



empowerment series

Foundations of Social Policy

Social Justice in Human Perspective

SIXTH EDITION

Amanda Smith Barusch





Foundations of Social Policy

Social Justice in Human Perspective

Sixth Edition

Amanda Smith Barusch

*University of Otago, New Zealand and
University of Utah, U.S.A*



Australia • Brazil • Mexico • Singapore • United Kingdom • United States

**Empowerment Series: Foundations of Social
Policy: Social Justice in Human Perspective,
Sixth Edition**

Amanda Smith Barusch

Product Director: Marta Lee-Perriard

Product Manager: Julie Martinez

Content Developer: Alexander J Hancock

Product Assistant: Allison Balchunas

Marketing Manager: Zina Craft

Art and Cover Direction, Production
Management, and Composition:
Lumina Datamatics, Inc.

Manufacturing Planner: Karen Hunt

Cover Image: carterdayne/E+/Getty Images

Unless otherwise noted all items

© Cengage Learning®

© 2018, 2015 Cengage Learning

ALL RIGHTS RESERVED. No part of this work covered by the copyright herein may be reproduced or distributed in any form or by any means, except as permitted by U.S. copyright law, without the prior written permission of the copyright owner.

For product information and technology assistance, contact us at
Cengage Learning Customer & Sales Support, 1-800-354-9706.

For permission to use material from this text or product,
submit all requests online at **cengage.com/permissions**.

Further permissions questions can be e-mailed to
permissionrequest@cengage.com.

Library of Congress Control Number: 2016963459

ISBN: 978-1-305-94324-7

Cengage Learning

20 Channel Center Street
Boston, MA 02210
USA

Cengage Learning is a leading provider of customized learning solutions with employees residing in nearly 40 different countries and sales in more than 125 countries around the world. Find your local representative at **www.cengage.com**.

Cengage Learning products are represented in Canada by Nelson Education, Ltd.

To learn more about Cengage Learning Solutions, visit **www.cengage.com**.
Purchase any of our products at your local college store or at our preferred online store **www.cengagebrain.com**.

Dedicated to my beloved, Lawrence Roos Barusch

Preface

Social workers promote social justice. . . .

—PREAMBLE TO THE NASW CODE OF ETHICS (1996)

Social justice is central to the mission of social work and the focus of intense debate throughout the world. Social work professionals contribute to these debates, providing a personal and deeply empathetic understanding of the consequences of injustice for the vulnerable populations we serve.

Like most people, social workers (and social work students) understand justice less in an abstract sense and more in the ways events and conditions affect individual lives. This text takes a human perspective on social justice, focusing on the ways individuals shape policy as well as the ways policy touches our lives. Most chapters begin with human examples that help focus our analysis and critique. Content also includes biographical material on policy leaders and the direct experiences of social advocates. At the same time, the book takes a global look at social policy. Together, the international content and the human perspective prepare students to work effectively in policy arenas that extend beyond the traditional turf of social work and equip them to advocate for vulnerable people in the United States and throughout the world.

About the Book

This book is designed for use in foundation social policy courses and is organized in three parts. Part I introduces U.S. social policy and policy practice, Part II addresses social problems that have been (or are becoming) targets for collective action, and Part III focuses on vulnerable populations. A brief conclusion addresses global social policy concerns. Discussion topics, web-based exercises, suggested readings, and relevant websites are included at the end of each chapter.

Theoretical content is interspersed throughout. Social justice theory is addressed in detail in Chapter 1. The introduction to Part II offers a framework for understanding when and why certain problems become the targets of collective action. The introduction to Part III considers discrimination and oppression from a theoretical perspective and introduces the concepts of **intersectionality** and **implicit bias**. Finally, theories of liberation are discussed in the Conclusion.

Part I includes Chapters 1 through 3. Chapter 1 discusses social justice from theoretical and philosophical perspectives, tying these viewpoints to contemporary U.S. social policy. The role of government in promoting social justice is the focus of Chapter 2, which links philosophical perspectives to contemporary politics and describes the structure and function of the U.S. government and provides an introduction to U.S. tax policy. Chapter 3 begins with a case study in advocacy and then presents policy analysis frameworks and techniques before addressing philosophical and tactical considerations in policy practice.

Part II introduces a framework for determining when a group or a nation will develop collective responses to social problems. Chapters in this part of the book examine problems that have been approached through collective action in the United States: Social Security (Chapter 4), poverty and inequality (Chapter 5), physical illness (Chapter 6), mental illness (Chapter 7), disability (Chapter 8), and criminal justice (Chapter 9). Each chapter opens with a human perspective. These brief case studies are based on interviews with people chosen because their experiences illustrate key issues related to the chapter's topic. Following the case study, we explore the development of policies and services, as well as contemporary policy issues and debates. These chapters provide background material necessary for students to apply the policy analysis frameworks introduced in Chapter 3.

Part III introduces the concepts of discrimination, oppression, implicit bias, and intersectionality. Each chapter explores a population that has experienced oppression in the United States: people of color (Chapter 10); gay, lesbian, bisexual, and transgendered individuals (Chapter 11); children (Chapter 12); women (Chapter 13); the elderly (Chapter 14); and working Americans (Chapter 15). The structure of these chapters mirrors Part II, with the addition of major social/demographic trends affecting each population.

The book closes with a glance toward the future of our profession within a global context. Following an introduction to theories of liberation, the Conclusion revisits the philosophical perspectives presented in Chapter 1 and considers the implications of globalization, rising inequality, and environmental justice for the social welfare state and the social work profession.

What's New in the Sixth Edition

When I began working on the first edition of this book, I never imagined it would extend to a sixth edition. Each revision has brought the tantalizing fantasy of absolute perfection, and each has delivered the slightly less tantalizing reality of steady improvement. Those familiar with previous editions of the book will find some changes. I have, of course, updated demographic figures and policy content, as well as the web-based exercises. In addition, I continue to revise in the hope of making the book more engaging and readable.

This edition reflects major sea changes in U.S. social policy. It has a new chapter on crime and criminal justice, not because the risk of crime is any more widespread than it was when the first edition came out, but because the risk of incarceration bears down so heavily on people of color and vulnerable communities. Another sea change: marriage equality and its ripple effects are celebrated in this edition. The election of Donald Trump is addressed, though its policy implications remain unclear as we go to press. The new edition also reflects changes more accurately characterized as “shifts” in policy and its context. It includes:

- Expanded treatment of inequality (trends, causes, and consequences) (Chapter 5)
- Introduction to “social impact bonding,” a new incarnation of privatization also known as “Pay for Success” (Chapter 4)
- Expanded content on trafficking as a labor issue (Chapter 15)
- Discussion of legalization of marijuana (Chapter 9)
- Consideration of the impact of the Affordable Care Act (Chapter 6)
- Introduction of the concept of “implicit bias” (Introduction to Part II)
- Discussion of the decline in U.S. manufacturing that set the stage for the election of Donald Trump (Chapter 15)

Additional new content is outlined below:

- Chapter 1 introduces new content on social class and upward .
- Chapter 2 introduces social impact bonding and discusses tax preparation for vulnerable taxpayers.
- Chapter 4 includes updates from the 2016 OASDI Trustee Report.
- Chapter 5 examines the global decline in poverty and, consistent with its new title, provides expanded content on inequality.
- Chapter 6 offers new content on the ACA, looking at its impact as well as the controversy over the requirement that insurance cover contraceptive care and the Supreme Court decisions in *Burwell v. Hobby Lobby Stores* and *King v. Burwell*.
- Chapter 7 has a new box on the prevention of home-grown terrorism, as well as an introduction to the 21st Century Cures Act.
- Chapter 8 includes new content on the disproportionate representation of children of color in special education programs.
- Chapter 9 examines the history of criminal and juvenile justice, locating the roots of mass incarceration of Americans in the failed wars on crime and drugs. It considers the ripple effects of this phenomenon and the disproportionate representation of people of color in all components of the U.S. **carceral state**. The chapter also introduces the concept of restorative justice as an alternative paradigm.
- Chapter 11 discusses the *Obergefell v. Hodges* case, which established marriage equality in the United States, and explores policies that affect GLBTQ individuals.
- Chapter 12 includes an expanded discussion of trauma, referencing the Adverse Childhood Experiences (ACE) studies.
- Chapter 14 discusses recent expansions in access to assisted suicide through state legislation and referendums.
- Chapter 15 examines the causes and consequences of the decline in U.S. manufacturing.

About the Educational Policy and Accreditations Standards (EPAS)

Established in 1952, the Council on Social Work Education is charged with ensuring that social work programs throughout the United States meet certain standards.¹ In 2015, these standards were revised to refine the 2008 focus on competency-based education. Following a consultative process, nine core competencies were identified by the Commission on Accreditation. Each social work program must now demonstrate how it delivers and assesses these core competencies, most of which relate to some aspect of policy analysis or policy practice. Table P.1 inside the front cover summarizes the EPAS competencies and indicates where they are addressed in this text.

Instructor Supplements

The **Online Instructor's Manual** contains information to assist the instructor in designing the course, including assignment rubrics, discussion questions, teaching and learning activities, learning objectives, and additional online resources.

The **Online Test Bank** includes true/false, multiple-choice, and essay questions for each chapter. Each question is tied to learning objectives and EPAS standards.

¹Although global standards have been approved by the International Association of Schools of Social Work in cooperation with the International Federation of Social Workers (Sewpaul & Jones, 2004), there is no international accrediting authority for the profession: each nation operates a separate process.

Online PowerPoint Slides are available to assist instructors with their lecture by providing concept coverage using images, figures, and tables directly from the textbook.

An **Online Curriculum Quick Guide** provides instructors with a table to correlate the core text and available test bank questions with updated EPAS standards.

MindTap

MindTap®, a digital teaching and learning solution, helps students be more successful and confident in the course — and in their work with clients. MindTap guides students through the course by combining the complete textbook with interactive multimedia, activities, assessments, and learning tools. Readings and activities engage students in learning core concepts, practicing needed skills, reflecting on their attitudes and opinions, and applying what they learn. Videos of client sessions illustrate skills and concepts in action, while case studies ask students to make decisions and think critically about the types of situations they'll encounter on the job. Helper Studio activities put students in the role of the helper, allowing them to build and practice skills in a non-threatening environment by responding via video to a virtual client. Instructors can rearrange and add content to personalize their MindTap course and easily track students' progress with real-time analytics. Finally, MindTap integrates seamlessly with any learning management system.

An Invitation

Since the first edition of this book was published, I have received phone calls, e-mails, and visits from readers offering suggestions, corrections, and compliments. This input is terrifically valuable each time I update the book. Whether you are an instructor or a student, I would love to hear from you! Let me know what works and (more important, really) what doesn't work in this new edition. Please send your comments to Amanda.Barusch@socwk.utah.edu, with "foundations text" in the subject line, or write me at the College of Social Work, 395 South 1500 East, University of Utah, Salt Lake City, UT 84112. I look forward to hearing from you.

Acknowledgments

Each edition of this book benefited from the talents and energies of my students, colleagues, and friends at the University of Utah and the University of Otago, my home away from home in New Zealand.

The sixth edition of this book reflects the creative efforts of many. Janet Tilden served as copy editor. Her careful attention to detail and commitment to excellence is evident in every page. Cengage Content Developer Alexander Hancock kept me going while he lined up images and managed endless details for Cengage. He shepherded the publication process with great élan. Sharib Asrar, Associate Program Manager at Lumina Datamatics, saw the manuscript through production.

People from various walks of life shared their experiences with me to contribute to the education of professional social workers. The stories they told enrich every chapter. Although I can't name them here, I will always be grateful for the time we spent together.

My family is at the center of everything. My husband Larry tolerated my absence and distraction with infinite patience and served as my resident expert on taxation and homelessness. Our children are a constant source of amazement and inspiration. Nathan questions the habits and assumptions of medical practice even as he delivers psychiatric care to those with mental illness. Meanwhile, in her legal practice, Ariana fights every day to protect the rights of vulnerable families and individuals.

Brief Contents

Preface iv

PART I **Policy Analysis: Frameworks and Tools** 1

- CHAPTER 1** **Social Justice and Social Workers** 3
- CHAPTER 2** **The Government's Role** 25
- CHAPTER 3** **Policy Analysis and Policy Practice** 59

PART II **Collective Responses to Social Problems** 93

- CHAPTER 4** **The Social Security Act** 99
- CHAPTER 5** **Poverty and Inequality** 133
- CHAPTER 6** **Health** 181
- CHAPTER 7** **Mental Health** 227
- CHAPTER 8** **Disability** 261
- CHAPTER 9** **Crime and Criminal Justice** 287

PART III **Vulnerable Populations: Discrimination and Oppression** 319

- CHAPTER 10** **People of Color** 323
- CHAPTER 11** **Gay, Lesbian, Bisexual, and Trans Individuals** 361
- CHAPTER 12** **Children** 389
- CHAPTER 13** **Women** 421
- CHAPTER 14** **Older Adults** 449
- CHAPTER 15** **Working Americans** 483

Conclusion: Cycles of Liberation 527

References 539

Name Index 575

Subject Index 581

Contents

Preface iv

PART I Policy Analysis: Frameworks and Tools 1

CHAPTER 1 Social Justice and Social Workers 3

- LO 1-1** Develop a Well-Informed Definition of Social Justice 3
 - Defining Justice: A Modern Approach 4
 - Defining Justice: A Postmodern Approach 5
- LO 1-2** Understand the Processes by Which Social Justice Is Achieved 6
- LO 1-3** Identify the Components of Social Justice 8
 - Human Rights 9
 - Equality 12
- LO 1-4** Discuss the Philosophical Underpinnings of Capitalism and Its Alternatives 13
 - Libertarian Philosophy 14
 - Liberal Philosophy 15
 - Socialist Philosophy 17
- LO 1-5** Discuss the Relevance of Social Justice for Micro and Macro Practices 18
 - Social Justice Is Personal and Political 18
 - Families Teach Social Justice 19
 - Injustice Undermines Social Bonds and Nation-States 20
- LO 1-6** Describe the Role of the Social Work Profession in Promoting Social Justice 20
 - Bertha Capen Reynolds: A Profile 20

