Leisure and human rights: A sociological perspective on the World Leisure Organisation's *Charter for Leisure*

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Abstract

The 1948 Universal Declaration of Human Rights (UDHR) declared leisure time and cultural participation to be human rights, but the idea of leisure rights has not featured significantly in the field of leisure studies, including the sociology of leisure. The recent revision of the World Leisure Organisation's *Charter for Leisure* provides an opportunity to reconsider this omission. The article comprises five main sections: an introduction to the place of leisure in the UDHR and related treaties; an overview of the disciplinary contexts within which human rights have traditionally been conceptualised; an outline of the United Nations human rights system in international law and the obligations it places on member states; the *WLO Charter for Leisure* revision process and how it sought to align the charter more closely with the UN system; and a sociological perspective on the link between human rights and the study of leisure.

Introduction

The primary aim of this article[1] is to report on the revision of the World Leisure Organisation (WLO) *Charter for Leisure* which was undertaken in 2020, and reflect on the outcome from a sociological point of view. The World Leisure Organisation (WLO), founded in 1952,[2] is an advocacy body with consultative status with the UN Economic and Social Council. In receipt of no official funding, it was supported in its early days by philanthropic funds, but recently, in addition to membership subscriptions, it has generated income from its bi-annual World Leisure Congress and other promotional events. In addition to its policy-related and practitioner-orientated advocacy role, the organisation supports academic activity through publication of the peer-reviewed *World Leisure Journal*, and the hosting of the World Leisure Academy and Special Interest Groups, including one recently established on Leisure and Human Rights. The *WLO Charter for Leisure*, is primarily an advocacy vehicle, originally published in 1970, and subsequently revised periodically. The most recent revision, published in 2021, sought to align the charter more closely with the UN human rights framework. It also reflected the growing interest in human rights among leisure scholars, indicated by the publication of an overview and suggested research agenda (Veal, 2015) and of special issues of leisure studies journals (McGrath, Young and Adams, 2017; Caudwell and McGee, 2018). While the overview was informed by Turner's (1993, 2006) pioneering work on the sociology of human rights, there is a case for more detailed analysis of this work and its actual and potential relationships with the study of leisure, which is the purpose of this paper.

The paper is divided into five sections: an introduction to the place of leisure in the Universal Declaration of Human Rights (UDHR) and the International Bill of Human Rights; an overview of the disciplinary context within which human rights have traditionally been conceptualised and studied; an outline of the United Nations human rights framework in international law and the obligations it places on member states; an outline of the *WLO Charter for Leisure* revision process and how it sought to align the charter more closely with the UN system; and a sociological perspective on the link between human rights and the study of leisure.

The Universal Declaration and the International Bill of Human Rights

In 1948, in the shadow of the Second World War and its horrendous bloodshed, suffering and destruction, the UDHR, drafted by an international committee, was endorsed by the General Assembly of the newly formed United Nations. Of its 30 articles, five are general in nature, 19 address civil and political (CP) rights, and six address economic, social and cultural (ESC) rights, as shown in Figure 1(A). Two ESC articles specifically address leisure rights: Article 24 on the right to '*rest and leisure'*, including '*reasonable limitation of working hours and periodic holidays with pay'*; and Article 27 on the right to participate in the *'cultural life of the community … and enjoy the arts*'.[3] Tourism is also covered in CP Article 13, which asserts the right to *freedom of movement or travel*, both domestically and internationally. However, while tourism is a form of leisure, it is covered by the UN World Tourism Organisation (UNWTO) and has its own distinct body of academic literature, so is not addressed in the *Charter for Leisure* or in this paper.

The UDHR was, and remains, a symbolic statement of principle with no formal legal status. Two *international covenants* enshrine the identified rights in international law. They are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (United Nations, 1996) (see Figure 1B). They were promulgated in 1966 and came into force in 1976. Together with the UDHR, they form the International Bill of Human Rights.

While the UDHR adopts the principle of universality, in that the rights listed in the declaration relate to *everyone*, regardless of 'race, colour, sex, language, etc.', the additional UN treaties listed in Figure 1C indicate that there are some groups in society which are considered particularly vulnerable to being unjustly denied their rights relative to majority, mainstream or powerful groups. They are therefore considered worthy of more extended expositions of their rights and how they should be protected.

The disciplinary context of leisure and human rights

Figure 2 indicates that the dominant disciplines which have traditionally been involved in the study of the multi-disciplinary field of human rights have been the law, philosophy and politic science. Sociology is a comparative late comer to the field, but it is significant here because of the recent emergence of a sociology of human rights, as noted above, and the long-standing influence of the sociology of leisure on the development of the multi-disciplinary field of leisure studies. Further complexity is added to the current task by the consideration given to the world of practice, in the form of the UN, with its systems for holding national governments to account for their obligations under international human rights treaties, and non-government organisations such **as** the WLO and the advocacy roles which they play.

