

very oddly with the book's unabashed celebratory tone.

Regardless of one's attitude to its subject, it must be recognised that *Appealing to the Future* is a major event in Australian legal publishing. It adds enormously to our understanding, not just of the deeds of Justice Michael Kirby, but to the recent history and decisions of the High Court itself. Of Kirby's ultimate legacy, Freckelton writes that 'the future will be his judge' (p 46). Until then, this collection will certainly serve to keep the dream alive.

ANDREW LYNCH is the Director of the Gilbert + Tobin Centre of Public Law in the Faculty of Law at the University of NSW.

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THE HUMAN RIGHTS ENTERPRISE IN AUSTRALIA AND INTERNATIONALLY

Peter Bailey; Lexis Nexis Butterworths, 2009, 976 pp, \$140.00 (paperback)

On first sight, there are three features which intrigue about Peter Bailey's new book on human rights. The first is its weight — coming in at 976 pages, this tome is in the heavyweight category. This appearance is deceptive, in the sense that whilst extremely comprehensive in its breadth and deep in its insight, it is a very accessible book aimed at all comers, which

can be dipped into as required or read straight through as a ripping yarn.

The second eye-catching feature is the use of the term 'enterprise' in the title, a word which can be defined as 'a bold, arduous, or momentous undertaking' (*Oxford English Dictionary*). Bailey defines the objective of the human rights enterprise as being 'to enable each human being to enjoy a desirable standard of life in a community with a rights-based culture and to realize their full capacity without adverse discrimination' (p 57). He focuses on the place of law in this endeavour (specifically Australian and international law), in terms of 'what it can do and how it should change' (p 3).

This unusual choice of the word 'enterprise' is apt not just as a description of the task to be analysed but also for the concinnity and energy Bailey displays in the objectives, tone and structure of the book. Boldness and engagement with controversy are the hallmarks of this text. It is obvious that Bailey has been teaching recalcitrant students about human rights for many years, as almost every salient legal point is illustrated with a 'controversy' box, an engaging example of a human rights debate or issue which gives difficult concepts a 'hook' and some human interest aimed at better understanding. At the same time, the foundations of human rights law and concepts are clearly explained and accessible to a non-legal or government policy audience.

Finally, upon first inspection, the cover illustration of a monarch butterfly is intriguing. Perhaps thanks to Amnesty International, the cover of almost every book on the subject of human rights depicts an emotionally strained face or barbed wire, or both. At first blush I thought the butterfly was a comment on the twinned beauty and fragility of human rights. Once I had looked at the detailed table of contents, I wondered if it related to the amazing colour and variegation of human rights issues captured in the book, or even a clever reference to migration issues discussed in Chapter 13 (the monarch butterfly migrated to Australia from North America and is often called the 'wanderer' butterfly here), or perhaps even

the calls for an Australian republic touched on briefly in Chapter 3. Whatever the intent, the choice of image is an inspired one, because it asks the reader to consider the concept of human rights in a different frame to the usual one of violations and denunciation. The reader is immediately engaged in the task of moving the human rights enterprise forward.

So now to outline one reader's reactions upon finishing this book (alas, due to its length, not in one sitting). Again, there are three features that deserve mention. The first is that this book will serve as an invaluable teaching resource, partly because it covers, with accuracy and clarity, every human rights and discrimination issue or debate I have come across in my career, and much more besides. When launching the book at ANU in March 2009, Michael Kirby described it as a 'marvelous cornucopia of material ... every nook and cranny of the subject of human rights in Australia is examined', and I heartily concur. Without limiting himself to the more traditional areas of human rights law or civil liberties such as the death penalty or a fair trial, Bailey brings a human rights lens to many and varied topics, including providing some of the first academic treatment of very recent events such as the Dr Haneef incident, the 2008 Apology and the Northern Territory Intervention.

He also includes many examples from the under-represented areas of economic, social and cultural rights, such as health policy, housing and cultural rights. Finally, Bailey displays in this text his mastery of Australian discrimination law. Combined with a casebook (such as *Australian Anti-Discrimination Law* by Rees, Lindsay and Rice), this is all a practitioner or a teacher would ever need. The only flaw from a teaching point of view is the lack of personal names in the index, so that one cannot easily look up the musings of, for example, Justice Kirby in a particular case.

The second insight about this book flows from the first, in that this book represents much more than a teaching text. The comprehensiveness of the text springs from the broad range of experience on the part of the author. Peter Bailey is an Adjunct Professor at

the Australian National University, an accomplished author who has taught law at ANU since 1987. He was previously Deputy Chairman and full-time Chief Executive of the Commonwealth's Human Rights Commission (forerunner to the Australian Human Rights Commission, referred to in the book as HREOC under its previous incarnation). He was also a Commonwealth public servant, rising to the level of Deputy Secretary in the Department of Prime Minister and Cabinet in 1972. And he has served in a Royal Commission (Australian Government Administration 1974–76).

