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## Advocating access to justice: Facilitating or gatekeeping?

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### Abstract

Advocacy is one of the central means for supporting access to justice. The social work profession employs advocacy as one of its main courses of action. This article discusses the components of actions that are considered good practice for facilitating access to justice in its democratic aspects. More explicitly, it addresses social workers' advocacy promoting the worth and dignity of human beings in society. Four different ideals of social work are presented: self-help, treatment, philanthropy and bureaucracy. Thereafter, cases presented as best practice by European social workers are used to highlight the components described as central to good advocacy work. These are: communication, inclusion and flexibility. Taken together, these aspects are all rooted in having respect for those in need of advocacy. In advocating access to justice, it is important that the advocates are actively aware of their own role in such a way that their efforts facilitate such access.

### Key words

Advocacy; access to justice; social work; democratic aspects; best practice

### Resumen

La abogacía es uno de los medios fundamentales para apoyar el acceso a la justicia. La profesión de trabajo social emplea la abogacía como una de sus principales vías de actuación. Este artículo analiza los componentes de las acciones que se consideran buenas prácticas para facilitar el acceso a la justicia en sus aspectos democráticos. Más explícitamente, aborda la defensa por parte de los trabajadores sociales de la promoción del valor y la dignidad de los seres humanos en la sociedad. Se presentan cuatro ideales diferentes del trabajo social: autoayuda, tratamiento, filantropía y burocracia. A continuación, se utilizan casos presentados por trabajadores sociales europeos, a fin de destacar los componentes descritos como centrales para una buena

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labor de defensa. Estos son: comunicación, inclusión y flexibilidad. En conjunto, todos estos aspectos se basan en el respeto a las personas que necesitan apoyo. Al abogar por el acceso a la justicia, es importante que los defensores sean activamente conscientes de su propio papel, de manera que sus esfuerzos faciliten dicho acceso.

### **Palabras clave**

Abogacía; acceso a la justicia; trabajo social; aspectos democráticos; mejores prácticas

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## 1. Introduction

A diverse and often undefined set of actors populates the field of access to justice. In studies of practices in the field, it is usually a question not only of whether people have access to justice but also of whether someone is facilitating and helping them to gain such access. Albiston and Sandefur (2013) have argued that research on access to justice lacks ambition to understand what access to justice means or the mechanisms that facilitate services to promote equality. They argue that such research could benefit from taking more sociological perspectives and encouraging more innovative approaches that consider not only individuals, but also institutions; not only resources, but also social meaning; not only how the service is provided, but also how demand for the service is shaped (p. 105). This article takes its starting point in their statement, and accepts the challenge on bringing questions on institutions, meaning and on who demands the services offered into the discussion. This is done by focussing on social work as an advocating practice that can promote access to justice.

For the practice of access to justice, it is equally crucial to take inspiration and reflection from social work practice, an adjacent and overlapping area of practice and knowledge. Albiston and Sandefur claim that there is a need for theory for three reasons. Firstly, the idea of “effectiveness” has to be understood and defined so that social meaning is also acknowledged. We need to understand the factors that enhance empowerment and avoid negative constructions of identity, and not focus only on whether the case is resolved. Secondly, the supply side of access to justice and the kind of service must be studied through comparative studies to develop an awareness of possible actions. Thirdly, the demand side must be understood. What do people want? And who are they? Access to justice is not only an issue for the poor, and the way people understand their problems plays a large role in how they respond to them and where they are looking for help (Albiston and Sandefur 2013, 117f).

This paper takes a perspective on access to justice in a wide sense and focuses on factors that enhance empowerment without negative constructions of identity. It focuses on social work and how this practice can both facilitate and hinder access to justice, when social workers, seemingly without being aware of it, take on a gatekeeping role. It concerns justice as the overall legal frame in society, rather than specific legislation, and it defines access as the ability to utilise societal resources rather than having the right to a decision in a specific case. It is about the opportunity for people to be included in society, to be citizens; not in relation to a nation state, but in relation to society. Access to justice is considered as being included and being able to take part in society, to have the opportunity not only to use the legal frames, but also to be able to influence them, or at least how they are implemented, as a minimum in relation to one’s own situation. This is what Jennifer Leitch calls the democratic thesis. In her PhD dissertation in law, she focuses on activities for enhancing people’s participation and ultimately their ability to affect justice as an end in itself, i.e. the democratic thesis in the debate on access to justice (Leitch 2016). This kind of access to justice can be given or taken, and often some kind of actors act as facilitators. Just as lawyers give legal advice and support in relation to what Leitch (2016) calls “the practical aspect” of access to justice, other professionals, such as social workers, act by offering advice and support in relation to “the democratic aspect”. Many non-profit organisations also undertake these kinds of tasks, in relation to both

the practical and democratic aspects. When more concrete and well-informed advice is required, professionals are engaged. Social workers are the key profession for giving support and advice to help people gain access to the democratic aspects of society.