A. Universal Declaration of Human Rights

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as …race, colour, sex, language, religion or other opinion, national or social origin, property, birth or other states.

Civil and Political (CP) rights

Everyone has the right to:

3: Life, liberty and security of the person
4: Freedom from slavery
5: Freedom from torture & inhuman punishment
6: Recognition before the law
7: Equality before the law
8: Legal remedy re rights infringement
9: Freedom from arbitrary arrest, etc.
10: Fair hearing in court
11: Presumption of innocence
12: Privacy & honour/reputation
13: ***Freedom of movement*****
14: Seek asylum
15: Nationality
16: Marriage & family
17: Own property
18: Freedom of thought, conscience & religion
19: Freedom of opinion & expression
20: Freedom of peaceful assembly/association
21: Democratic participation

Economic, Social and Cultural (ESC) rights

Everyone has the right to:

22: Social security & other ESC rights
23: Work, equal pay and joining a trade union
24: ***Rest, leisure & holidays with pay****
25: Adequate standard of living & security
26: Education
27: ***Participation in the cultural life of community and enjoyment of the arts (& IP rights)****

General

28: Social and international rights world order
29: Duties towards community
30: All rights to be respected

* Leisure-related
** Tourism-related: responsibility of UN World Tourism Organisation

B. Legally binding associated covenants, 1966:

- International Covenant on Civil and Political Rights (ICCPR) (ratified by 173 states)
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (ratified by 171 states)

C. Individual treaties regarding:

- Women (1979)
- Indigenous and tribal peoples (1989)
- Children (1989)
- National, ethnic, religious, linguistic minorities (1999)
- Persons with disabilities (2006)
- The aged (2002)

Figure 1. Universal Declaration of Human Rights and associated treaties: Summary

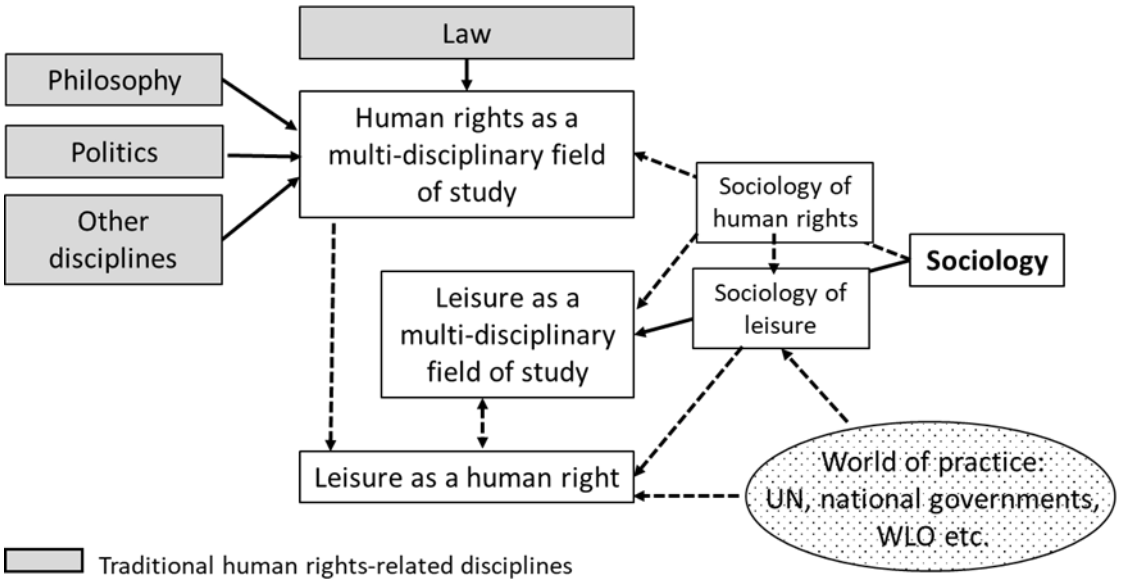

Figure 2: Disciplinary context of leisure and human rights

Commentators from the traditional disciplines have had little to say directly concerning leisure rights. There is a degree of scepticism among followers of these ~~traditional~~ disciplines in regard to the legitimacy of ESC rights in general and leisure rights in particular. Two exceptions prove the rule. Risse (2009, p.1) concludes that the idea of (paid) work as a human right is defendable in philosophical terms, and this leads to a defence of leisure as a human right but 'alas, not a right to paid vacations'. Richards and Carbonetti (2013) present a defence of the inclusion of leisure rights in the UDHR in the context of a review of criticisms of ESC rights generally. The most well-known critic of ESC rights, Maurice Cranston (1983), based his critique on considerations of *practicability*, *universality* and *paramount importance*. In doing so, he invariably referred to the example of holidays with pay to illustrate his arguments. Richards and Carbonetti (2013, p.344) nevertheless conclude that there is 'no good reason for the rights in UDHR Article 24 to be excluded, *a priori*, from consideration as rights equal in all manners to others'.