In other words, Bailey is that rare breed of person in public life who has looked at an issue for a long time from all sides of the fence. So, for example, when discussing the enforcement processes of the Human Rights Commission and the *Brandy* case, a 'controversy box' notes in the first person that Bailey had raised problems with the conciliation processes in section 81 of the Act in a conversation with then Attorney-General Gareth Evans (p 466). One gains a rare insight into the social history of the human rights enterprise in Australia by reading this book, precisely because Bailey has been right at the heart of it for so long. He looks beyond legislation and case law to the policy level and the machinery of government, which is crucial for understanding areas like the implementation and enforcement of human rights or migration law, but all too rare in academic writing. It also means, when Bailey recommends that a federal human rights Act will lead to better public administration (pp 216–7), he is highly convincing.

The third feature, and the most valuable aspect of the text in my opinion, is the hopefulness at the heart of the book in its thesis that law can empower people and protect their human rights. Partly because this book is infused with the getting of wisdom of a long career in human rights, the law reform strategies and ideas are invaluable to an advocate. Bailey provides clear ways to move forward in the human rights enterprise, although the current formidable challenges to the development of a rights culture in Australia and global barriers to a forwarding a rights agenda are clearly enumerated in Chapter 2. The

section on an Australian Bill of Rights in Chapter 3 exudes good sense and clear thinking in a debate that often lacks both qualities. The call for the adoption of the rule of law as a constitutional implication is a much-needed reform.

The final chapters in Part IV represent a particular triumph of analysis. Called 'Drawing the threads together', Bailey provides a series of studies or vignettes that show the indivisibility of rights, but also how a rights framework is a paradigmatic and valuable shift from the existing approaches of charity or general benevolence on the part of a government. The topics include Australia's Indigenous peoples, aliens and refugees, same-sex couples, prisoners and economic rationalism. As we boldly go forward in the human rights enterprise, these may be the final frontiers (if one might indulge a *Star Trek* reference). As complex as these issues are, Bailey's approach to them is wise, fair and ultimately optimistic, much like the cover image of the monarch butterfly.

This is an important book. Professor Bailey is to be congratulated on a timely contribution to the human rights enterprise in Australia.

SUSAN HARRIS RIMMER is an ARC Research Fellow in the Centre for International Governance and Justice at The Australian National University, and President of the voluntary national non-government organisation, Australian Lawyers for Human Rights.

THE CRITICAL CRIMINOLOGY COMPANION

Thalia Anthony and Chris Cunneen (eds); Hawkins Press, 2008; 336 pp; \$64.95 (softcover)

Criminology is a troubling discipline. It's popularly associated with the slew of American television dramas where the cunning of law enforcement and its forensic technologies bring criminals to justice. Off-screen, criminology resources a consistent political diet of law and order and punitive forms of regulation. The *Critical Criminology Companion* offers stark relief to the dominant ideas which structure the administration of criminal justice. Coming

to prominence in the 60s and 70s, critical criminology interrogates the idea of crime and crime control through its broader institutional and structural referents. With an attention to race, class and gender, critical criminological research has provided important insights into the industries of imprisonment, policing and globalised as well as national forms of crime control. Less a coherent movement, critical criminology represents diverse approaches to social theory, challenging the positivist frameworks of what this book refers to as 'mainstream' criminology.

It is to a politics of critique, and the possibility for alternate approaches to understanding crime and justice that this book turns. The edited collection spans 26 chapters written largely by internationally renowned and established academics working in Australia and New Zealand. In their introduction, the editors maintain that 'it was the absence in mainstream texts of some of the most theoretically sophisticated and politically committed criminologists that drove this collection' (p 1). The book is also intended to be used to teach criminology. For students, practitioners and activists thinking and working through issues in criminal justice, this book is an invaluable resource. Each short chapter provides succinct, well-evidenced arguments, many of which draw on original research. This book does what it sets out to do: 'it seeks to delve into debates about the positivist questions criminology poses and provide them with a context, critique and alternative policy position' (p 2).

While each chapter deserves individual consideration, I will instead comment on the broad themes connecting the aim of the book and note chapters of particular interest. The collection is divided into five connected parts. In part one, the authors address diverse questions of theory and method—from the role of class in criminalisation (Rob White), to how crime is imagined and represented in relations of power and emotionality (Alison Young), to drawing on psychological theory in order to ask why the state criminalises (Thalia Anthony and Dorothea Anthony). Chapters introducing the theoretical challenges in understanding the political rationalities of contemporary neo-