Throughout the article I will show that social work is a diverse profession with a wide variety of practices. Different ideals of social work will be presented, but it is also important to keep in mind that there is a common base to the global definition of the social work profession, where the overarching principles are: *respect for the inherent worth and dignity of human beings, doing no harm, respect for diversity and upholding human rights and social justice*. Furthermore, the global definition states that: *advocating and upholding human rights and social justice is the motivation and justification for social work* (International Federation of Social Workers – IFSW – 2014, n.p.).

Advocacy takes a central position in discussions on how access to justice should be provided and ensured and it is also at the core of social work practice. Still, social workers also hold positions in society where they act as gatekeepers; they assess people's needs and decide who will have access to different kinds of resources and who will not. Thus, social workers can both support social justice and exclude people from societal resources. They can both enhance empowerment and make people feel disempowered. What factors facilitate empowerment? What factors support access to justice, from a democratic perspective?

### 1.1. Aim

This paper aims to deepen the understanding of how advocacy work facilitates access to justice in its democratic aspects, and more explicitly how social workers advocate for promoting the worth and dignity of people within society. This is achieved by presenting ideals in social work and advocacy and discussing them in relation to cases presented by European social workers as best practice in promoting the dignity and worth of people. The paper gives a broad overview of the variety of activities and contexts contained within social work as well as the ideals underlying these practices. It gives some examples where facilitating and gatekeeping are closely connected and emphasises the necessity of understanding each practice in its own terms, due to the variation, while also stressing that there are some central components to advocacy work – primarily communication, proper inclusion of the people the practice concerns and the ability to be flexible and adjust to each situation.

## 2. Advocacy

The idea of advocacy is to help and support. Before going into social work and its ideals, a discussion of the concept of advocacy is needed so that the practice of social work can be examined through that lens. Thereafter, the broad field of social work is described, and two of its basic ideas and four ideals are presented to highlight the variation within social work.

### 2.1. A concept

The concept of advocacy relates to the practice of advocates. The *Oxford English Dictionary* (2021) defines the concept in the first place as “the office, position or function of an advocate” but also as “the action or an act of advocating something; pleading for,

support for or recommendation of a person or thing". In the same dictionary, an advocate is understood as "a person or agent believed to intercede between God and sinners", "a person employed to plead a cause on behalf of another in a court of law", "a guardian, protector, or patron of a church or religious house" and, more generally, "a person who pleads for or speaks on behalf of another; a person who supports, recommends, or speaks favourably of another".

With this as a starting point, we can see that the etymological origins of the concept of advocacy concern two parties: one who is in need of something, and thus in an underprivileged situation, and one who is privileged and capable of supporting, pleading for and speaking on behalf of the other. This presumes an asymmetrical relationship within the specific context. One needs to be helped, the other gives help. Yet, it is a contextual concept, it does not say anything about the parties' positions in general, only about their specific relation to each other in one specific case. Hence, it is reasonable to elaborate these relations further.

## 2.2. *A practice*

Leitch (2016) discusses self-represented litigants in relation to trained lawyers in a way that is also applicable to social workers. She argues that the role of lawyers is due to their unique position of knowing the rules and processes that it is necessary to understand in the specific context. Even within a lawyer's practice, there are openings for a non-hierarchical partnership, as Leitch argues. It is not about representing the client, but about advising and supporting them. The role of social workers is also to advise and support their clients, but this is done in a wide variety of forms and contexts. To define the broad area of social work, we start with two of the most prominent actors in social work practice and research, Jane Addams and Mary Richmond. They represent two different models of social work, both of which are also present in contemporary practice.

Jane Addams, born in 1860, was a pioneer in social work in the USA. She started by studying medicine, but became more and more interested in social issues and she was one of the founders of the American Sociological Society. She introduced and organised activities at Hull House in Chicago, where wealthy and educated women lived together with poor people from the neighbourhood. Together they strived to bring about social reforms by both doing research and supporting people in everyday life. She was also engaged in the women's movement and in peace movements, and she wrote several books. She was awarded the Nobel Peace Prize in 1931 for her international work for women's peace organisations (Addams 1910, Nobel Prize Outreach 2021). Addams' basic ideas concerned helping people together with their own efforts and that the solutions to their problems could exist within society. This is why social reform is needed for real change to occur. She was often called a philanthropist, including by herself, but she was strongly critical of a philanthropy in which the privileged donates to the unprivileged. She claimed humanity to be "not philanthropy, nor benevolence, but a thing fuller and wider than either of these" (Addams 1910, p. 121). Her idea was that poverty must be fought in cooperation and that the privileged also had things to learn from the unprivileged.