The United Nations human rights system

Of the general categories of UDHR rights, Article 28 indicates that individuals and member states have the right to expect some sort of global human rights order to be in place to oversee the implementation of the system of human rights as a whole. This role is, of course, played by the UN and its agencies. Article 29 indicates that, while human rights are innate to human beings and cannot be denied on account of their own behaviour, there is nevertheless an expectation that individuals will respect the rights of others. Article 30 indicates that all the rights set out in the UDHR come as a 'package'; member states cannot 'pick and choose' which rights they will uphold.

Since 1976, the two international covenants, the ICCPR and the ICESCR as noted above, have provided a legal framework around the two sets of rights set out in the UDHR. UN member states which *ratify* the covenants accept a certain degree of accountability in regard to their implementation. As of January 2022, the ICCPR had been ratified by 173 UN member states and the ICESCR by 171.[4] Accountability is overseen by two UN committees, one for each covenant, to which ratifying states are required to submit periodic progress reports.[5] In the case of ESC rights this is the Committee on Economic, Social and Cultural Rights (CESCR), hereafter 'the Committee'.

Discourse

The scepticism of some commentators from the traditional disciplines concerning the legitimacy of ESC rights, and leisure rights in particular, is noted above. This is paralleled by an informal hierarchical system of rights within the UN system. It has been observed that:

> Despite a rhetorical commitment to the principle that the two major categories of rights – civil and political rights on the one hand and economic, social and cultural rights on the other – are interrelated, interdependent and indivisible, the international community has consistently treated civil and political rights as more significant. Even United Nations human rights agencies and non-governmental organisations (NGOs) focusing on human rights have invested little attention and resources on [ESC] rights (Chapman, 2002, 1).

One dimension of this situation is historically based, reflected in the classification of human rights into *generations*, with status being related to longevity. *First generation* rights are 'classic' civil and political (CP) rights, with their origins in eighteenth century declarations of the French and American revolutions. ESC rights are *second generation* rights, with their

post-World War II origins in the UDHR. *Third generation* rights refer to environmental and cultural rights, or solidarity or group-related rights, which emerged in the last quarter of the twentieth century (Frezzo, 2015, 60; Griffin, 2008, 257).

There is, furthermore, a hierarchy *within* ESC rights. There exists an informally recognised six 'core social and economic rights', namely, the rights to: food; education; health; housing; work; and social security. Cultural rights, which encompass leisure, are omitted from this list and the omission is reflected in UN documents. For example, the UN guidelines on human rights indicators includes fourteen illustrative examples of how legal and administrative processes and outcomes for various human rights might be measured, but none refers to cultural rights (Office of the High Commissioner for Human Rights, 2012). Even studies devoted exclusively to ESC rights routinely omit cultural rights. Examples are the study by Fukuda-Parr, Lawson-Remer and Randolph (2015) and the collection of papers edited by Dugard, Porter, Ikawa and Chenwi (2020). The latter includes a chapter on the right to work (Gomes, 2020) but it does not discuss *conditions of work*, which include rest, leisure, limitation of working hours and holidays with pay.

While leisure rights are therefore clearly recognised in formal UN human rights documents, their actual status in the institutions of human rights and in the study of human rights is uncertain. While some of the rights set out in the UDHR are more firmly established than others, all are presented only briefly in the International Bill of Rights documents. They are therefore all subject, to varying degrees, to continuing discussion regarding definition, measurement and implementation. Some of this discussion emanates from the UN, for example the 'General Comments' on particular topics by the ESC rights committee. Most of the rights in the ICESCR have been the subject of such comment, including the right to participate in the cultural life of the community in General Comment 21 (UNCESCR, 2009).

Leisure rights in the UN system

The leisure-related rights as expressed in UN documents refer to two aspects of leisure: *time* and *activity*.

The right to leisure *time* is expressed in two ways, as the right to 'rest and leisure' and, for those in paid employment, as 'reasonable limitation of working hours and periodic holidays with pay' (UDHR, Art. 24, ICESCR, Art. 7d). The workers' rights format reflects the concerns of a specific UN agency, the International Labour Organisation,[6] so the question arises as to the extent to which it is intended to be extended to unpaid (e.g., domestic/care) work.