CHAPTER 2 The Government's Role 25

- LO 2-1** Understand the Philosophical Perspectives of Contemporary Political Parties and Political Labels 26
 - Political Parties 26
 - Political Labels 28

- LO 2-2** Describe the Workings and Interactions of Federal, State, and Local Levels of Government 29

- LO 2-3** Describe the Workings of the Legislative, Executive, and Judicial Branches of Government 31
 - The Legislative Branch 31
 - The Executive Branch 38
 - The Judicial Branch 40

- LO 2-4** Understand Privatization and Its Theoretical and Practical Limits 41
 - Limits of Privatization 43

- LO 2-5** Understand the Structure and Philosophical Underpinnings of the U.S. Tax System 46
 - Structural and Philosophical Considerations 46
 - A Brief History of Federal Taxes 51

CHAPTER 3 Policy Analysis and Policy Practice 59

- LO 3-1** Understand What Constitutes Policy Practice 63
- LO 3-2** Conduct an Effective Policy Analysis 63
 - Choosing a Policy Analysis Framework 63
 - Conducting Process, Implementation, or Impact Appraisal 65
 - Process Approaches 65
 - Implementation Appraisal 68
 - Impact Appraisal 70
- LO 3-3** Practice Effective Advocacy 75
 - Preparing, Composing, and Delivering Arguments 75
 - Negotiation and Compromise 79
 - Use of Relationship 80
 - Building and Maintaining Coalitions 80
- LO 3-4** Understand the Meaning and Processes of Empowerment 81

- LO 3-5 Identify Ethical Issues in Policy Practice 82**
 - Is Advocacy an Ethical Obligation? 82
 - Sharpening the Message 83
 - Using Clients 83
 - Keeping Confidences 84
 - Characteristics of Ethical Persuasion 84

- LO 3-6 Understand Legal Considerations That Affect Policy Practice 85**
 - The Hatch Act 85
 - Preserving Tax-Exempt Status 86

PART II Collective Responses to Social Problems 93

CHAPTER 4 The Social Security Act 99

- LO 4-1 Discuss the Historical Foundations of Social Insurance in Western Europe and the United States 101**
 - Social Insurance in Western Europe 101
 - Social Security in the United States 102
- LO 4-2 Become Familiar with the History and Current Structure of Key Social Insurance Programs Authorized Under the Social Security Act 104**
 - Old-age and Survivors Insurance 105
 - How OASI Operates: The Nuts and Bolts 107
 - Unemployment Insurance 109
 - Disability Insurance 110
 - Medical Insurance 112
- LO 4-3 Understand Contemporary Debates and Proposals to Address the Solvency of Old Age and Survivors Insurance 114**
 - The Solvency Issue 114
 - “Reforming” Social Security 115
 - Reform Proposals for Women 119
 - Reform Proposals for Dual-Earner Couples 120
- LO 4-4 Become Familiar with the History and Basic Structure of Means-tested Programs Authorized Under the Social Security Act 122**
 - Temporary Assistance to Needy Families (TANF) 122
 - Supplemental Security Income (SSI) 123
 - Medical Care for the Indigent: Medicaid 125
- LO 4-5 Become Familiar with Health and Social Service Programs Authorized Under the Social Security Act 126**
 - Child Welfare Services (Title IV) 126
 - Maternal and Child Health Services (Title V) 127
 - Social Services Block Grant (Title XX) 127

Children’s Health Insurance Program
(Title XXI) 127

- LO 4-6 Understand the Philosophical Foundations of Social Security in the United States 128**

CHAPTER 5 Poverty and Inequality 133

- LO 5-1 Discuss How Poverty Has Been Defined and Understand the Implications of Various Definitions 136**
 - Critiques of the Poverty Threshold 137
- LO 5-2 Understand the Values and Beliefs That Inform American Policies Toward the Poor 139**
 - Religious Beliefs About Charity 139
 - Poverty as Crime 140
 - Poverty as Motivation 140
 - Human Capital Explanations of Poverty 141
 - Culture of Poverty Explanations 142
 - Restricted Opportunity Theories of Poverty 143
 - The Pauperization Argument 143
- LO 5-3 Become Familiar with the History of Poverty Interventions in the United States 144**
 - English Approaches to Poverty 144
 - American Approaches to Poverty 145
- LO 5-4 Describe Contemporary Issues Affecting Key Programs That Serve America’s Poor 159**
 - Medicaid 160
 - Supplemental Nutrition Assistance Program (Food Stamps) 161
 - Temporary Assistance for Needy Families 162
 - Supplemental Security Income 164
 - Housing Assistance 165
 - Summary of Attitudes and Interventions 166
- LO 5-5 Know Who Is Most Likely to Be Poor in the United States 167**
 - Characteristics of America’s Poor 167
- LO 5-6 Understand the Secondary Risks Associated with Poverty 169**
 - Homelessness 169
 - Violence 172
 - Welfare Fraud 173
- LO 5-7 Become Aware of Rising Inequality, Its Causes, and Its Consequences 174**

CHAPTER 6 Health 181

- LO 6-1 Become Familiar with the History of Public Health in the United States 182**
 - Federal Health Agencies 186

LO 6-2 Understand the Government's Role in Financing Health Care Through Medicaid and Medicare 190
 Medicaid 191
 Medicare 194

LO 6-3 Understand the Role of the Private Market in Financing and Delivering Health Care 198
 Insurance Basics 199

LO 6-4 Understand Health Disparities and Sociodemographic Factors that Influence Health Outcomes in the United States 200
 Poverty and Health Disparities 200
 The Uninsured 201
 Race and Health Disparities 201
 Gender and Health 204
 What Causes These Health Disparities? 204
 HIV/AIDS and Health Disparities 205

LO 6-5 Discuss How Health Expenditures and Outcomes in the United States Compare with Those of Other Nations 208
 Health Expenditures and Health Outcomes 208
 Health Outcomes 208

LO 6-6 Become Aware of Global Health Inequities 210
 Modern Epidemics and Global Governance 211

LO 6-7 Know the History and Current Status of Health-Care Reform in the United States 213
 Assigning Risk 213
 Market-based Solutions Versus Public Provision of Care 214
 Insurance Regulation 215
 Managed Care 216
 Single-Payer Proposals 216
 Health-Care Reform in Massachusetts 217
 Patient Protection and Affordable Care Act of 2010 (ACA) 218

LO 6-8 Describe the Role(s) Social Workers Play in Health Policy 223

CHAPTER 7 Mental Health 227

LO 7-1 Understand the Social Construction of Mental Illness and the Role the DSM Has Played in This Process 230

LO 7-2 Reflect on the Values and Beliefs That Influence Mental Health Policy in the United States 232
 Mental Illness as Eccentricity 232
 Mental Illness as Sin 232