Mary Richmond, born in 1861, lost her parents and several siblings to tuberculosis when she was a small child, and grew up with her grandmother in Baltimore. As her

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grandmother was active in the women's movement and had a critical perspective on society, Richmond grew up in a context where reading and discussion were always present, but she did not enrol in higher education. As a young adult, Richmond herself experienced some years of poverty; then, later, after several years of administrative work for a charity organisation, she started to engage in social work. She advocated for legislation reforms in education, child welfare, women's rights etc., and claimed that professionals were needed in social work and that they should work on the basis of systematic methods. Her research aimed to develop such methods for social work, such as how to gather information, establish contacts and conduct conversations (Richmond 1917/1965; Social Welfare History Project 2011). She argued for social case work, starting with a "social diagnosis" followed by systematic actions. She gave detailed instructions for practice, for example in how to talk to people. She was inspired by the work of medical doctors, but also took several examples from charity work (Richmond 1917/1965).

Addams and Richmond are often, all over the world, called the mothers of social work (Franklin 1986). These two pioneers took very different approaches to the practice of social work. Their different perspective could be said to frame social work and the ideological tensions between the two perspectives still exist within the profession today. In the following sections, we will deepen the picture of the diverse area of social work.

### *2.3. Ideals for social work and how they relate to advocacy*

A developed way of thinking about how the social work practice should be performed relates to the ideals of Addams and Richmond, but adds more dimensions. First of all, the ideal of working together is more complex than in Addams' ideal. Working together means taking different positions and roles in the interaction. Richmond's ideal is also more complex, because those who are in possession of the developed tools and methods have an advantage over those who are in need.

As the next step in highlighting the diversity emanating from Addams' and Richmond's different perspectives, a model of ideals in social work is used. This model was originally developed from empirical data drawn from victim support organisations, consisting of their active support descriptions of how they related to their practice (Svensson 2006). It has since been further developed in several groups working with social workers from different parts of the social services (Svensson and Johnsson 2008). It is now part of a widely used textbook for social work students in Sweden and Denmark (Svensson *et al.* 2008/2021), and social work students often refer to the ideals presented below in their theses on the practice. This is the first time the model has been presented in English.

TABLE 1

<b>Ideal</b>	<b>Focus</b>	<b>Idea</b>	<b>The helper</b>	<b>The “needy”</b>
<b>Self-help group</b>	The problem	To do something	Participant	Participant
<b>Treatment</b>	The method	To show results	Expert	Applicant
<b>Philanthropy</b>	The helper	To do good	Donor	Receiver
<b>Bureaucracy</b>	The organisation	To do right	Official	Citizen

Table 1. Forms of social work and advocacy.

### 2.3.1. The self-help ideal

The self-help ideal builds on the idea that people who share the same experience can support each other. Thus, professional social workers cannot work from this ideal because a social worker cannot, or should not, experience all the problems her clients face. Nevertheless, the ideal has positive connotations of equality, participation and other aspects of democracy and is a desired ideal for many social workers. The self-help ideal connects to Jane Addams’ (1910) way of working in the community, closely together with the people in need. Being a social worker, however, is about doing this for others; hence, the only way social workers can act in relation to this ideal is by facilitating self-help groups for people who share experiences and can support each other. Examples of self-help groups are: Alcoholics Anonymous, support groups for people with specific diseases, and different kinds of support groups for relatives of sick, disabled or elderly family members. These kinds of groups are formed by people with experiences of the problem and a desire to do something to solve it. Because everyone involved has a common foundation in their own experience, they can support each other through experience-based knowledge. And they can raise their voices as a group and try to change societal conditions. Their strength lies in their experiences and the common foundation, they are “experts-by-experience”, not professionals. Robert Adams (1990) has pointed out the problematic relationship between social workers and self-help groups, whereby aspects of professionalism, bureaucracy and management influence their standpoints. He argues that social workers’ relation to self-help groups has also met with more difficulties from the late 20<sup>th</sup> century, as social work has become more specialised, and it is no longer acknowledged as a professional task to “only” facilitate.