The right to leisure *activity* is expressed as the right to 'participate in the cultural life of the community' (UDHR, Art. 27, ICESCR, Art. 15-1a). The meaning of this statement hinges on the intended meaning of the term 'cultural'. This is, of course, central to the cultural studies branch of sociology, which has been so influential in leisure studies, particularly in Britain. Hansen (2002, 284) notes three meanings of cultural rights: the right to participate in or consume creative products, such as 'the visual arts, literature, music, dance, and theatre'; the right to participate in the 'cultural life of the community' broadly interpreted; and the right to preserve a particular culture.

While the broader concept of culture is not defined in the original International Bill of Human Rights documents, the Committee has defined it as including:

> ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games,

> methods of production or technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence. (UNCESCR, 2009, 4)

The 'ways of life' concept of culture embraces a wide range of matters other than leisure. However, the Committee has indicated that exercising the right to cultural participation involves access to a range of leisure resources, including:

> libraries, museums, theatres, cinemas and sports stadiums; literature, including folklore, and the arts in all forms; the shared open spaces essential to cultural interaction, such as parks, squares, avenues and streets; nature's gifts, such as seas, lakes, rivers, mountains, forests and nature reserves, including the flora and fauna found there. (UNCESCR, 2009, 4–5)

Such leisure practices, institutions and resources/facilities are characteristic of both majority and minority cultures. It is understandable that UN concerns should be focussed on minority groups and their right to engage in cultural practices and to seek to sustain cultural identities and ways of life which may be under threat (see Shaheed, 2013). However, if minority groups' levels of access to culture is partly assessed in relation to levels of access enjoyed by the mainstream population, then the adequacy of access by the latter should also be assessed.

The International Bill of Human Rights therefore declares leisure time and participation in leisure activity to be human rights. Furthermore, over 170 UN member states have committed themselves, *in international law*, to uphold these rights, along with all the other rights outlined in the international bill. The idea of leisure rights is therefore a phenomenon with institutional, political, social and cultural dimensions. As such, it can be expected to be of interest for the sociology of leisure and for leisure studies more broadly.

The World Leisure Organisation and the *Charter for Leisure*

The instigation and process of conducting the 2020 review of the *Charter for Leisure* can be summarised as follows (a more detailed account can be found in Sivan and Veal (2021)):

- 2015: Article on 'Human rights, leisure and leisure studies' published in the *World Leisure Journal* (Veal, 2015).
- 2016: Keynote address on leisure and human rights delivered at the 14th World Leisure Congress, Durban, South Africa (Veal, 2016).
- 2016: Workshop discussion on leisure and human rights at the Durban congress.
- 2016: World Leisure Board invites World Leisure Academy (WLA) to review and revise the *WLO Charter for Leisure*.
- 2017-18: Taskforce of WLA members established and begins work.
- 2018-19: Consultation with leisure studies organisations.
- 2020: WL Board approves revised Charter.
- 2021: Revised Charter and accompanying educational and bibliographical material posted on the WLO website (ww.worldleisure.org/charter/), together with an invitation to the public to offer further comment and a commitment on the part of the WLA to promote further research on leisure rights.[7]

A primary aim of the revision process was to align the charter more closely with the UN human rights system. The revised charter comprises seven articles, as shown in Figure 3. Key features of the revision are as follows:

- Associated with the charter is a contextual statement which shows its relationship with UN treaties and other human rights declarations by organisations such as UNESCO and the European Union.
- The opening articles use terminology from the UDHR and ICESCR.
- The alignment involves limiting conceptualisation of leisure and leisure rights to 'time' and 'activity', while not precluding future discussion of other dimensions of leisure and how they relate to leisure rights.
- While Article 24 of the UDHR and Article 7 of the ICESCR refer to employees, the charter indicates that rest and leisure are also rights for those engaged in unpaid (notably domestic and care related) labour.
- Article 5 recognises the relationship between leisure rights and all other human rights, reflecting UDHR principles.
- Article 6 recognises that, while governments have a primary role to play in ensuring that rights are observed (being the parties to the UN treaties), other civil institutions are also involved.
- Article 7 outlines the wide scope of governments' oversight responsibilities.

Introduction
The right to leisure time and to participate in the cultural life of the community are, like other rights included in the Universal Declaration of Human Rights and endorsed by governments around the world, indispensable to every human being. However, they are routinely denied to millions: many are required to work excessive hours in poor conditions injurious to their health; while others see working hours increasing rather than falling and developments in information technology enabling work-related responsibilities to intrude into non-work time. Access to space, facilities and services and to natural and cultural heritage are also essential to ensure the exercise of the right to leisure participation. Against this background, the World Leisure Organisation's *Charter for Leisure* is a statement of leisure-related rights and the benefits that flow from their recognition and implementation.

