



Refereed paper accepted for presentation at

The Australian Sociological Association Annual Conference:

Re-imagining Sociology

Reclaiming a sociological voice in mental health law

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Abstract

The vulnerability of Australian sociology is attributed to the dominance of neo-liberalism. The effect of the neoliberal period is to embed deeper fissures in the Australian sociological enterprise. One of these fissures is the impetus to reconcile the adopted activist stance with emerging trends in critical sociology and postmodern discourse. This has resulted in gaps or silences within the discipline. The radical period of the 1960s and 1970s was characterised by a creative alliance between activists, social scientists and lawyers made possible by the ground breaking sociological jurisprudence of Oliver Wendell Holmes. This provided a temporary reconciliation within sociology between the pursuit of rights as a radical project and the persistent disquiet within sociology regarding rights claims. In the 1980s critical sociology rearticulated a neo-marxist critique of rights. In the context of mental health law the nexus between law and sociology was further disrupted by the sociological analysis of Rose. Internationally law reform in mental health law has continued apace and extended into the articulation of international principles. A vibrant law and society movement has deepened and strengthened. In Australia this has occurred largely outside the discipline of sociology and nurtured within law and legal studies disciplines. This paper argues that the changing nature of the mental health field and of mental health law requires the re- engagement of sociology and the contribution of expert sociological inquiry that the discipline can offer. In doing so sociology could reclaim its traditional ground, freshly engage with rights discourse from a sociological standpoint and contribute new insights to the broader discipline 'from the periphery'.