Mental Illness as Disease 232
 Mental Illness as Disability 233

LO 7-3 Become Familiar with the History of Mental Health Interventions in the United States 233
 Care of People with Mental Illness in Colonial America 233
 The Promise of the Asylum 234
 Dorothea Dix, "Apostle to the Insane" 235
 Commitment as Incarceration 237
 Preventing Mental Illness: The Mental Hygiene Movement 237
 Mental Health Treatments During the Depression and World War II 238
 Federal Involvement in Mental Health 239
 The Community Mental Health Movement and Deinstitutionalization 240
 Mentally Ill Offenders in the Criminal Justice System 242

LO 7-4 Describe Factors That Influence Contemporary Approaches to Mental Illness 244
 Prevalence of Mental Illness 244
 Social Class and Mental Illness 246
 Substance Use and Mental Illness 247
 Prevention of Substance Abuse and Mental Illness 248
 Homelessness and Mental Illness 249
 Violence and Mental Illness 249

LO 7-5 Describe the Structure and Financing of Mental Health Services in the United States 250
 Financing Mental Health Care 251
 Access to Treatment 252
 Managed Care and Mental Health Services 253

LO 7-6 Become Familiar with the Role of Social Workers in the U.S. Mental Health System 254
 Licensing 254
 Duty To Warn 254

LO 7-7 Understand Emerging Policy Issues Related to Mental Health 254
 Involuntary Commitment 255
 Mandatory Outpatient Treatment 255
 Insurance Parity 256

CHAPTER 8 Disability 261

LO 8-1 Understand Major Approaches to Defining Disability and Their Policy Implications 262

LO 8-2 Become Familiar with the History of Disability Policies in the United States 265
 Income Supports for Disabled Veterans and Workers 266

Addiction as Disability 267
 Vocational Training 268
 Education and Support for Children
 with Disabilities 269
 The Disability Rights Era 271
 Americans with Disabilities Act of 1990 272

- LO 8-3** Become Aware of Trends in the Prevalence
 of Disabilities in the United States 275
- LO 8-4** Understand How Race/Ethnicity
 and Social Class Affect the Experiences of People
 with Disabilities 276
 Disability and Race/Ethnicity 277
 Disability and Social Class 278
- LO 8-5** Reflect on Emerging Issues
 in Disability Policy 279

CHAPTER 9 Crime and Criminal Justice 287

- LO 9-1** Understand the History of the U.S. Criminal
 Justice System 291
 Colonial Justice 291
 Birth of the Penitentiary 293
 Southern Justice 294
 Federal Justice 295
 A New War 299
- LO 9-2** Be Familiar with the Development of the U.S.
 Juvenile Justice System 300
 Justice for the Dangerous Classes 300
 The Juvenile Justice and Delinquency Prevention
 Act of 1974 301
 Other Forms of Child Villainy 302
- LO 9-3** Be Aware of Contemporary Trends
 in Incarceration and Their Implications 304
 Incarceration Nation 304
 War on Drugs Revisited 305
 Changes in Criminal Justice Policy 307
- LO 9-4** Be Familiar with the Basic Structure and
 Operation of the U.S. Criminal Justice System 308
 The Carceral State 308
 The Courts 310
 Corrections 311
- LO 9-5** Become Aware of the Disproportionate
 Representation of People of Color Throughout
 the U.S. Criminal Justice System 312
 Disproportionate Representation 312
- LO 9-6** Become Aware of Proposals to Reform the U.S.
 Criminal Justice System 314
 Criminal Justice Reform 314
- LO 9-7** Be Familiar with the Role Social Workers Play
 in the U.S. Criminal Justice System 315
 Forensic Social Work 315

PART III Vulnerable Populations: Discrimination and Oppression 319

CHAPTER 10 People of Color 323

- LO 10-1** Understand the Social Construction of Race
 and Theories of Racism 324
 Racism 328
- LO 10-2** Become Aware of the Changing Racial
 Profile of the United States and the Shifting
 Role of Government Vis à Vis Race and Ethnicity 329
- LO 10-3** Reflect on the Role of History in Shaping
 the Experiences of African Americans 330
 Slavery and Its Aftermath 331
 The New Deal 335
 The Civil Rights Movement 335
 Current Realities 336
- LO 10-4** Reflect on the Role of History in Shaping
 the Current Experiences of Hispanic
 or Latino Americans 338
 Mexican Americans 339
 Immigrants from Puerto Rico, Latin American
 Countries, and Cuba 340
 Current Realities 341
- LO 10-5** Reflect on the Role of History in Shaping the
 Current Experiences of Asian Americans 341
 Chinese Immigrants 342
 Japanese Immigrants 343
 Current Realities 344
- LO 10-6** Reflect on the Role of History in
 Shaping the Current Experiences of Native
 Americans 345
 Initial Contact and Treaty Making 345
 Removal and Relocation 346
 Forced Assimilation 347
 Termination 349
 Current Realities: Self-determination 350
 Emerging Policies 351
- LO 10-7** Understand the Role Immigration Plays
 in Shaping and Reflecting Race Relations
 in the United States 351
- LO 10-8** Analyze and Critique Hate Crime
 Legislation 353
- LO 10-9** Understand the Background and Impacts
 of English-Only Laws 355
- LO 10-10** Describe the Differential Impact of
 Standardized Testing on People of Color 356
- LO 10-11** Become Aware of Factors That Can
 Interfere with the Voting Rights of Americans
 of Color 357

CHAPTER 11 Gay, Lesbian, Bisexual, and Trans Individuals 361

- LO 11-1 Know How Our Understandings of Sexual Orientation and Gender Have Evolved 365**
 - Sexual Orientation 365
 - Gender 366
 - A Sexual Minority 367
- LO 11-2 Become Familiar with the History of Policies That Affect Families of GLBT Individuals 368**
 - Sodomy 368
 - Marriage Equality 369
 - Parenting 374
 - Adoption 375
 - Divorce 375
- LO 11-3 Become Aware of the History and Current Status of Legislation Governing Discrimination Against GLBT Individuals 375**
 - Colorado Amendment Two 376
 - Oregon Initiatives 377
 - Anti-Discrimination Statutes 377
 - The Boy Scouts of America 379
- LO 11-4 Know the History of Anti-GLBT Violence and Hate Crime Legislation in the United States 379**
- LO 11-5 Understand the Impact of HIV/AIDS on the GLBT Community and Social Policy Measures to Address the Epidemic 380**
- LO 11-6 Become Aware of Recent Developments in Policy Related to GLBT Individuals 381**
 - GLBT Individuals in the Military 381
 - Trans Rights 382
- LO 11-7 Understand the Issues Affecting GLBT Individuals from a Social Justice Perspective That Recognizes the Role and Responsibilities of Social Workers 383**

CHAPTER 12 Children 389

- LO 12-1 Become Aware of How History, Culture, and Economics Have Influenced Western Conceptions of Childhood 392**
 - Children as Assets and the Dangerous Classes 393
 - Childhood in Modern America 394
- LO 12-2 Understand Contemporary Issues That Influence Adoption in the United States 394**
 - Transracial or Transcultural Adoption 394
- LO 12-3 Become Aware of the Background and Contemporary Issues Affecting the Education of Children in the United States 397**

- Compulsory Attendance Laws 399
- An Expanded Federal Presence 399
- Desegregation 400
- Head Start 401
- Educating Children with Disabilities 402
- Modern Educational Reforms 403