1. Everyone has the right to adequate time for *rest* and for the pursuit of *leisure* activity
2. For employees: the right to *reasonable limitation of working hours and periodic holidays with pay*.
3. Article 1 also applies to those engaged in unpaid labour
4. Everyone has the right to *freely participate in the cultural life of the community*.
5. Leisure as a medium through which other rights and related benefits can be exercised/enjoyed.
6. Support for leisure rights required from: commercial, education, professional, non-government and government organisations.
7. Governments have responsibilities in regard to:
   - (a) open space for recreation
   - (b) natural and culture heritage
   - (c) children's play
   - (d) health-enhancing amenities
   - (e) cultural institutions/activities
   - (f) equity of access
   - (g) technical & professional training
   - (h) research
   - (i) include leisure rights in law & and regulations
   - (j) and in national, regional, local policies/plans
   - (k) support for other human rights

Text in italic = ICESCR terminology. Full version of the charter at: www.worldleisure.org/charter/. This includes a separate statement of *Context for the Charter for Leisure* which outlines the historical, social, legal and political context of the charter.

Figure 3: Summary of revised WLO Charter for Leisure, 2020

A key feature of the revised charter is its presentation not just as a statement but as a project, with a presence on the WLO website offering bibliographic and teaching materials and involving an on-going commitment to research promoted by the World Leisure Academy.

An exploration in sociology, the frailty theory of human rights and the study of leisure

This section includes: a summary of Bryan Turner's work on a sociology of human rights; an examination of the place of human rights in leisure studies; and a sociological perspective on leisure rights based on the collaboration between Turner and leisure sociologist Chris Rojek.

Sociology and human rights

In the early 1990s, Bryan Turner (1993) observed that human rights had been 'largely ignored by contemporary sociology' (p.486), due particularly to the influence of the writings of Durkheim, Weber and Marx, a trio widely recognised as the founding fathers of sociology. This neglect was still being commented on fifteen years later by Somers and Roberts (2008). Turner noted that a sociology of citizenship, related to the nation state, had 'functioned as a substitute for a sociology of rights' (p.496) but argued that the concept of universal human rights was a more appropriate fit with 'the social process of globalisation' (Turner, 1993, p.490; 2009, pp.183, 196).

While a substantial literature on the sociology of human rights has emerged since the publication of Turner's paper, we concentrate on Turner's work here because of its pioneering nature and its particular link with the study of leisure, discussed below. Drawing on 'Gehlen's philosophical anthropology', Turner (1993, p.489) proposed a sociology of human rights based on the proposition that 'human beings are ontologically frail' while 'social arrangements, or social institutions, are precarious'. The frail or vulnerable individual has been historically unable to survive without the protection of tribe or state, with the latter conferring citizenship rights (and duties), often made explicit with national citizens' rights frameworks, such as a Bill of Rights. But states themselves are frequently precarious, for example in times of war, political disruption, corruption or economic crises. A supra-national concept of universal human rights offers the possibility of an additional level of protection or at least a platform for arguing for such protection. In addition, Turner also posited that the existence of moral sympathy provides an imperative for such rights systems to be established. This theoretical framework was termed the 'frailty theory of human rights' (p.508) or, in a later formulation, the 'vulnerability thesis' (Turner, 2006, pp.36-37). In the following discussion it is therefore referred to as the *frailty/vulnerability theory*.

These propositions are of course open to debate (see, e.g., Waters, 1996; Turner, 1997) but , while pursuit of this debate is not the purpose of this discussion, alternative perspectives are considered at the end if this section. Here, we consider the extent to which the topic of human rights has been addressed in the field of leisure studies, before considering the link between the frailty/vulnerability theory and leisure.

Leisure studies and human rights

The historical pattern of treatment of human rights in the study of leisure reflects the pattern in sociology identified by Turner, namely early neglect followed by a focus on citizenship in the 1990s (Murdock, 1994).

There were, however, exceptions to the general neglect in the second half of the twentieth century. French sociologist Joffre Dumazedier, well-known to leisure scholars for his book *Towards a Society of Leisure* (1967), made a single observation on the historical emergence of the right to leisure, as follows:

> In the Renaissance the individual achieved the right to choose his own God or his own ideal without risking being burnt at the stake. With the coming of democratic society in

> the eighteenth century, the individual achieved civil rights, i.e., protection from arbitrary will of political power (*habeas corpus*). The trade-union movement was a struggle against the arbitrary will of owners and management. The worker ultimately achieved the right to organize. All these rights have been achieved over the last four centuries. This conquest has reached a point of no return. In the new society the fact of leisure corresponds to a new social right for the individual. (Dumazedier, 1971, 203)

This was in contrast to the view of fellow sociologist Kenneth Roberts (1978, 155) that: 'Having one's recreational interests serviced cannot be made into a right of citizenship'.