Experts-by-experience have recently been engaged under the term “user participation”. Being a “user” means that you utilise something and “participation” means that you take part in something. Neither of these words implies that you are in possession of anything. Someone has something, therefore you as a user can participate, but those in possession of the resources have the final say. Self-help differs from user participation in that it is peer support that is beneficial to all parties involved. Lindström and Toikko (2022) have shown, for example, that ex-offenders who were trained to be experts-by-experience not only supported other ex-offenders, but also had a more positive view of society. They saw themselves as advocates for marginalised people and said that sharing their stories of how they had overcome difficulties were listened to. They also found that sharing their experiences gave them a chance to gain human dignity and become accepted in society (Lindström and Toikko 2022). In this way, the ideal of self-help can



provide a form of advocacy in which the person in need and the helper share the problem while, in some sense, both parties' resources are strengthened. But it is peer support, rather than professional practice.

### 2.3.2. The treatment ideal

The treatment ideal relates to Mary Richmond's (1917/1965) ambitions for professional social work in that it emphasises the methods used. The idea here is to use a specific method to achieve a specific outcome, a measurable result. Here, the helper is an expert, because s/he knows the method used. The person in need applies for access to help through the method. This is an ideal that shares presumptions with ideas of professionalism and expertise, and it shapes an asymmetrical relationship in which the expert is the dominant party not only due to their knowledge of the method, but also because they have a preferential right to say who is suitable, and who is not suitable, to take part in the treatment. This is a situation where knowledge explicitly means power. Contemporary ideas of evidence-based practice draw on this ideal, claiming that all interventions should be based on solid science and formed into programmes that can be continuously evaluated. One of the most important aspects of having an evidence-based treatment programme is being able to claim "programme fidelity". This fidelity concerns "the extent to which delivery of an intervention adheres to the protocol or program model" (Mowbray *et al.* 2003, 315). In practice, this means that the protocol governs the practice. The possible actions are built into the method.

Treatment relates more to interventions aiming for personal recovery than to access to justice in a democratic sense, if we do not consider the opportunity to gain access to treatment as part of the process. Exposing the perspective of evidence-based practice leads us to several methods and techniques that are used for educating in many areas, including "life skills", which could have concerned the democratic aspect, and the programmes could have trained people in active citizenship. But that is not the case. Life skills training programmes usually concern the prevention of drug use (Botvin and Griffin 2004). The treatment ideal thus has to be understood as aimed at changing and developing individuals towards specific norms, not to create active, democratic citizens in a wider sense.

### 2.3.3. The philanthropic ideal

The philanthropic ideal aims to do good for people and to give help. The role of the helper providing help places the person in need in a passive position as a receiver within a gift-based relationship that presumes gratitude. The one who gives is good and the one who receives should be grateful. This ideal focuses on the good helper; if the person who is helped does not show gratitude, another person might get the help instead. Thus, the person in need is an object for the helper's benevolence. There is not really any space for creating active, democratic citizens within the philanthropic ideal. When people are asked why they engage in philanthropic activities, a common response is phrases like: "You should have seen the flowers I got from the person I helped. She was so grateful." This was an ideal from which Jane Addams (1910) distanced herself, due to the unequal positions of the parties involved. Paying back is an essential part of the gift economy, an economy that has the same characteristics at the interpersonal level as at a more structural level (Mauss 2002). Donating money or giving other kinds of help are built on

the same mechanisms. Giving in this form has been framed as altruism, but also as self-interest and reciprocity in the sense that the gift-giving is a social act.

Recently, sociologists have come to study philanthropy in more detail and have considered how different factors influence the choice of recipients. It has been shown that the direction of the philanthropic action is shaped by the actors' own social location, which means, for example, engaging in healthcare issues rather than social inequalities. Additionally, the donor can also benefit from good healthcare, while there is less reciprocity in social equality (Barman 2017). The subordinated, needy person is required for philanthropists, which turns advocacy into a situation where the privileged support the underprivileged, but only those they have chosen to support.

#### 2.3.4. The bureaucratic ideal

Bureaucracy in its purest form is a way of organising so that the right actors manage the questions and well-informed decisions are made. In bureaucracies there are clear guidelines for how decisions are made as well as to determine who is responsible. In most cases, and specifically for the public sector, there is legislation stipulating how cases should be handled. Where legislation is lacking or insufficient, regulations are created within the organisation. These could concern the delegation system, working hours, dress code or other aspects of structuring the work and making it uniform. All of these arrangements put the organisation first in a bureaucracy and the idea is to do the right thing, to act according to the organisation's regulations. The helper becomes an official and the person in need is a citizen. The official is a representative of the government, or the administration, while the citizen is a representative of the people. In a democratic society, public administration and its bureaucracy is often regarded as a guarantee of access to justice. Citizens should therefore have access to, and also influence over, the administration through politics and law-making. Thus, the ideal of bureaucracy covers both the practical and democratic aspects of access to justice.