LO 12-4 Understand How Children in the United States Have Been Victimized Through Poverty and Violence 407

- Poverty and Children, Past and Present 407
- Violence Against Children, Past and Present 409
- Bullying 414

LO 12-5 Become Aware That Children of Color Are Disproportionately Represented in the U.S. Child Welfare System 416

LO 12-6 Know the Role Social Workers Play in Policy Practice Related to Children 416

CHAPTER 13 Women 421

- LO 13-1 Know About Past and Present Social Policies Affecting Women's Roles as Wives and Mothers 422**
 - Property Rights and Credit 422
 - Divorce 422

- LO 13-2 Know About Past and Present Social Policies Concerning Women's Reproductive Rights 428**
 - Abortion and Birth Control 428
 - An International Perspective on Abortion 432
 - Involuntary Sterilization 433
 - Prescription Equity 434

- LO 13-3 Know About Past and Present Policies Regarding Violence Against Women 435**
 - Domestic Violence 435
 - Sexual Violence 437

LO 13-4 Become Aware of Policy Issues Affecting Women in the Workplace 438

LO 13-5 Become Aware of Policy Issues Affecting Women in the Military 439

- LO 13-6 Reflect on Women's Struggle for Political Equality 440**
 - Suffrage 440
 - The Equal Rights Amendment 442

LO 13-7 Understand Some of the Challenges Women Face in the Social Work Profession 444

CHAPTER 14 Older Adults 449

- LO 14-1** Understand How Old Age Has Been Defined 450
- LO 14-2** Consider How Social and Economic Factors Influenced the Status of Older Adults in Colonial America 453
 - Native Americans 453
 - African Americans 454
 - European Immigrants 455
- LO 14-3** Appreciate Historic Shifts in Americans' Attitudes Toward Older Adults 456
- LO 14-4** Reflect on the Origins of Contemporary Programs and Policies That Affect Older Adults 457
 - Public Relief for Needy Elders 457
 - Informal Assistance Among African Americans 459
 - Public Pensions for Veterans 459
- LO 14-5** Examine Contemporary Attitudes Toward Aging and Older Adults 460
 - Intergenerational Equity 460
 - Productive Aging: An Attitude Shift 461
- LO 14-6** Become Familiar with the Demographic and Economic Realities That Shape Aging Today 461
 - The Graying of America 461
 - Income and Age 463
- LO 14-7** Become Familiar with Contemporary Programs and Policies That Affect Older Adults in the United States 467
 - The Older Americans Act and Age-based Services 467
 - Public Policies and Private Pensions 470
 - Adult Protective Services 473
- LO 14-8** Reflect on Specialized Issues Affecting Health Care for Older Adults 474
 - Long-term Care 474
 - Rationing Health Care by Age 476
 - End-of-life Care 477
 - Assisted Suicide 477
- LO 14-9** Become Aware of the Unmet Need for Social Work Professionals to Serve Older Adults 479

CHAPTER 15 Working Americans 483

- LO 15-1** Become Familiar with the History of Labor in the United States and Abroad 484
- LO 15-2** Understand How Historic Developments Like the Cold War and the Civil Rights Movement Influenced the Labor Movement 484

The Cold War 487
 The Civil Rights Movement 488

- LO 15-3** Appreciate the Influence of Affirmative Action on American Workers 489
- LO 15-4** Become Familiar with Immigration Policies and Their Influence on American Workers 493
- LO 15-5** Become Familiar with the History of U.S. Policies Protecting Women and Children in the Workplace 496
 - Women in the U.S. Labor Force 496
 - Child Labor: A Target of Reform 500
- LO 15-6** Become Aware of the Historic Role of Social Workers in the Labor Movement 501
- LO 15-7** Reflect on Contemporary Realities That Shape the Experiences of U.S. Workers 504
 - Work as an Antipoverty Strategy 504
 - Inequality and U.S. Workers 504
 - The Decline of U.S. Manufacturing 506
 - Rising Productivity 506
 - "It's All About Benefits" 507
 - Unemployment in the United States 508
- LO 15-8** Become Familiar with U.S. Policies That Affect Vulnerable Groups in the Workplace 509
 - Women as Workers in Today's Workforce 509
 - People of Color 514
- LO 15-9** Understand Key Provisions of U.S. Labor Policies 514
 - Wages and Benefits 515
 - Protective and Antidiscrimination Statutes 517
 - Health and Safety Policies 519
 - Discharge Policies 521
 - Earned Income Tax Credit 522
- LO 15-10** Understand the Impact of Globalization on Workers in the United States and Elsewhere 522

Conclusion: Cycles of Liberation 527

References 539

Name Index 575

Subject Index 581

Policy Analysis: Frameworks and Tools



© Neil Orloff. Courtesy Art Access Gallery, Salt Lake City, Utah

► Solidarity and justice go hand in hand.

Social justice is central to social work practice. But what is it? This is the focus of Part I, which moves from a broad theoretical consideration of social justice, through the role of government as a vehicle for promoting social justice, to the application of a social justice framework in policy practice. Chapter 1 reviews **modern** and **postmodern** approaches to defining this surprisingly elusive concept. Processes and components of justice are considered, and the link between justice and **human rights** is introduced. The chapter then examines three philosophical conceptions of social justice. Understanding these divergent perspectives will strengthen your analytic skills, enabling you to recognize the assumptions underlying other people's arguments and to frame your own arguments in terms more likely to persuade. Following a brief discussion of inequality, the chapter explores

the role of social work in America's pursuit of social justice and introduces Bertha Capen Reynolds, a 20th-century policy practitioner. Government is an important vehicle for defining and promoting social justice. Chapter 2 examines the philosophical perspectives of political parties and offers a general description of the structure and processes of the U.S. government and an introduction to **privatization**. Chapter 2 provides a brief introduction to the nation's tax system that considers not only the mechanics but also the philosophical assumptions that drive the system. For some readers, this chapter will be a review, but for most it offers new insights and useful reference material. Chapter 3 turns to policy practice skills, focusing on analysis and advocacy strategies. The chapter presents a brief definition of policy practice followed by an extensive discussion of policy analysis that addresses advocacy and empowerment, drawing upon advice and experiences of advocates throughout the country. Chapter 3 closes with the ethical issues and legal considerations that influence policy practice.



CHAPTER

1

Social Justice and Social Workers

No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

MARTIN LUTHER KING JR.

Learning Objectives

This chapter will help prepare students to:

- LO 1-1** Develop a well-informed definition of social justice
- LO 1-2** Understand the processes by which social justice is achieved
- LO 1-3** Identify the components of social justice
- LO 1-4** Discuss the philosophical underpinnings of capitalism and its alternatives
- LO 1-5** Discuss the relevance of social justice for micro and macro practice
- LO 1-6** Describe the role of the social work profession in promoting social justice

LO 1-1

Develop a Well-Informed Definition of Social Justice



EP 2
EP 3a

“Social workers promote social justice,” according to the preamble to the National Association of Social Workers Code of Ethics (NASW, n.d.). This simple statement raises a slew of questions, beginning with definitions. What is social justice? Here, we consider two approaches to this question that stem from contrasting views on the nature of reality: the “modern” and the “postmodern.” The modern view treats justice as an objective, achievable end, or goal. Social workers often take this perspective, setting forth the characteristics of a just society. The postmodern view rejects the idea of an objective standard and holds that justice is socially constructed. This approach shifts our attention to the process by which groups and societies decide what is just.¹

¹The terms “social justice,” “social and economic justice,” and “distributive justice” are often used interchangeably. In this book, I use the term “social justice” to be consistent with our professional literature.