The idea of there being a general right to leisure for all, and the possibility that such rights might be honoured or denied to varying extents, has not arisen in the general development of leisure studies, but references have appeared in relation to particular social groups. In the case of women, for example, specific mentions of the right to leisure were made in the 1980s and 1990s, albeit only in passing. Deem (1982, 44) observed that 'women do not always see leisure as something to which they legitimately have a right', while Green, Hebron and Woodward (1990, ix) concluded that: 'A woman's right to freedom in leisure is circumscribed by her employment status and income level, her family situation and … her lack of status as a woman in a patriarchal society'. In the United States, Juliet Schor (1991, 141) called for recognition of 'a right to free time' while Henderson and Bialeschki (1991) examined women's sense of entitlement to leisure but without using human rights terminology. On the other hand, Mason (1999) briefly examined human rights as one of a number of 'contemporary moral theories' considered inadequate for addressing feminist issues. This ambivalence existed despite the promulgation in 1979 of the UN *Convention on the Elimination of all Forms of Discrimination against Women* (CEDW), which included leisure rights (Article 13c). Aitchison (2013, 522) set out principles for the development of a research agenda on leisure, women and gender which included a public policy-related component involving consideration of human rights and social capital. However, while she cited relevant articles from the UDHR and from the CEDW,[8] details of how the proposed research agenda were to be implemented were not elaborated. In contrast, in regard to people with disabilities, there is a clear link between the UN *Convention on the Rights of Persons with Disabilities* (1975, revised in 2006) and related domestic legal instruments and leisure research (see Darcy and Taylor, 2009).

In the UK, recent discussion of differential access to leisure opportunity, rather than referring to human rights, has tended to use the terminology of inclusion/exclusion (e.g., Collins, 2003), reflecting a focus on national or local citizenship. A parallel focus in North America has sought to align leisure research to the pursuit of social justice (Parry, Johnson and Stewart, 2013; Stewart, 2014). In an exposition of the idea of 'just leisure', however, Henderson (2014) referred to the *WLO Charter for Leisure*, although expressing ambivalent views on human rights.

Research and commentary on human rights aspects of specific leisure forms have been more common than for leisure as a whole, although the tendency of these contributions has been to concentrate not on the right to participation in leisure/cultural activity as such, but on ways in which other rights of particular vulnerable groups may be infringed in the context of sport (e.g., Giulianotti and McArdle, 2006), the arts (e.g., Ivey, 2008) or tourism (Lovelock and Lovelock, 2013). This has also been the dominant pattern in most of the papers included in the two leisure studies journals' recently published special issues on human rights. Thus, in the nine papers in the special issue edited by Caudwell and McGee (2018), the rights dealt

with, typically in the context of major sporting and other events, included: housing rights of evicted tenants; migrant workers' employment rights; and threats to the right to freedom of speech, assembly, sexual identity and security of the person (from police violence). Rights dealt with in four papers included in the special issue edited by McGrath et al. (2017) included the right of children in sport training not to be physically, mentally and economically abused and the rights of captive animals used for entertainment vis-à-vis the rights of humans to leisure activity. These contributions in leisure studies journals demonstrate the links between a variety of human rights and leisure activities but do not engage explicitly with human rights-related sociological theory.

The review by Veal (2015) summarised the general neglect of human rights in the field of leisure studies in Britain and the USA, called for a review of the *Charter for Leisure* and presented a research agenda. In support of a call for more attention to be paid to human rights within leisure studies, the paper briefly discussed the relevance of human rights to a number of common, largely sociological, themes in leisure studies, namely: the divide between individualistic, psychology-based analyses of leisure and more collective, sociology-based analyses; the concepts of freedom, gender and globalization; and public policy at national and local level. The review noted and briefly summarised Turner's (1993) sociological work, as discussed above, but did not pursue it in any detail.

The sociology of leisure and human rights

Chris Rojek, one of the leading theorists of the sociology of leisure, provided a link with the sociology of human rights in his collaboration with Turner in *Society and Culture* (Turner and Rojek, 2001), which included an outline of Turner's frailty/vulnerability theory of human rights, as discussed above. Four years later Rojek (2005b, 49–50) summarised the theory[9] as a basis for his 'Action Approach' to analysing leisure, which was intended to go beyond theorising about leisure behaviour to include *action* or policy-related elements.[10] He declared: 'because all of us have bodies that are vulnerable and live in environments that are precarious, we share a common predicament', which provided 'the pretext for recognizing universal citizenship rights and responsibilities of which leisure is a major constituent' (Rojek, 2005b, 50). Whether the apparent melding of universal rights and citizenship rights was intentional is unclear, since there was no further discussion of the theory beyond this brief statement. This also meant that the links with the theory and leisure rights were not fully developed.

