Anyone who heard philosopher Martha Nussbaum on her recent visit to Adelaide will already be rethinking the notion of human rights and questioning its usefulness in actually improving lives. John Chesterman’s book *Civil Rights* reinforces the message that ‘rights talk’ is often of little practical use. The symbolism is important but having the right to equality is in itself a passive concept.

This book is a useful survey of a complex subject. Common knowledge about the history of human rights for Australian Aborigines is confused, and most people probably still think that the 1967 referendum gave them the vote. In fact, they always had the right to vote in four states, and the last state to grant it was Queensland in 1965. All the referendum achieved was to remove the discriminatory references from the Constitution, allowing the Commonwealth to legislate with the regard to the Indigenous population, and providing for them to be counted in the census. As Chesterman says, ‘one of the principal reasons why the acquisition by Indigenous people of civil rights receives so little popular or scholarly attention is because there was no defining moment of victory.’

In addition, the acquisition of civil rights – as distinct from Indigenous rights like land rights or self-determination – has often seemed a pyrrhic victory. The right to equal wages caused widespread unemployment, and the right to drink alcohol has often seemed more of a curse than a blessing. And then there is the belief among many commentators of a connection between the policy of assimilation, with all its unhappy consequences, and the acquisition of civil rights.
Chesterman’s first few chapters are careful and repetitive, stepping gingerly among sensitivities, acknowledging contrary points of view, while setting out a complicated history of legal and political manoeuvering. He contends that most changes in the law were brought about by a combination of domestic activism and international pressure. The spectre of South Africa’s ostracism by the world was a powerful spur to the Commonwealth government to change at least the letter of the law relating to Indigenous people during the 1950s and 1960s.

Chesterman warms to his task in later chapters, describing the bankruptcy of the views of equality held by Pauline Hanson and to an extent by the current federal government. When he compares the kinds of measures needed to bring what Nussbaum calls basic human capabilities to Aboriginal communities, especially in remote areas, with what is actually being done, the dullness melts away with the heat of his convictions.

Still, Chesterman believes that, whatever the short-term consequences, the acquisition of basic civil rights was important in ‘forcing a reluctant state into a new relationship with Indigenous people’. This book is unlikely to become a bestseller – the overall style is too dry – but it is an essential book for students and others interested in gaining an understanding of this complex area of Australian law.