A HUMAN PERSPECTIVE **Melissa Williams**

On a hot day in June, 150 people, mostly women, met in a hotel to discuss welfare and domestic violence. The program was led by a social worker and attended by state legislators, social workers, welfare administrators, academics, advocates, and religious leaders. In the context of a national debate about welfare reform, this session was designed to raise awareness of the importance of welfare as a resource for women leaving abusive homes. One such woman was Melissa Williams. During the luncheon, she and three other women told their stories.

Melissa is an attractive young woman with flowing blond hair and a gentle, reflective way of speaking. Clearly intimidated by the size of the group and the lectern in front of her, she spoke haltingly of her experiences with welfare and domestic violence.

Melissa grew up in a working-class family. Her father worked for a mining company and had little interest in children, let alone female children. Her mother was a silent woman, struggling to raise a large family on a miner's salary. Neither parent was physically abusive, but both reminded the children repeatedly that they were "worth less than nothing." For Melissa this emotional abuse intensified during puberty. Miserable in her own family, Melissa saw marriage to her boyfriend, Will, as a way out.

Will was strong, energetic, and determined. He seemed to have the world by the tail and promised the protection and appreciation that Melissa had never enjoyed. At 16, she married him. She laughed, recalling that "everyone thought we had to get married, but I wasn't even pregnant!"

Melissa did get pregnant immediately and left high school. Her husband finished high school and found a "good job"—one with health benefits. They rented an apartment and settled in. Three children were born in rapid succession. Will's job began to feel more and more like a dead end, and he took to hanging out in bars with old high school friends. He'd come home drunk and take out his anger on Melissa. Her medical records show three

visits to the emergency room with facial bruising, lacerations, and a broken arm.

Suffering from a debilitating depression, Melissa was not roused to action until Will attacked one of the children. It was just a slap, but it was enough to send Melissa back to her parents' home, where her depression worsened. Her parents encouraged Melissa to stay away from her husband, but they could not afford to support Melissa and her three children. So, one day, Melissa and her mother took the bus to the welfare office. Melissa was enrolled in the "self-sufficiency program" and awarded emergency housing assistance. Depression was identified as a barrier to employment, and her caseworker arranged for counseling and medication. She also introduced Melissa to a women's advocacy group called JEDI Women (Justice, Economic Dignity, and Independence for Women).

At the time of the conference, Melissa was living independently with her children. She had divorced her husband and did not expect to remarry. Antidepressants and a support group were critical to her ongoing success. Her children had residual health and behavioral problems from witnessing domestic violence.

Deeply moved by Melissa's experience, her audience resolved to ensure that welfare reform in their state would not eliminate a key resource for women leaving abusive relationships. A few weeks later, President Clinton signed an executive order establishing a national hotline for victims of domestic abuse. Today, the state exempts victims of domestic violence from lifetime limits on public assistance.

This commitment to devote public resources to protect abused women represents a public decision about what constitutes social justice in today's society. It reveals a belief that the suffering caused by domestic violence is not a cost that women should bear alone but a social problem that demands a collective response. As we review diverse approaches to defining social justice, consider the implications of each approach for Melissa and women like her.

DEFINING JUSTICE: A MODERN APPROACH

Lee Ann Bell offers a modern vision of a just society. For her, it is one "in which the distribution of resources is equitable and all members are physically and psychologically safe and secure. We envision a society in which individuals are both self-determining (able to develop their full capacities), and interdependent (capable of interacting democratically with others)" (Bell, 1997, p. 3).

Social work writings often define a just society by the absence of injustice. So, for example, in their description of “emancipatory learning,” Van Soest and Garcia (2003, p. vii) suggest that “[u]ltimately, the goal is to prepare social workers and other helping professionals to transform oppressive and unjust systems into non-oppressive and just alternatives.” Similarly, van Wormer (2004) defined injustice as the result of inequality and oppression, urging social workers to devote themselves to eliminating these conditions through a commitment to restorative justice.

Thoughtful consideration of this issue is found in **David Gil**’s work, *Confronting Injustice and Oppression* (1998). A social work professor at Brandeis University, Gil locates the inspiration for this work in his experiences during the 1938 German occupation of Austria, which left him committed to reversing cycles of injustice and **oppression**. Gil defines justice as the opposite of injustice and oppression and directs social workers’ attention to five key institutions of social life:

1. **Stewardship** (care of natural and human-created resources)
2. Organization of work and production
3. Exchange and distribution of goods, rights, and responsibilities
4. **Governance**
5. Biological reproduction, socialization, and social control

He argues that just societies treat people as equals, with equal rights and responsibilities in each of these five institutions.

Gil explicitly states two assumptions shared by all four of these social work authors: oppression is not inevitable, and a just society is achievable. Indeed, it would be hard to imagine anyone who did not share this belief pursuing a career in social work. Our moments of despair come when events challenge this cherished belief. Like Engels (*The Origin of the Family, Private Property, and the State*, 1884/1972), Gil (1998) argues that perfectly just human societies are possible and that they existed before technological and social change allowed for a stable economic surplus.

Of course, social workers are not the only ones to take a modern perspective on justice. Others, from **Plato** to **Ayn Rand**, have done so as well. Where Rand’s philosophy of **Objectivism** promotes “rational selfishness” as the key to a just society, Plato’s *Republic* offers a utopian vision in which rulers do not own private property, which allows them to concentrate on pursuing the common good. His “best-ordered state” has a communitarian feel: “[W]hen any one of the citizens experiences any good or evil, the whole state will make his case their own” (Edman, 1956, p. 416).

Plato argues that utopian visions need not necessarily be achievable. He rejects the claims of critics charging that his ideal city-state never existed, saying, “We were enquiring into the nature of absolute justice and the perfectly unjust, that we might have an ideal... would a painter be any the worse because, after having delineated with consummate art an ideal of a perfectly beautiful man, he was unable to show that any such man could ever have existed?” (Edman, 1956, p. 430). Justice is a virtue, and a just society is an ideal. The modern approach articulates that ideal and energizes social workers by focusing our efforts on pursuing an inspiring goal.

DEFINING JUSTICE: A POSTMODERN APPROACH

A postmodern approach to defining justice shifts our focus from the *end* (justice) to the *process* involved as people strive for justice.

