

What are Human Rights?
by Thomas Fleiner
(The Federation Press, Leichhardt 1990)

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Human rights discourse is fraught with contradictions that are notoriously difficult to reconcile. Questions involving complex notions such as the delicate balance between the rights of the individual and community, or the role of local versus international law in the protection of rights, are constantly debated and discussed in government, academic and international forums. As a result of these complexities, a great deal of human rights discussion is inherently linked with legalistic and academic explanations and language that can be alienating to those seeking an introductory or basic knowledge of human rights issues. Fleiner overcomes many of these difficulties, producing a simple and easy to read generalist text that seeks to cover the significant arguments inherent in human rights discourse.

'*What are Human Rights?*' presents a range of human rights issues in a concise, anecdotal text that draws extensively on local, national and international incidents and examples. Through this approach the author relates human rights to familiar, everyday situations, consequently successfully transforming some of the more complex notions, such as the right to a healthy environment, into a 'form that is accessible to those outside the human rights field'. Each chapter deals briefly and specifically with a separate topic area, with the underlying themes assisted by a coherent transition from broad theoretical concepts, such as state monopoly on force, to more narrow issues, such as the rights of asylum seekers. This progression allows Fleiner to apply basic theories to some mainstream issues that are of interest to the general public and the media, including human rights in wartime, the legacy of Auschwitz and the human rights of murderers.

At times, however, the text presents a relatively naive view of human rights, with a distinct tendency to favour the western perspective, presenting a more favourable view of European and North American systems. Similarly, the assertion that human rights primarily exist to protect citizens from interference by the State presents a

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challenge to the cultural relativity/universalism debate that is left unanswered. The introductory nature of the text precludes it from contributing any new ideas or theories to academic arguments; instead serving to describe and depict the status quo and discussing the major populist arguments as they stand today.

The implicit, if optimistic, conclusion is that constitutional protection and a strong independent court system offers the greatest protection against human rights abuses. Essential concerns that arise regarding the misuse of these instruments are effectively alleviated by the accompanying discussion regarding a fair trial, access to legal representation and equality before the law. Simple yet thorough, the primary emphasis is placed on the human rights that offer clearer and more universal solutions, such as the discrimination of people on the grounds of religion, nationality, race or political affiliation. The use of colloquial, non-academic language and succinct discussions and analyses make this an ideal introductory guide to some of these more clear-cut issues, while a consistent use of examples allows for additional explorations into some of the more difficult questions

'What are Human Rights?' can be recommended for students or general readers who require a concise, comprehensive and simple explanation of the fundamental questions that surround human rights. ●