When the official in public administration helps a person in need, it is done in line with the governing policies. Thus, this kind of work can be seen as law in action or policy implementation. Michel Lipsky (2010) refers to those who work on the frontline in direct contact with citizens as street-level bureaucrats. One of the specificities of this group is that they are policymakers in practice. By implementing the governing policies, these street-level bureaucrats also make them work in practice, and this is how the public perceives the policies. As there are usually gaps between the general policy and people's more specific needs, the street-level bureaucrats have a discretionary practice whereby, on the basis of their knowledge, they make decisions in line with the policies, but adjusted to specific situations. This makes room for professionals within bureaucracies, because the legal professions are needed in courts and other areas where legal issues are in focus, while the social professions are needed in situations where people's needs and functions in society are handled. The problem in practice is that the gap between the policy, what one is expected to do, and practice, what it is possible to do, is often wide. In human service organisations, the struggle is to overcome this gap and find solutions for doing as much good as possible in each situation (Hasenfeld 2010). Doing good and doing right are not the same thing.

As an ideal, a bureaucracy contains a dual dependency, with the official in the administration as the expert who can give help and the citizen in need who is not only an object to be helped, but also a democratic actor who, ultimately, is the one who has given the mission to the administration.

#### *2.4. Advocacy and its gatekeepers, a question of care and control*

The four ideals presented above show that, in the variations within social work, the focus and relations between the involved parties vary. It is possible to claim that all four perspectives enable advocacy for the democratic aspects of access to justice, but for different reasons. From the self-help ideal, it could be claimed that experts-by-experience are the proper advocates; they know what they are talking about since they have been through it themselves. From the treatment ideal, it might be an issue of first taking care of yourself before you can act in society, because the democratic aspects are seen here as being reached through the adaptation of norms. Through the philanthropic ideal, it is possible for the privileged to provide the unprivileged with access to justice, as a gift. Finally, bureaucracy as an ideal provides the people with access to justice through public administration because, by definition, this is built on democratic institutions over which citizens should have influence.

Within all four ideals, professionals can be engaged to execute the tasks, to do the job. Likewise, all four ideals also hold out the possibility of engaging volunteers to do the tasks, or at least some of them. The ideal as such does not govern who the actors are. This has also been shown in several studies of volunteers in non-governmental organisations, where the ideal of the bureaucracy is often seen. Organisations formed with the aim of acting in relation to public administration tend to mimic the bureaucratic ideal in their organisation. An organisational field, an area of interest for many organisations, tends to develop isomorphism, with the involved organisations becoming similar to each other (DiMaggio and Powell 1983). Activities funded by public administrations tend to adhere to the ideals that exist within that context, because then they can appear as expected to those who decide on the funding. Studies have shown, for example, that women's shelters run by volunteers spend a lot of time on paperwork and administration, because there is a demand from the public funding bodies for the delivery of statistics, evaluations and other reports in order to receive funding (Helmersson 2017). Due to the isomorphism, the ideals for the practice are more important to understand than the type of organisation, or whether professionals or volunteers are doing the job. In parallel, as organisations that used to provide services have turned towards a bureaucratic ideal, more NGOs have developed to conduct advocacy work, while being prone to the strategic choice to hold back criticism of public authorities (Arvidson *et al.* 2018, 853).

All the ideals presented above have the intention of doing good in some way, which is also the basic assumption behind advocacy. All four ideals also contain pitfalls. As resources are always limited, advocacy can seldom be provided for everyone who wants it. In all practices, there is some kind of selection of who is worthy of help. This goes back to the 16<sup>th</sup> century poor laws in Europe, and has a strong moralistic dimension. One example is the relief administration in Lyon in 1550, and similar laws in England in 1572, where discrimination between the deserving and undeserving poor was made based on their ability to work. The deserving should be helped, the undeserving should be placed

under strict surveillance. If you were unable to work due to unintended causes, such as sickness or age, you were deserving of help. If you were able to work, but did not, you were seen as undeserving of help and should be put in an institution and forced to work, or even executed (Piven and Cloward 1993). Even child protection has its roots in the same ideas, because it encompasses both the care of children and the prevention of delinquency. It is about achieving order, stability and control in sociality (Platt 2009). Many studies have highlighted this inherited idea within welfare of regulating the poor into positions where they are needed by the establishment. We can still find similar regulations concerning welfare-to-work, how migrants are treated and also in relation to the demands put on children's behaviour and how parents bring them up.

