The most important point, perhaps in the entire book, is the growing importance for lawyers' 'ability to communicate and engage well with the variety of other people that lawyers come into contact with' (p 239). One may add, however, that the greatest indictment against lawyers is their inability to *adapt* their communication skills to fit the mould of their clients' cultural background, language limitations, age and stage.

One way to promote non-adversarialism is through appropriate legal education at university. This is discussed by Hyams in the final chapter. Unfortunately, Hyams does not appear to tell his audience exactly how this is to be achieved. Are there to be distinct courses on non-adversarialism? Or do we adopt the Menkel-Meadow approach and enshrine it directly into various black-letter law courses?[2] One may decipher the chapter and reasonably conclude that a mixture of the two is what is advocated by Hyams.

As readers emerge from this book, they must condition their mentations into accepting that non-adversarialism can be stretched to an unnatural extreme such that it trespasses into the terrain properly the province of adversarialism. Sadly, this may already have taken place in Australia. For the 'quiet revolution'[3] to ignore this encroachment would yield to at least two punishing effects on society. Firstly, the civil or criminal wrongdoer will have no incentive to refrain from wrongful conduct given the punishment will be merely 'therapeutic' and indeed may cause an individual to assume risk where that individual otherwise would not have. Secondly, this would take certainty, coherence and meaning of the common law to an uncommon low. The authors, citing Cannon,[4] touch this point in a different milieu: 'the private resolution of disputes … can reduce corporate and governmental accountability, create a multiplicity of standards or rules and exacerbate existing power imbalances between the rich and the poor' (p 12). It can also be stretched to such blatantly improper extremes as to seek culture-specific courts functioning as a 'voluntary and non-binding dispute resolution mechanism … [with a view to defusing Muslim] community tensions before they reach litigation.'[5] This is not 'non-adversarial justice' but sectarian justice with a view to incrementally elevating their powers and profile.

The book in its totality is highly commendable. It owes its beauty to the fact that it will provoke thought and even instigate far-reaching arguments not only between lawyers but by wider legal system functionaries, sociologists, psychologists and the broader community. The authors have splendidly dissected the plenary dimensions of non-adversarial justice. Purely lay audience, however, may experience difficulty in comprehending the book given the authors employ a degree of aloofness or complexity in their expression. Nevertheless, as the authors' mission is just, one hopes they get appropriate mileage, but no more, and that more ideas emanate from their upcoming conference![6]

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CIVILISING GLOBALISATION: HUMAN RIGHTS AND THE GLOBAL ECONOMY

David Kinley, Cambridge University Press, 2009; 272 pp; $49.95 (paperback)

GLOBAL GOOD SAMARITANS: HUMAN RIGHTS AS FOREIGN POLICY

Alison Brysk, Oxford University Press, 2009; 304 pp; $52.95 (paperback)

In *Civilising Globalisation*, Professor David Kinley explores the intersections between the global economy and human rights, asking: 'In what ways does, can and should the global economy support and assist human rights, and in what ways do, can and should human rights instruct the global economy?' (p 1).

In answering this question, Kinley explores the ways in which international aid, trade and commerce variously promote and violate human rights and makes concrete recommendations as to how to harness the human rights benefits of globalisation while minimising the abuses. At the core of Kinley's thesis is that human rights are the 'ultimate foundation upon which rests the legitimacy of the actions of our governments, our international institutions, our corporations and business enterprises [and] our organs of civil society' (p 239) and that, by consequence, human rights must be deeply integrated and mainstreamed into the functions and actions of these entities. As Kinley writes: 'Poverty does not cause human rights abuse; the actions or inactions of governments and other institutions and organisations, as well as other individuals, *cause* human rights abuse' (p 27). By consequence, he says, 'governments, international finance and multinational corporations must be forced to do more than pay lip service to their legal and ethical duties to protect human rights'.

Approaching human rights as part of 'core business' is similarly the focus of *Global Good Samaritans* by Canadian political scientist Professor Alison Brysk.

