

Rights: Sociological Perspectives by Lydia Morris (ed.)

Book Review by Kerman Calvo*

It has been clear for a long time that the social sciences have a fundamental role to play in the study of rights. A wealth of successful social sciences studies on the rights-related questions of citizenship, civil rights mobilisation and rights policymaking has alerted scholars to the obvious dangers associated with disconnecting rights from the social and political environment surrounding them. Sociologists, however, often feel that rights, as an object of study, eludes them. They sometimes struggle to find a precise role for their discipline in this very important area of scholarly exchange. *Rights: Sociological Perspectives*,¹ edited by Lydia Morris, is an effort to remedy this.

A brief review of the main arguments discussed in the various chapters is in order. The task of bringing some structure to what at first might appear to be an interesting, but heterodox, set of contributions is admirably performed by Lydia Morris in the introduction. A clear priority for this chapter is to justify the role of sociology as a discipline with something new to say in the already crowded area of rights studies. Such a role, as is promptly confessed, might look dubious in the light of a certain lack of sociological foundation for the systematic study of rights. That notwithstanding, it is clear from Morris' early chapter that key aspects of the sociological approach to social and political dynamics are essential for a comprehensive approach to the issue of rights in contemporary societies. In the first place, Morris argues that a sociological approach to rights discourses, practices and struggles is necessary to identify the mechanisms that translate social phenomena into rights disputes. As affirmed later in the book, 'sociologists view rights as inventions'.² The vision of rights as an artefact caused by social processes of framing and construction is one of the themes running through the entire book. Secondly, in Morris' view, sociology is in an excellent position to identify, discuss, and possibly amend some obvious limitations in existing conceptions about rights. One important role for a sociological examination of rights is to balance claims for universality with the reality of societal and cultural diversity.

In an essay about the usefulness of rights as an analytical idea,³ Ted Benton takes the reader on a well argued tour through the historical underpinnings of current definitions of rights. Along the way many of the familiar discussions that have framed existing debates on citizenship regimes are reviewed, including the ever salient tension between aspirations

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² Plummer, n. 1 above, chapter 8.

³ Benton, n. 1 above, chapter 1.

of universality linked to rights recognition and the reality of widespread economic and social inequality. Sociology, as is also claimed in Robin Blackburn's chapter on pension rights,⁴ still has a role in underscoring the limitations of definitions of rights that remain blind to diversity, difference and inequality. The first part of the book, somehow inconclusively titled 'Political Economy and Rights', ends with Miriam Glucksmann's chapter on care and rights.⁵ Glucksmann offers an engaging discussion about the potential for sociology to make new ground in the areas of citizenship and human rights. Her attention to the question of how access to rights is to be operationalised is of paramount relevance. Rights, Glucksmann concludes, 'are linked to the circumstances in which they emerge'⁶. Thus, it is the task of the sociologists to make sense of those circumstances, and to show that claims for the universality of given rights (care rights, for instance) should be replaced by a thorough analysis of the 'variability in why, when, how and under what circumstances'⁷ rights are likely or not to emerge as a demand.

The second set of chapters comes under the heading of 'status, norms and institutions'. In chapter four, Lydia Morris uses empirical evidence on the issue of welfare rights to delve into some of the issues previously raised in the introduction. Her investigation into the shifting legal entitlements of immigrants and asylum seekers results in a convincing defence of rights as dynamic in nature. The legal status of migrant workers as not bound to ideas of nationality, and the reality of the interaction between rights recognition and civic stratification both collaborate in depicting a complex picture of entitlement and delivery of rights. Morris argues that it is sociology's role to disentangle the web of processes, connections and relations that frame, shape and define how rights are generated, defined and employed in the social and political arenas. This is also the central claim put forward by Diane Elson in her study of women's rights.⁸ In a chapter that reviews key theoretical exchanges in the field of rights, Elson sets out the conditions that precipitate the turn towards universalistic claims, in the form of human rights claims, by women's rights campaigners. In spite of the obvious clashes with central aspects of feminist thinking, the assimilation of human rights as a mobilising master frame is explained in the light of the opportunities generated by existing institutional arrangements at an international level. Finally, in chapter six, Carlo Ruzza draws on anti-racist struggles at European Union level to give a new twist to the consideration of rights as the consequence of political arrangements. Ruzza approaches rights as strategic resources to be employed by contenders for power in domestic and international arenas. Ruzza dispels the idea of rights as essential constructs: rights are created in the interplay of domestic and international forces, and they will be reinforced as long as otherwise powerless social actors find no other alternative but to engage in rights talk (a point also being made in chapter nine, on indigenous rights).