Advocating actors are not "free"; rather, it is reasonable to think of them as integrated into their context and that they do have some kind of idea of who to help and support, as well as where the help is aimed. It is the ideas of the established, privileged few that govern, and they decide what the unprivileged are and the goals they should be supported towards. This could be given different values, as shown in the four ideals presented above. The advocating actors, both professionals and volunteers, are not only facilitators, they are also gatekeepers because they choose whom they will advocate for. Thus, they also choose who is not to be supported.

In the final section, below, examples are given of how social workers in Europe have presented what they find to be "best practice" in enhancing the dignity and worth of people. These examples are discussed in relation to the ideals presented and to the question of facilitating and gatekeeping.

### **3. The dignity and worth of individuals**

A basic assumption underlying advocacy and the belief in social justice is that people's dignity and worth should be preserved. This has been argued in relation to a wide variety of fields, both in broader areas of advocacy for human rights (Gregory 2010) and in specific practices, as in nursing support for the elderly (Anderberg *et al.* 2007). Jean H. Quataert (2009) talks about "Advocating dignity" in his book about the development of the global human rights movement, describing advocacy as a means for promoting dignity. This is also a basic principle of social work. In 2012, the international associations for social work agreed on a joint Global Agenda with four key themes, of which "promoting [the] dignity and worth of people" was one (European Association of Schools of Social Work – EASSW – 2012). Each theme was globally monitored for two years. In 2015–16, "promoting [the] dignity and worth of people" was the focus and different forms of overviews were conducted in each continent. In Europe, examples of good practice were collected through the European and national social work organisations (IFSW 2016). Over 30 examples were gathered from 16 countries from practising social workers who wanted to share their experiences of what they had found to be best practice. In the following section, these examples will be used as illustrations of how good social work is perceived by social workers, in relation to the promotion of the dignity and worth of people. When activities were offered for the collection, the contributors were asked to define them as policy, practice or education. These categories will also structure the following presentation.

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The following should be regarded as nothing more than examples; there has not been any scientific selection of cases, either during the data collection, or in this presentation. The examples are used here to illustrate the four ideals of social work and social workers' role as both facilitators and gatekeepers in relation to access to justice.

### *3.1. Policy*

Policy work can be said to appear in two dimensions. Such work is about making agreements on how a practice should be performed, and also performing the practice as such. Lipsky (2010) argues that street-level bureaucrats are making policy in practice by carrying out their tasks, and adjusting them to the situation. In the examples given here, two different forms of advocacy work appear, one at a more structural level and one focusing more directly on specific persons and finding ways to advocate for their interests during the implementation of a decided policy. In both cases, the policy work concerned the right to be respected. In one example, it was said that it was about "making the person an actress of her life plan" (IFSW 2016, p. 80).

The first case is based on two examples. Firstly, a direct democratic action that is more about political activism than traditional social work. This example was provided by social workers in Spain who aimed to enhance awareness of people's need for public social services during times of austerity. They interviewed people affected by austerity measures and then, at a session organised at the European Parliament in Brussels, people from different parts of Spain were invited to explain how social cuts were affecting them and their families. The social workers argued that, by involving these individuals and letting them tell their own stories, they gained more attention for their message than if they, as social workers, had told the stories. In this activity, the social workers engaged the people who were directly concerned. Advocacy was not about speaking for someone specific, but about strengthening the situation for many and helping people to have their voices heard.

In another example, from Denmark, homeless people were engaged together with artists for a one-day event in a park to raise public awareness of poverty and what it means to lack access to basic rights and material conditions. To attract more attention, the event was called "Fuck the poor". The media was contacted, they found it interesting and reported it widely.

By means of these open manifestations, the messages reached far and wide. They were not events for the specific groups of poor people who participated; rather, they focused on specific poor people to elucidate the issue of poverty in general. This mode of acting enhances the democratic worth of people. It could be said to promote not only dignity and worth, but also democratic practice by involving the people concerned in the action. The initiatives came from established social workers, who were not poor themselves; hence, these were not direct cases of self-help. Implicitly, they were a way for the social workers to not only show the public the hardship of poverty, but also to show people ways to be democratic subjects and influence the public debate and, hopefully, policy as well in the long run. In some sense, these actions could be regarded as a combination of the self-help ideal and the philanthropic ideal because, in the end, they were the social workers' ideas and events, even though they were for the benefit of the poor. The poor were engaged in the social workers' ideas, it was not the poor asking social workers to

assist them, and the social workers selected who to contact and who to include in both these cases. In the Spanish case, interviews preceded the selection of people to involve, so they could select the most suitable. Thus, the social workers' gatekeeping function also came into play, whereby some were assessed as suitable and others not.