Later in the book Rojek moved to examine *action* in the form of leisure policy, where he selected the WLO *Charter for Leisure* (2000 version) as being representative of professional policy in the sector (Rojek, 2005b, p.197). His commentary was, however, pragmatic, not apparently drawing on the frailty/vulnerability theory. He identified five main faults of the then charter: first, it was deemed to be 'pious', being a 'virtuous, self-righteous, earnest expression of duties or obligations' of governments (p.198). Second, it invoked contestable notions of personal freedom and choice. Third, it ignored structural inequality, distributive injustice, social exclusion and disempowerment. Fourth, it lacked analysis of the constraints on achieving access to leisure opportunities for all. Finally, it placed excessive reliance on the state (p.199). The revised *Charter for Leisure* can, however, be seen as addressing Rojek's concerns and can also provide links with the frailty/vulnerability theory.

In selecting the WLO's *Charter for Leisure* for examination, Rojek implicitly recognised the supra-national arrangements, such as the UDHR and its related accountability mechanisms, which, in terms of the frailty/vulnerability theory, respond to the precariousness of the nation

state. The charter plays a role in these arrangements – albeit a supporting role which is itself precarious. Rojek (2005b, p.1) unwittingly even suggested this precariousness when, in the first page of his book, he observed that 'scarcely any government' had taken heed of the *Charter for Leisure* in regard to its claimed potential for leisure to contribute to the quality of life.

Rojek's first comment concerns the normative stance of the charter. However, the promulgator of the charter, the WLO, is part of the world of policy and practice and is therefore entitled to take a normative stance. While the basis of this stance may have lacked explicit justification in the 2000 charter, the revised version is more clearly aligned with human rights thinking, taking on board the wide-ranging normative debates that this entails. The accompanying contextual statement and bibliography on the WLO website indicate that the theoretical basis of human rights, whether philosophical, legal or sociological, is a 'work in progress', and the situation of leisure is positioned as part of the associated discourse. Furthermore, as a statement from an organisation operating in the human rights domain, the revised charter can be seen as reflecting the frailty/vulnerability theory in that Article 7f shows concern for the rights of vulnerable groups, defined in relation to income, age, gender, ethnicity or disability, and routinely denied access to leisure This concern reflects a long-established feature of leisure studies. It can also be said that the citizenry as a whole is vulnerable to being denied its rights when governments fail to ensure that adequate provision is being made for certain infrastructure or services, including those for leisure.

The contestable association of the concepts of freedom and choice with leisure, identified in Rojek's second comment, is avoided in the revised charter by its adoption of the UDHR conceptualisation of leisure as being confined, for human rights purposes, to non-work time and an illustrative range of activities. Freedom is still involved but, in the context of the UN human rights system, it is associated with what should be *aspired to* rather than making assumptions about what *is*. The link with vulnerable groups in this regard is particularly apparent in the association of leisure and human rights with 'emancipation'. Hemingway (1996, 36–37) has argued that 'the task of a critical theory of leisure is … emancipating leisure', while Risse (2009) has observed that:

> . When organized power is criticized for harming those whom it ought to benefit, appeals to human rights tend to be used, rather than the language of Marxism, critical theory, modernization theory, dependency theory, as well as other decidedly moral languages, such as the language of justice or a plain language of rights and duties as opposed to 'human rights' (p.14).

Rojek's third comment is concerned with the charter's neglect of inequality, distributive injustice, social exclusion and disempowerment and again these matters can be addressed by the revised charter's view of leisure rights as part of the overall UN human rights system. Most of the rights in the UDHR can be seen as addressing these matters and items 5 and 7(k) of the revised charter indicate the interdependence between leisure rights and human rights as a whole. Again, these concerns are commonly focussed on the vulnerable in society.

Rojek's fourth comment is concerned with the analysis of structural constraints on achieving leisure for all. The research agenda associated with the revised charter can accommodate such analysis. Furthermore, the WLO's newly-formed 'Special Interest Group on Leisure and Human Rights' is expected to promote a more vigorous deployment of the *Charter for Leisure* in an advocacy role, so that it may be seen as a rallying point for leisure scholars and others with an interest in leisure rights. In observations relating to sport, but applicable to

leisure as a whole, Kidd and Donnelly (2000, p.135) have argued that those who are 'committed to advancing opportunities for humane sport and physical activity ought to resort more systematically to the strategy of establishing, publicizing and drawing upon the charters, declarations and covenants that enshrine codes of entitlement and conduct'.