The contributors in *Rights: Sociological Perspectives* reveal important differences in background and approach. While some of the chapters pitch their argument at the level of theoretical exchanges, others focus on the inner experiences of 'rights workers'. Inaugurating the third part of the book (on 'meaning and interpretation'), Rob Stones, in chapter seven, develops an interesting theoretical exercise based on a fundamental question: where should we look for theoretical foundations for a sociological approach to

⁴ Blackburn, n. 1 above, chapter 2.

⁵ Glucksmann, n. 1 above, chapter 3.

⁶ Glucksmann, n. 1 above, chapter 3, at 62.

⁷ Ibid, at 61.

⁸ Elson, n. 1 above, chapter 5.

rights? Not surprisingly, in Stone's view a combination of social theory and political philosophy would be necessary. Moreover, which aspects are to be chosen would depend 'upon the purposes of the task at hand'.⁹ The two chapters that follow bring some interesting empirical cases to life. A careful analysis of the emergence of rights struggles around sexuality, which is the topic of chapter eight, by Ken Plummer, gives new muscle to the role of sociology as the discipline best equipped to discuss the social forces that underline the genesis of rights and rights struggles. As Plummer claims, 'the task for sociologists is to become intimately familiar with the crusaders, their claims and the social processes through which rights emerge'.¹⁰ Not surprisingly, this is a statement that Colin Sampson and Damien Short wholeheartedly endorse in their thorough examination of indigenous rights.¹¹ Theirs is perhaps the best example of the possibilities offered by a sociological examination of rights issues: apart from mapping the questions and goals that a sociological examination of rights should include, the authors address the need to link sociology with idiosyncrasies associated with the study of *human* rights.

In focusing on the 'clash of rights', the three final chapters of the book discuss situations where the recognition of rights is restricted or altogether denied. In chapter ten, Eamonn Carrabine questions the moral foundations and social mechanisms that lie behind the denial of rights to wrongdoers. What emerges after a well-paced analysis of theory and evidence is a loud plea for the consideration of rights as 'social inventions'.¹² Carrabine views the denial of rights to prisoners as the outcome of specific political arrangements, moral panic and social concerns. Further elaborations of these ideas are found in Joan Busfield's chapter on the rights of those suffering from mental disorders.¹³ Again, the question of the acquisition, and the denial, of rights to a given social group is linked to shifting political and social arrangements. Finally, Paul Iganski discusses the issue of hate talk.¹⁴ In a clash between those who hate, but claim a right to self-expression, and those who want to cleanse the public sphere from hatred, which should prevail?

As can be seen from the foregoing review, the book is ambitious, both in the tasks that it endeavours to achieve, and in the range of social situations that it considers. Most of the chapters engage with the question of what the role of sociology is in the study of rights, showing a clear determination to convince the reader that such a thing as the sociology of rights truly exists. In this sense, the book makes strong claims as to the role of sociology in providing a more nuanced approach to rights issues, particularly by insisting on linking rights with broader processes of framing, identification and creation of meaning. One sometimes misses a more concerted effort to distinguish between types of rights. While Sampson and Short suggest that the study of *human* rights is bringing forward questions not previously discussed by existing studies on citizenship, the majority of chapters seem to be making general claims about sociology and rights, without further distinctions. Still, this is unquestionably a very welcome contribution to a growing field. The book reminds us that it is never redundant to argue that rights are essentially human creations, and, thus, fully sociological creatures, embedded, shaped and conditioned by those social forces that sociologists, often very successfully, are determined to understand.

⁹ Stone, n. 1 above, chapter 7, at 138.

¹⁰ Plummer, n. 1 above, chapter 8, at 153.

¹¹ Sampson and Short, n. 1 above, chapter 9.

¹² Carrabine, n. 1 above, chapter 10, at 207.

¹³ Busfield, n. 1 above, chapter 11.

¹⁴ Iganski, n. 1 above, chapter 10.