Another case could be said to build on the bureaucratic ideal in combination with the self-help ideal. This example was presented from a residential home in the UK that was about to close down. Seven adults with intellectual disabilities had lived there for 30 years. These individuals did not use verbal communication. In order to communicate with them, the staff had developed a specific approach whereby each person was met in his or her individual communication style. One communicated through images, another through signs, a third through objects, etc. One of the ways that was used to understand what was most important to these residents was to use pictures taken at the home, and by testing communication in different forms together with the pictures, the staff developed an understanding of what the residents valued most. This knowledge was used for establishing a new home. This case does not provide a way of influencing policy as such, but it does demonstrate a way of implementing policy by using a variety of tools to reach the people it concerns, so that the implementation could proceed smoothly. It was a bureaucratic ideal because the decision that had been taken to move was not questioned, it was facilitated. It had the ingredient of the self-help ideal of focusing on the problem and doing something from the perspective of the person in need of help. Yet, this example also contains a dimension of advocacy by providing access to some dimension of justice, even if it only concerned the opportunity to influence the very basic everyday situation to a minor degree.

The above examples were presented as best practices for policy work and they all partly relate to some kind of self-help ideal, where those concerned are to be involved. Still, the social workers were managing all the situations, they had set the agenda in all cases and their gatekeeping role was apparent even when they were facilitating the participants' access to justice.

### 3.2. *Practice*

Collaboration with the individuals concerned was highlighted in examples from social work practice, but here in combination with specific methods or techniques for better support were mentioned, which is why the treatment ideal was also represented here. Starting with that perspective, three cases will illustrate tools used by social workers to enhance their practice.

Two projects from the Netherlands illustrate how social workers enhance their expertise in a way that relates to the treatment ideal, where the method is in focus and the idea is to show results. One toolkit, *The Eight-Step Model*, was aimed at working with homeless young people to strengthen them as persons, not only to provide them with a bed, bread and a bath. This toolkit was developed using models and examples for goal-oriented help, better communication and understanding. Another toolkit was called *The Flag System* and was used in institutions to facilitate the assessment of the sexual behaviour of children and young people. The aim was to teach them positive sexual behaviour, where having and giving consent and free will were the central focus. This system was built on appropriateness in three basic areas: age, context and self-respect. Each criterion

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was to be judged using flags ranging from green (perfectly acceptable) through yellow (slightly inappropriate) to red (seriously inappropriate) to black (severely inappropriate). From this, a “flag diagram” was drawn up. This was used as both a pedagogical tool and an ethical, normative intervention, by means of which the young people were taught proper sexual behaviour. In these practices, we see very little involvement of those concerned.

Here, the people concerned are in the position of a “target group” for the interventions. Even though these examples are presented to illustrate best practice in promoting people’s dignity and worth, we do not see much that can be related to facilitating access to justice. These are examples of expert-based interventions where the social worker knows what is best for the client, who in turn becomes subordinated. In order to understand these examples as ways of facilitating access to justice, the actions should be understood as methods for influencing people to act in accepted and expected ways, with the aim of becoming accepted in society, which is one of the basic conditions for gaining respect. Still, they are techniques used to change people, to make them act in line with the governing norms.

Another example comes from Sweden, and concerns the integration of newly arrived migrant families. This is an example of a combination of the treatment ideal and the bureaucratic ideal. The social workers have a specific method, and are thus the experts, whereas the migrants have to adopt the concept in order to be accepted as citizens (in a broad sense), so that they can be considered for living in Sweden. The case was presented from a public social services unit where families were investigated and informed about life in Sweden. During the course of four weeks, the families were observed when participating in activities. Teachers mapped the children’s skills and abilities and the parents were taught laws, norms and traditions. The argument made by the social workers was that they provided a safe environment and opportunities to get a good start in the new country. They also highlighted that this way of working saved time for the professionals as they could easily share information.

Finally, some examples of practice involving close cooperation with the people it concerned were presented. From Lithuania, came an example from an organisation built to support former drug users. The participants had chosen to engage in the activities because they wanted to change their lives, and the organisation was built on peer support. The project ran a salad bar with two aims: to provide high-quality catering and promote socially useful activities. Working in the salad bar was part of the rehabilitation process and provided an opportunity to do something that is a normal part of society. In the background, the participants also had access to social workers, psychologists and other professionals. Here we find a model where the self-help ideal is at the forefront, but supported through the treatment ideal. This is another approach to best practice, and another approach to what it means to advocate for access to democratic aspects. The focus is on leaving room for those whom the practice concerns and building on their abilities and capacities, rather than actively altering their behaviour. This is a way of facilitating active participation in society, and from there, the democratic aspects of access to justice can develop.