Regarding Rojek's final comment, concerning over-emphasis on the state, Article 6 of the revised charter refers explicitly to the roles of institutions other than the state. While national governments of UN member states are the organisations which undertake the legal obligation to uphold human rights, including leisure rights, as set out in international treaties, part of this responsibility involves legislating for, and monitoring the activities of, non-government institutions and individuals. The frailty/vulnerability theory sees the recognition and upholding of human rights as necessarily involving civil institutions. While the state is preeminent among these institutions, part of its role in the human rights system is to ensure that other institutions uphold, or at least do not undermine, human rights. The precarious nature of individual states, and of their citizens, is addressed by supra-national arrangements, of which the WLO and its charter are a modest component.

The above discussion indicates that, while Rojek omitted to relate his comments on the 2000 charter to the frailty/vulnerability theory, it is possible, in responding to his comments, to establish such relationships with the revised charter, at least in broad outline.

The frailty/vulnerability theory of human rights is, however, not the last word in the developing sociology of human rights. In a direct challenge to its *foundational* nature, Waters (1996, p.593) offers a *social constructionist* alternative, arguing that 'human rights is an institution that is specific to cultural and historical context just like any other' and that 'its very universality is itself a human construction'. He then argues that human rights should be theorised in terms of the competing interests involved in their emergence, operation or demise in particular eras and geographical regions. In his reply, Turner (1997) rejects the divide between foundational and constructionist analysis, arguing that, to avoid falling into a state of 'naïve relativism', examination of historical power struggles and their outcomes needs a foundational moral basis, such as the frailty/vulnerability theory. This would certainly find echoes in the wide-ranging analysis of leisure rights exemplified by the above discussion.

Space precludes examination of other constructionist perspectives, for example, those put forward by Sjoberg, Gill and Williams (2001, p.25), Somers and Roberts (2008), Woodiwiss (2009) and Hynes, Lamb, Short and Waites (2010), let alone consideration of their implications for leisure rights. Furthermore, philosophically-based and development-related perspectives, such as the *capabilities* framework advocated by Nussbaum (2011) and Sen (1999), remain to be explored.

Conclusions

The aim of this paper has been to examine the revised *World Leisure Organisation Charter for Leisure* in the context of the emerging sociology of human rights generally and of leisure rights in particular. There has always been a close relationship between sociology and leisure studies, and both tended to neglect the idea of human rights in the past. This began to change from the 1990s in the case of sociology and in the last decade in the case of leisure studies. The revised *Charter for Leisure* is now more closely aligned with the UN human rights system, linking it with the UN human rights legal treaties which have been ratified by more than 170 UN member states. This political, social and cultural phenomenon presents a valid

subject of research and debate for the field of leisure studies and the sociology of human rights and leisure. Leisure studies has traditionally relied substantially on sociology to provide its theoretical underpinnings as in, for example, neo-Marxism (Clarke and Critcher,1985), feminism (Deem, 1982), post-modernism (Rojek, 2009) and post-structuralism (Aitchison, 2000). The revised WLO *Charter for Leisure*, and its open-ended call for research and debate, is an invitation for this relationship to continue with renewed vigour. It is hoped that the above examination of the relationship between leisure rights and the frailty/vulnerability theory has made a contribution to this process.

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Notes

[1] This an extended version of a presentation to the British Sociological Association Leisure and Recreation Study Group one-day on-line seminar: Leisure for All: Formulating the Right to Leisure as a Radical Demand for Democratic Citizenship, 21 January 2022.

[2] Originally under the title of the World Leisure and Recreation Association.

[3] Article 27 also refers to creative and scientific intellectual property rights, but this is not addressed in the *Charter for Leisure* or in this paper. However, Rojek (2005a) offers a leisure-related discussion.

[4] In 2020, 25 member states of the UN had *not* ratified the ICESCR. Of these: 17 had a population of less than one million, constituting mainly small island states; six had neither signed or ratified the covenant (Bhutan, Malaysia, Saudi Arabia, Singapore, South Sudan, United Arab Emirates), while two had signed but not ratified it (Cuba, USA), that is, it had not been endorsed by their legislative assemblies. For ratification status of treaties/ states see: https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=_en

[5] Country reports are available online at: www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx.

[6] The International Labour Organisation, became part of the UN in 1946, but had been established as the International Labour Office in 1929, under the terms of the World War I settlement, the Treaty of Versailles.

[7] Early examples of further research are: the current paper and Veal (2021, 2022). A suggested agenda for research was included in Veal (2015).

[8] Aitchison (2013, 533) mistakenly attributes a statement about 'recreational activities, sports and all aspects of cultural life' to the UDHR. In fact, the UDHR does not mention 'recreational activities' and 'sports' – the quoted statement is from the CEDW (Article 13).

[9] Rojek (2005b, 222) indicated in a footnote that he was presenting summary of the perspective on human rights from Turner and Rojek (2001).

[10] It should be noted that the Action Approach has not been subsequently adopted within leisure studies generally.