

ungenerous, bound in red tape, suspicious of those in need, and downright mean.

Equality Deferred: Sex Discrimination and British Columbia's Human Rights State, 1953–84, by **Dominique Clément**. Vancouver: University of British Columbia Press, 2014. 298 pp. \$37.95 paper. ISBN: 9780774827508.

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In the last decade, sociologists have joined their colleagues in political science and anthropology in showing greater interest in human rights. Ideally, sociologists will bring their theoretical and methodological expertise to bear on a series of pressing questions: How can we account for the saliency of “rights-talk” in the contemporary world? Why do so many governments express concern—whether sincerely or disingenuously—for their records on human rights? Why do so many international non-governmental organizations (INGOs) and social movement organizations (SMOs) frame their objectives in the language of human rights? Far from finding easy answers in the research on transnational norms, these monumental questions necessitate *historical-sociological* reflection on the flurry of rights-oriented activity in the period after the Second World War. This is where the story begins.

The story is worth summarizing as the background to and subtext of Dominique Clément’s important intervention, *Equality Deferred: Sex Discrimination and British Columbia's Human Rights State, 1953–84*—a book that examines how the putative “rights revolution” unfolded in the context of the Canadian welfare state. Amid pressure not only from the newly created UN but also from mobilizations for the rights of women, workers, racial minorities, indigenous peoples, and colonized peoples, many governments revised their constitutions and/or altered their legal systems. Consequently, scholars, policymakers, and activists routinely use the expression “rights revolution” to characterize the rapid spread of rights-oriented norms, laws, policies, and

institutions. At the same time, analysts recognize the glaring inconsistencies in the implementation and enforcement of human rights—both within and between states. Thus, the revolution consisted of the widespread invocation of human rights as a *normative framework*.

By custom, analysts point to the establishment of the UN—especially the Economic and Social Council, the International Court of Justice, the General Assembly (along with its subsidiary bodies, the Human Rights Council and the International Law Commission)—as the foundation of a reconstructed interstate system. Doubtless, UN institutions have played significant roles in the promotion of human rights. Notwithstanding the challenges of the Cold War and the decolonization process, the UN succeeded not only in cultivating rights-oriented policymaking on the part of member states (including Canada, which outstripped many of its peer countries in producing human rights legislation), but also in facilitating the growth of the INGO sector. Such multilateral treaties as the 1966 International Covenant on Civil and Political Rights and the 1966 International Covenant on Economic, Social, and Cultural Rights served as touchstones for INGOs—especially for Amnesty International, which gradually expanded its mandate from the protection of “prisoners of conscience” to advocacy for economic and social rights. But it remains for sociologists to demonstrate how UN institutions and INGOs influence the actual *conduct* of states—especially in domestic policymaking.

While the jury is still out on the question of how the human rights canon has affected policymaking, Clément’s case study of the emergence and evolution of human rights laws and institutions in Canada points us in the right direction. Cutting across the fields of political sociology, the sociology of human rights, the sociology of law, and social movement research, *Equality Deferred* makes a significant contribution to the growing literature on human rights and social policy. As Clément notes, “The emergence of the Canadian human rights state coincided with similar developments around the world,” including the new constitutions of post-colonial states in Africa and a flurry of anti-discrimination laws in the United States,

the United Kingdom, and Australia (p. 13). At both the federal and the provincial levels, Canada passed a vast array of anti-discrimination legislation (between 1944 and 1966), equal pay legislation (between 1951 and 1975), human rights legislation (between 1962 and 2003), and sex discrimination amendments to human rights legislation (between 1969 and 1977), in addition to the 1982 Charter of Rights and Freedoms. Clément demonstrates how competing forces—including political parties on both sides of the spectrum and NGOs/SMOs advocating for the expansion of women's rights as *human rights*—contributed to the crafting, implementation, and enforcement of the legislation. In the process, he explains how human rights legislation can serve as a playing field for conflicting political forces, and, by extension, how the outcomes can be counter-intuitive.

Focusing on British Columbia, which served as a cauldron for contestation over human rights from the early 1950s through the early 1980s, Clément draws on archival research, interviews, and policy analysis in offering a *historical sociology*—much more than a legal history—not only of a particular human rights state, but also of the struggles waged by women's organizations within the framework established by the Legislative Assembly. In defining this fundamental concept, Clément writes: "Laws that bind the state to advance human rights principles, as well as the associated apparatus, constitute the 'human rights state.' The human rights state is premised on the idea that governments should create mechanisms to help alleviate social inequality" (p. 8). Accordingly, Clément points—albeit only in passing—to an instructive analogy between the human rights state and the welfare state. Is it the case that the human rights state proves better equipped to accommodate the rights-claims of women? Although one could argue that Clément's research suggests an affirmative answer to the question, one would need to compare the case of British Columbia with those of welfare states that have enacted fewer human rights laws—a task that falls beyond the book's purview.

Nevertheless, by scrutinizing a wealth of details from women's court cases and

complaints to human rights entities, Clément establishes four essential points. First, women found limited success in using a chain of legislation—including the 1953 Equal Pay Act, the 1956 Fair Employment Practices Act, and the 1961 Public Accommodations Practices Act—to pursue their grievances (pp. 66–93). Second, while the 1969 Human Rights Act represented a step forward by merging the previous laws and by introducing the human rights frame, it still proved ineffective (pp. 94–108). Third, it was a convergence of the recently elected New Democratic Party (and its Women's Rights Committee) with such NGOs/SMOs as the British Columbia Civil Liberties Association, the Status of Women Action Group, the Vancouver Status of Women, the Vancouver Women's Caucus, and the YWCA that produced the groundbreaking 1973 Human Rights Code (pp. 109–133). Fourth, the Code—and more precisely its clause prohibiting *all* forms of discrimination without "reasonable cause" and its provisions for institutions to ensure the advancement of equality—"allowed women to establish a host of new precedents in human rights law" (p. 116). Chief among the new institutions was the Human Rights Branch, entrusted with investigating human rights violations. Instructively, the Human Rights Branch made a point of hiring women's rights activists, thereby incorporating NGOs/SMOs into the enforcement process. Elaborating on this point, Clément argues that "The success of the human rights state relied a great deal on non-state actors. Social movement groups played multiple roles in implementing human rights law" (p. 206).

In analyzing the dynamics and contradictions of the partnership between government and activist organizations, Clément offers a useful model for human rights scholarship.