

Construals of human rights law: Protecting subgroups as well as individual humans.

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Declaration

The research reported in this thesis is my own
and has not been submitted for a higher degree
at any other institution

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Dedication

This thesis is dedicated to four people –and to memory of three of them.

I miss the chance to share this face to face with
my father Tony, my first mentor Norm, and my grandfather Pop.
Without your support, I would not be writing this.

Dad showed me the value of representational simplicity.

Norm survived Changi and the Thai-Burma Railway
to teach me the joy of learning,
to introduce me to the world of underlying form,
and to encourage thinking about thinking.

Pop urged me to strive for quality.

When remembering you all,
the content of this thesis
and the process of producing it,
three thoughts come to mind:

Believing is seeing.

Carpe diem.

A place for everything, and everything in its place.

Finally, to my twin Paul.
Thanks for being my better half,
My opportunity to live a Gestalt,
To see the price and reward of living a social identity,
And for being the person who told me to enrol in Psychology A01.

Thesis abstract

This research develops the social psychological study of lay perception of human rights and of rights-based reactions to perceived injustice. The pioneering work by social representation theorists is reviewed. Of particular interest is the use of rights-based responses to perceived relative subgroup disadvantage. It is argued that these responses are shaped by the historical development of the legal concept of unique *subgroup* rights; rights asserted by a subgroup that cannot be asserted by outgroup members or by members of a broader collective that includes all subgroups.

The assertion of unique subgroup rights in contrast to individual rights was studied by presenting participants with scenarios suggestive of human rights violations. These included possible violations of privacy rights of indigenous Australians (Study 1), civil and political rights of indigenous Australians under mandatory sentencing schemes (Study 2), privacy rights of students in comparison to public servants (Study 3), refugee rights (Study 4), and reproductive rights of lesbians and single women in comparison to married women and women in *de facto* relationships (Study 5). The scenarios were based on real policy issues being debated in Australia at the time of data collection. Human rights activists participated in Studies 4 and 5. In Study 5, these activists participated via an online, web-based experiment. Both quantitative and qualitative data were collected.

A social identity theory perspective is used drawing on concepts from *both* social identity theory and self-categorization theory. The studies reveal a preference for an *equality-driven construal* of the purpose of human rights law (i.e. that all Australians be treated equally regardless of subgroup membership) in contrast to minority support

for a *vulnerable groups construal* of the purpose of human rights (i.e. that the purpose of human rights law is to protect vulnerable subgroups within a broader collective).

Tajfelian social belief orientations of social mobility and social change are explicitly measured in Studies 3-5. Consistent with the social identity perspective, these ideological beliefs are conceptualised as background knowledge relevant to the subjective structuring of social reality (violation contexts) and to the process of motivated relative perception from the vantage point of the perceiver. There is some indication from these studies that social belief orientation may determine construals of the purpose of human rights. In Study 5 the observed preference for using inclusive human rights rhetoric in response to perceived subgroup injustice is explained as an identity-management strategy of social creativity. In Studies 4 and 5, explicit measurement of activist identification was also made in an attempt to further explain the apparently-dominant preference for an equality-driven construal of the purpose of human rights law and the preferred use of inclusive, individualised rights rhetoric in response to perceived subgroup injustice.

Activist identification explained some action preferences, but did not simply translate into preferences for using subgroup interest arguments. In Study 5, metastereotyping measures revealed that inclusive rights-based protest strategies were used in order to create positive impressions of social justice campaigners in the minds of both outgroup *and* ingroup audiences. Ideas for future social psychological research on human rights is discussed.

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