-intervention, as Foucault recognised, contemporary 'neo liberal governmental intervention is no less dense, frequent, active, and continuous than in any other system. But what is important is to see what the point of application of these governmental interventions is now ... Government must not intervene on effects of the market. Nor must neo-liberalism, or neo-liberal government, correct the destructive effects of the market on society ... Government must not form a counterpoint or a screen, as it were, between society and economic processes. It has to intervene on society as such, in its fabric and depth.' (Foucault, 2008: 145)

This intervention 'on society in its fabric and depth' is achieved by an, 'apparatus' of interconnected socially constituted elements – including discourses of human rights – which (re)constitute the compliant neoliberal human subject required by contemporary neoliberalism.

In this brief piece, I have suggested that the Human Rights discourse (and the apparatuses of which that discourse is but one element) can function to promote injustice, oppression and social violence and suggested that what it is to be human is the result not the foundational origin of psy-complex processes. Foucault claimed: 'the political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state and from the state's institutions but to liberate us both from the state and from the type of individualisation which is linked to the state' (785). I have suggested that to start with the notion of human rights is to start with 'the type of individuation which is linked to the state'. As Foucault (1982) asserted: 'the target nowadays is not to discover what we are but to refuse what we are' (785) and, for us, to develop approaches to subjectivity and power i.e. psychologies (?) that can facilitate that.

### Endnotes

1. <http://www.abs.gov.au/ausstats/abs@.nsf/latestProducts/6202.0Media%20Release1May%202015>
2. (ABS 9 August 2011 Census date)
3. 'In all social indicators, Aboriginal and Torres Strait Islander peoples rate as among the most disadvantaged peoples in Australia. Aboriginal and Torres Strait Islander peoples rate far worse than non-Aboriginal and Torres Strait Islander people in education, employment, health, standard of living and incidence of family violence. They are also grossly over-represented in the child protection and criminal justice systems. The disparity is so great that the life expectancy of Aboriginal and Torres Strait Islander peoples is 12 years less for males and 10 years less for females than the corresponding rates for their non-Aboriginal and Torres Strait Islander counterparts.' <http://www.humanrightsaactionplan.org.au/nhrap/focus-area/aboriginal-and-torres-strait-islander-peoples>
4. The Universal Declaration of Human Rights brought human rights into the realm of international law in 1948. The declaration proclaimed that '... all human beings ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status . . . or on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs ... are entitled to: life; liberty; security of person; equality before the law; asylum from persecution in other countries; AND are entitled to: freedom from: slavery; torture; cruel, inhuman or degrading treatment or punishment; arbitrary interference with privacy, family, home or correspondence; arbitrary arrest, detention or exile; and arbitrary deprivation of nationality.' One only needs superficial acquaintance with what is going on around the world to know that the Universal Declaration of Human Rights is being routinely, some might say cynically, breached by signatory countries.

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