The postmodern approach is not limited to contemporary scholars. In ancient Greece, Aristotle wrote, “[F]ire burns both in Greece and in Persia; *but conceptions of justice shift and*

change” (Barker, 1962, p. 365, italics added). More than two thousand years later, in 1863, John Stuart Mill made a similar observation:

The entire history of social improvement has been a series of transitions by which one custom or institution after another, from being a supposed primary necessity of social existence, has passed into the rank of a universally stigmatized injustice and tyranny. So it has been with the distinctions of slaves and freemen, nobles and serfs, patricians and plebeians; and so it will be, and in part already is, with the aristocracies of color, race, and sex. (Sterba, 1980, p. 104)

The accelerated pace of change in recent years has brought this observation into focus. For many, the “postmodern” era has brought a rejection of “objective” or “absolute” truth and a dawning recognition that truth may be socially constructed. Thus, conceptions of justice vary from group to group and change throughout the history of societies, families, and individuals. *Absolute* justice is a misnomer. Groups of all sizes strive to achieve an acceptable state of *relative* justice.

The social justice framework in this book relies on a postmodern definition: *Justice is fair allocation of the costs and rewards of group membership.*²

Costs of group membership range from the taxes paid by residents in a nation-state to the chores completed by the members of a family. Benefits may be labeled as such (**Social Security** *benefits*), or they may be more subtle (a sense of personal security). As we will see in Chapter 3, costs and benefits may be experienced immediately (like taxes or welfare checks), or they may accrue over a long period of time (like cancer risk or privilege).

The costs and benefits of group membership are allocated through *social justice processes*. Mundane decisions about who gets to use the family car reflect fundamental beliefs about what is a “just” or “fair” distribution of this benefit. In the United States, the benefits of citizenship include entitlements such as Social Security, tax deductions for home mortgage interest, and Medicaid.

Debates about social justice come up in groups of any size. They arise in families, for example, when new parents struggle to decide how to divide the responsibilities of rearing their baby. They come up in societies as well, as when members of the U.S. Congress debate tax reform proposals. Disputes about how many diapers a father should change or how much tax a corporation should pay are fundamentally social justice debates.

LO 1-2

Understand the Processes by Which Social Justice Is Achieved



EP 2a
EP 5c

Social justice process refers to the way a group of any size allocates the costs and benefits of membership. Sometimes, as with the formal development of social policy, these processes are open and public (and laborious!). Other times, **allocation rules** are implicit and assumed, noticed only when they are breached. **Critical theory** and related perspectives in the social sciences have taught us to question these rules even though it may take a social movement to change them.

Good process does not guarantee a fair outcome. Yet wars have been fought and tears shed over unfair processes that are virtually guaranteed to produce an outcome that is not perceived as just. Fair process is necessary but not sufficient for achieving just outcomes.

²While doing research for the second edition of this book, I discovered the work of David Miller, a fellow at Oxford College. Miller’s definition of justice is similar: “[T]he subject-matter of justice is the manner in which benefits and burdens are distributed among men whose qualities and relationships can be investigated” (1976, p. 19).

The nature of the decision determines what we consider a fair process, with some types of decisions made by a single authority and others subject to democratic processes. For instance, the president of the United States can accomplish some changes through executive orders, but changes in the Constitution require ratification by Congress and state legislatures.

Groups and cultures differ in what they consider a fair process. Generally, if the allocation rules used by the group are considered fair by members of that group, then the group has achieved a measure of social justice. **Culturally competent practice** calls on social workers to understand and respect the processes by which diverse cultures seek to achieve justice.

Justice in process involves three key concepts: **membership**, **voice**, and the **rule of law**. *Membership* refers to the group's boundaries for distinguishing between "us" and "them." These boundaries often work to exclude what Bruce Jansson (2002) calls "out groups." People who differ from the majority of group members are vulnerable to being labeled "other" and denied membership. As a result, they may be deprived of group benefits and excluded from debate on matters that affect them. For example, a family may question its obligation to provide care to an elderly grandmother on the grounds that she is not "really" a member of the immediate family. A nation may question the provision of cash benefits to immigrants who are not "really" citizens. As we will see in later chapters, most of the history of the United States has been marked by progress toward extension of political and civil rights to those once considered undeserving. Women's suffrage and the civil rights movement are examples of a society redefining the terms of membership.

Western democratic traditions have reached general agreement about what is and is not fair in decision making. These are summarized in three *fair process principles*. The first of these principles, a belief in **political equality**, is central to liberal philosophy and democratic thought. Although some people are privileged by birth and others by wealth, these privileges should not extend to the political sphere. To the extent that they do, this principle is violated.

Voice refers to a person's ability to influence decision making within the group. At all levels of social organization, an individual's voice will be determined by the extent to which others hear and attend to that person's concerns. Americans have a strong preference for giving voice to people who are affected by decisions. Thus, our second fair process principle holds that all parties affected by a decision should have a voice in the decision. Violation of this principle was the stated cause of the Boston Tea Party. In elementary school, Americans are taught that wild-eyed colonists dressed up as Indians and threw bags of British tea into Boston Bay, shouting, "No taxation without representation!"

The rule of law is a third important component of just process. When formal rules are not universally and consistently applied, we cry "foul." In our country, we expect the law to apply equally to everyone. The notion of equal protection is embedded in the U.S. Constitution. But legislators cannot anticipate every eventuality, and individuals may disagree on what is a "similarly situated" party. This ambiguity keeps judges and lawyers occupied but should not detract from our general belief that no one is above the law.

But if a policy is legal, is it necessarily just? Does **majority rule** make for fair decisions? Like most of us, Aristotle answered "not necessarily." **Aristotle** distinguished between equity and justice, arguing that although they are made of the same stuff, equity is more universal and more natural than justice. For him, **equity** is akin to **natural justice**, which is broader than legal justice. Legal justice establishes rules that, even if perfectly followed, can lead to inequitable results. "The same thing, then, is just and equitable, and while both are good the equitable is superior" (Bostock, 2000, p. 133).

Fair Process
Principle #1:
Individuals should
be treated as
political equals.

Fair Process
Principle #2: All
parties affected by
a decision should
have a voice in the
decision.

Fair Process
Principle #3: Formal
rules should apply
equally to all
similarly situated
parties.

LO 1-3 Identify the Components of Social Justice

Miller (1976, 1999) identifies four components of social justice: desert, need, rights, and equality. The first three can be illustrated using a simple hypothetical situation adapted from Miller (1976). Suppose I hire three children to clean my windows, and I promise to pay them one dollar each for their efforts. Throughout the day I watch them work, and I observe that one child (the first child) is industriously cleaning. This child does more than her fair share of the work and does it very well. The other two dawdle along. One of them (the second child) looks ill. When I ask what's wrong, he tells me that he hasn't eaten for two days because his family has no money for food. The third child has no explanation for her sloughing but looks forward to receiving her dollar at the end of the day.

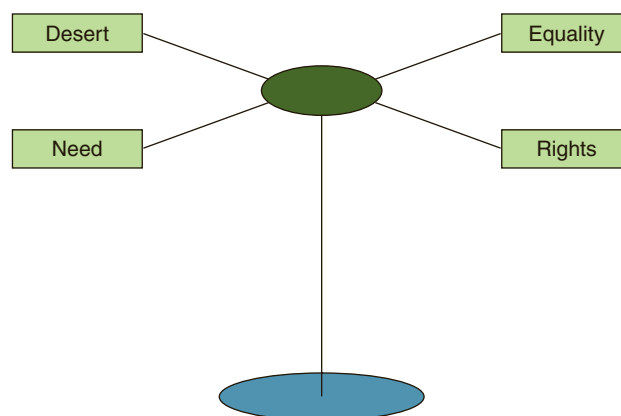
The first child represents *desert*. An outcome is considered just when each person involved gets what he or she deserves. In America, we believe that someone who works hard and does a good job deserves to be rewarded.

