

Rethinking Human Rights
(eds) Brian Galligan and Charles Sampford
(The Federation Press, Sydney, 1997)

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In considering the role that issues on human rights will have in shaping Australia's constitutional framework as we approach the 21st century, Galligan and Sampford have provided a platform through which contributors have openly expressed their views on matters relating to the creation and protection of appropriate human rights norms for the next century. The issues are defined from an Australian perspective but developments in the international sphere are also examined.

The book is divided into three parts. The first outlines movements in rights thought, the second defines the international approach as well as the Australian approach to human rights protection and implementation, while the third deals with the protection of particular rights.

In identifying developments in rights thought, the contributors distinguish between first-generation (civil and political rights) second-generation (economic, social and cultural rights) and third-generation (group rights). Hilary Charlesworth states that rights thought is gendered and persuasively argues that the problem is not in the creation of rights but in their application.

Although an international approach to the protection and implementation of human rights has been created through UN conventions, such a framework is not uniformly accepted. For example, as Alice Tay notes, the Asia-Pacific area 'remains the only regional bloc in the world which does not have in place a regional human rights system'. Tay claims that Australia has the power to influence human rights development in the region so as to promote regional and global stability.

The debate in Australia over whether or not a bill of rights should be implemented as a means of protecting human rights raises a number of interesting issues. Notably, David Tucker expresses his concern that, if a bill of rights was adopted, it could be possible for judicial activism to envelop democratic processes, as more judges would become involved in the protection of rights.

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In discussing particular rights, Jim Harris examines the concept of whether or not self-ownership is a human right, Beth Gaze looks at equality rights as they apply to women and Alastair Davidson explores the impact of globalisation on human rights in the context of democracy. Emphasis is placed on utilising the information super-highway to reintroduce direct democracy, allowing rights thought to be stimulated on a regional rather than on a national basis, similar to the European model.

Rethinking Human Rights covers a range of issues relating to human rights law, constitutional law and international law. For this reason, it is worthwhile reading for those who are interested in exploring a diverse set of ideas on the future direction of human rights issues both nationally and internationally. ●