Like *Civilising Globalisation, Global Good Samaritans* starts with a question: Why do a small number of principled, persistent, human rights promoting states — 'Global Good Samaritans' Brysk calls them — sacrifice their national interest to help strangers? Her simple answer is … they don't (p 31). Drawing on case studies including Canada, Costa Rica, Sweden and The Netherlands, Brysk explains that such states construct and re-construct their national interest with a broad, long-term vision of a rule-based international system that values and promotes human rights, security, democracy and good governance. Global Good Samaritans, she posits, see the 'blood, treasure, and political capital they contribute to the international human rights regime as an investment, not a loss' (p 31). They have learned to see themselves, she continues, 'as interconnected members of a global community that works best for everyone when human rights are respected' (p 31). Put another way, Global Good Samaritans recognise the domestic and international imperatives of a rule-based international social order; states that adhere to those rules; and a genuine multilateral commitment to tackling global problems. They recognise that, in the absence of these imperatives, urgent challenges such as climate change, poverty, financial instability and food insecurity will remain unresolved, with grave implications for global, regional and national peace, security and development. As Kinley writes in *Civilising Globalisation*: 'I am as concerned with what we stand to lose if the project [of mainstreaming human rights in the global order] fails, whether through mendacity, ignorance, arrogance or neglect, as with what we stand to gain if it succeeds' (p 229).

In addition to recognising the dangers of not adopting a persistent and principled approach to human rights in international relations and foreign policy, Brysk demonstrates that Global Good Samaritans also see and reap the benefits of doing so, including: firstly, the development of a more stable and predictable international and regional policy environment; second, enhanced international credibility and diplomatic capital; third, enhanced policy coherence and effectiveness as human rights construct common frameworks for domestic, bilateral and multilateral policy and relations; fourth, the development of diverse, cross-cutting international networks with other promoter states; and fifth, the ideation and mobilisation of universal, constructive national values and identities.

Both *Civilising Globalisation* and *Global Good Samaritans* are clear, cogent, accessible and balanced works. They make very significant, positive and optimistic contributions to debates regarding human rights and the international order and contain concrete and critical recommendations as to the integration of human rights into global and domestic politics and economies. As Brysk concludes:

> We can build a better world by nurturing every element of the international human rights regime. Global institutions, transnational civil society and state human rights promoters are interdependent and synergistic. They can reinforce each others' efforts — and must learn from each others' visions and experiences. (p 234)

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THE SOLOIST

Directed by Joe Wright; based on a book by Steve Lopez; adapted for the screen by Susannah Grant; starring Jamie Foxx and Robert Downey Jnr; 2009; 113 mins.

In Terry Gilliam's acclaimed 1991 film 'The Fisher King', Robin Williams' character falls apart after his wife is brutally murdered before his eyes. He is admitted to a psychiatric hospital before ending up on the streets of New York. By the film's end, however, he is miraculously cured by a fairy-tale subplot and the love of a good woman.

Similarly, in the film 'Shine', David Helfgott's breakdown is attributed largely to his violent and controlling father. It is assumed that mental illness always has an originating trauma, and if this trauma can be identified and relieved, then all will be well. Part of the cruelty of mental illness, however, is that often there is no identifiable cause. It simply happens, destroying all in its path. And often it strikes in the teenage years, when life holds such promise.

'The Soloist' tells the story of Nathaniel Ayers, a gifted cellist who (we learn from flashbacks) attended the prestigious Julliard School of Music in his youth. His family, although poor, loved and supported him. As the story opens, however, Nathaniel is another African American living on the streets of Los Angeles. His disheveled appearance and disjointed speech indicate acute schizophrenia.

What attracts the attention of Steve Lopez, journalist for the LA Times, however, is Nathaniel's beautiful violin playing. Cradling a battered, two-string instrument, Nathaniel's music seems to heal and transform both the player and the listener. The story charts their friendship, and Lopez's attempts to restore the gifted musician's career.

'The Soloist' graphically depicts the alienation and terror caused by schizophrenia. As a boy, Nathaniel is shown playing the cello alone in the basement, immersing himself more and more in music, when the world outside seems so threatening. Eventually, he runs away from home when he fears his mother is trying to poison him.

The film also shows the reality of living on the streets, surviving on handouts, sleeping in dumpsters and doorways. Violence and victimization are an everyday occurrence for society's outcasts. Ironically, those whose appearance or behaviour are outside the norm are often regarded as a threat to society. Even when they become friends, Lopez is embarrassed when Nathaniel turns up at his place of work.

Unlike many popular treatments of mental illness, 'The Soloist' suggests that there are no easy answers. Sometimes, dealing with ordinary situations and interactions can take extraordinary courage. The film suggests that simple acceptance and friendship are more valuable than medical, psychiatric or religious cures. Realistic films like 'The Soloist' help give a human face to homelessness and mental illness.

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