The second child represents *need*. Just outcomes take into account each person's need. In our hypothetical example, this child clearly needed money more than the other two.

The third child represents *rights*. From a contractual perspective, a right is an outcome to which we are entitled, based on a prior agreement or contract. Apart from whether she deserves or needs the money, the third child reminds me that under our contractual agreement she has the right to receive a dollar. We will consider rights in greater detail in the next section.

My task, as the all-powerful policy maker in pursuit of justice, is to balance the deserts, needs, and rights of these three children to achieve a just distribution of the reward. This task is illustrated in Figure 1.1. Similarly, analysis of the impact of policy on social justice should consider each of these components, particularly as they relate to vulnerable populations. For example, analysis of a proposal to provide public clinics for people who do not have health insurance might consider first whether these people deserve health care; second, whether they need such care; and finally, whether their rights as citizens are violated if the care is not provided. Equality is the fourth component of justice, and a policy's impact on inequality merits careful consideration. Now let us turn to more detailed consideration of two components of social justice: human rights and equality.

FIGURE 1.1 Balancing the Components of Social Justice



HUMAN RIGHTS

Most Americans can recite from the Declaration of Independence, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” When Thomas Jefferson penned these words, he was part of a tradition that began in ancient civilizations and was reflected in documents written as early as two thousand years before the birth of Jesus, including the Code of Hammurabi (Mesopotamia), the Cyrus cylinder (Persia), and the edicts of Ashoka (ancient India) (Robertson & Merrills, 1996). Each of these documents treats human rights as universal and inalienable. Thus, rights are possessed by all people, and they cannot be (as my grandmother would say) “begged, borrowed, or sold.”

The horrors of the Holocaust inspired members of the United Nations (U.N.) General Assembly to adopt the Universal Declaration of Human Rights in 1948. Although the declaration is not legally binding, it sets forth principles toward which many nations strive. **President Franklin D. Roosevelt** characterized it as an “international Magna Carta of all men everywhere” (in his address to the United Nations, December 9, 1948, Paris), but other U.S. politicians have been less enthusiastic. For instance, **Jeane Kirkpatrick**, U.S. Ambassador to the United Nations during the Reagan administration, reportedly described the declaration as “a letter to Santa Claus” (WordIQ.com, n.d.).

Nonetheless, the declaration was promptly ratified by the United States Senate in a process consistent with constitutional provisions governing international treaties. Although the president of the United States has authority to sign U.N. declarations, conventions, and treaties, ratification requires Senate approval. As a result, there can be a lengthy gap between the president’s signature and Senate ratification.

Notably, the United States and Somalia are the only nations that have not ratified the Convention on the Rights of the Child, and we join Sudan, Somalia, and Iran in refusing to ratify the Convention on the Elimination of All Forms of Discrimination Against Women. President Obama signed the Convention on the Rights of Persons with Disabilities in 2009, but the Senate has so far been unable to achieve the two-thirds majority needed to ratify the treaty. The status of the United States with respect to other U.N. conventions affecting human rights (as of this writing) is summarized in Table 1.1.

Civil and political rights enjoyed by Americans are spelled out in the first ten amendments to the Constitution—the Bill of Rights—and in legislation ranging from the Civil Rights Act of 1960 to the Americans with Disabilities Act of 1990. While there is a strong tradition of protection for civil rights in the United States, this nation does not recognize economic, social, and cultural rights, or solidarity rights, some of which are identified in the Universal Declaration of Human Rights (Vasak & Alston, 1982).

Human Rights Violations and Restorative Justice

The world has seen a litany of **human rights violations** by governments. Here we will briefly consider South Africa’s system of **apartheid** and the ongoing efforts at healing that followed.

The land we now know as South Africa has long been home to diverse ethnic groups. Its colonial history began in the 1400s with the arrival of Portuguese explorers, but most people date the period to the arrival of Dutch and British forces in the 17th century. These European powers fought over territory during the Boer Wars of the end of the 19th century before settling into an uneasy power-sharing arrangement. The Union of South Africa was formed in 1910, and the Afrikaner National Party rose to ascendancy in the 1940s. Apartheid laws date to 1948, when the Population Registration Act required that all

TABLE 1.1 United Nations Conventions on Human Rights*

Title	Effective Year (requires 20 signatures)	U.S. Status
Universal Declaration of Human Rights	1948	Signed by President Truman, ratified by the Senate
Convention on the Prevention and Punishment of the Crime of Genocide	1951	Signed by President Reagan in 1988, ratified by the Senate with the proviso that America was immune from prosecution without its consent
International Covenant on Civil and Political Rights	1976	Signed by President Carter in 1977, ratified by the Senate in 1992 with reservations
Convention on the Elimination of All Forms of Racial Discrimination	1969	Signed by President Johnson in 1966, ratified by the Senate in 1994
Convention on the Elimination of All Forms of Discrimination Against Women	1981	Signed by President Carter, not ratified by the Senate
Convention Against Torture	1987	Signed by President G.H.W. Bush in 1988, ratified by the Senate in 1994 with stipulations
Convention Against Apartheid in Sports	1988	United States voted against the Convention
Convention on the Rights of the Child	1990	Signed by Madeleine Albright (under President Clinton) in 1995, not ratified by the Senate (like Somalia and South Sudan)
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2003	United States (along with other migrant-receiving states) has not signed
Convention on the Rights of Persons with Disabilities	2008	Signed by President Obama in 2009, not ratified by the Senate

*Please see the United Nations Treaty Collection for updated information on conventions and treaties (<http://treaties.un.org/Home.aspx?lang=en>).

South Africans be classified as white, black, or colored. The majority black population was confined to reserves known as “homelands” and required to carry “pass books” to enter non-black areas. Their voting rights were limited to homelands, which meant the South African parliament was elected by the minority non-black population.

Protests in the 1960s signaled the beginning of the **Anti-Apartheid Movement**. The government responded with violent repression, and the killing of 69 unarmed protesters in Sharpeville resulted in international calls for the economic isolation of South Africa. The following year (1961), South Africa was ejected from the Commonwealth, and in 1962 the United Nations General Assembly passed a non-binding resolution that established a Special Committee against Apartheid and called on member states to participate in a trade embargo against the nation. In 1970, South Africa was expelled from the Olympics. Finally, in 1990 President F. W. de Klerk entered into negotiations to end apartheid, and in 1994 the **African National Congress** won in the nation’s first multiracial election. Nelson Mandela became president of South Africa.

The post-apartheid government established the world’s first **Truth and Reconciliation Commission** (TRC). The TRC applied the principles of restorative justice to enable both victims and offenders to participate in the new democracy. While there is no universal agreement on the impact of this process, it is widely seen as a success. Truth and Reconciliation Commissions have been established in more than 19 countries in response to human rights violations (Chapman & van der Merwe, 2008).