Clearly, none of these examples presented from social work practice are examples of promoting the dignity and worth of people, or facilitating access to justice. The most

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interesting conclusion from these cases could be that they show the perspective of the social workers who sent these cases. They have considered their own integrative efforts as examples of promoting the dignity and worth of people, without considering the perspectives of the people they work with.

### 3.3. Education

In this final, short section with examples, the focus is on how social workers are (or can be) trained to better support access to justice, promote the dignity and worth of people and thus enhance their chances of gaining access to the democratic aspects of justice. As shown in the examples already given, one of the most basic aspects is about taking the perspectives of those the activity concerns. Often it is about letting people tell their own stories in order to build respect and acceptance. It is about bridging the community gap, about encouraging and strengthening openness to meet “the other” and to work without discriminating.

In social work education, the “target group” for social work can be understood as “the others”. Still, these “others” are likely to also be present in the room. People in general do experience hardship in life, and this also applies to social work students. Some have had a parent who drinks too much, another has drunk too much herself. Someone has grown up in a home that has taken foster children into their family. Another has been in foster care. Such examples have no limit and concern both prior and present experiences. Working to support people is not clearly divided into us and them; the overlap is huge when it comes to facing different forms of difficulties in life and society. The division is more between having or not having access to support and knowledge about where to turn. Being underprivileged is about lacking access to resources.

An example from Poland concerned training about awareness of mental health difficulties among university students and staff. Two different cycles of training were offered to staff and students during which knowledge about mental health issues was brought up in relation to the demands of academic life. The training included information relating to students’ experiences and methods to support students with mental health difficulties. It concerned letting the voices of the underprivileged be heard, developing ways of communicating, including with those who need to express themselves in alternative ways, and always showing respect for each other. Bringing other people in, with different perspectives, changed the traditions in education and created openings for new ideas and new ways of thinking. This is also the core of advocating for access to justice when it concerns the democratic aspect.

## 4. Concluding discussion

This paper has discussed the diversity within social work in relation to how social work can be a practice of advocacy for access to justice. The focus has been on the democratic dimension, where people are given the chance not only to “use” justice, but also to participate in the community and influence policy and practice for the underprivileged. By using examples that social workers in Europe have shared as good examples of promoting the dignity and worth of people, it has been shown that social workers not only facilitate, but also act as gatekeepers. Social work is not *necessarily* a practice of advocacy for access to justice. Discrimination and selection of which people to support



is clearly a part of all supporting practices. Being eligible for help does not mean that you can influence the help you get. In some practices, the ideal of the expert with knowledge of the method dominates and, as a person in the target group, you can only choose whether to accept the method or not.

Nevertheless, social work *can be* a practice of advocacy for access to justice. From the examples given, we can see three recurring key components for advocacy work that displays respect for the person in need of support: Firstly, *communication* in a way that actually reaches the person or group it concerns. Secondly, *proper inclusion* of the person or group concerned, in the sense that they get the chance to influence the process and the outcome in relation to their needs and experiences. Thirdly, a variety of methods, ideals and ways of performing advocacy work can be used in different settings. There is *not one way* of doing this job. The most important aspect of advocacy work is to be aware of the specific case and how the work should be done *in this case*. No single method, or person, can help everybody in need. The awareness of who to support and who to exclude is important for understanding whether you are providing access to justice or whether you turn out to be one of the actors who discriminate between the worthy and the unworthy.

The discussion here concerns access to justice from the perspective of the democratic thesis. Here, in this concluding section, it is valuable to also turn to the practical thesis and reflect on how access to justice is provided in that area. The presented ideals and the key components of advocacy work tend to also be relevant for the practical thesis and the work carried out by other actors, for example the legal professions. The ideals behind the practice influence what is done, who is assessed as eligible and who is not, and places the parties in different positions in relation to each other. Also, when arranging practical aspects, it is important to find ways to communicate with the person in need. The person has to be included in the case and both informed and strengthened in order to be able to act in proper ways. This is achieved in different ways in different setting to reach people with different needs. As we can see, the same basic components also recur for the legal professions. The ideals for the practice are more important than the way in which it is organised and whether it is carried out by a volunteer or a professional, or which profession the actor belongs to. Anyone can facilitate access to justice, but everyone has to be aware that they can also take on the role of a gatekeeper.

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