

**The Slumbering Sentinels — Law and Human Rights in the Wake of Technology** by C.G. Weeramantry

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Professor C.G. Weeramantry in his thought provoking book on technology and its impacts on law and human rights, made the following as one of his concluding points:

Some jurists have envisaged that even as mankind has lived thus far under the regime of law it may in the future be constrained to live under the rule of science. If this is a possibility, new structures must evolve now.

This is the real thrust of his book, laying down the challenge to lawyers, politicians, sociologists and above all scientists, to promote a new legal 'order' for the decades ahead. There is no underlying sense of doom emanating from the book, but rather one of challenge, to create a new system based not on legal rhetoric, but upon a multidisciplinary approach, to ensure technological development is the servant of society, responding to the needs and aspirations of mankind.

The title '*Slumbering Sentinels*' is most apposite, as is demonstrated by the issues raised in chapter one, where in fourteen pages there are some fifty examples from the recent past and predictions of future incidents are isolated, which demonstrate that the current legal systems are incapable of resolving, or can only give partial or minimal '*protection*' to society and its members. Some of the problems isolated have been smouldering for years, such as pollution, waste of natural resources, human rights, but whose effect in the global context are only now being fully realised. Others are of a far more recent origin, such as genetic engineering, surrogate motherhood, frozen embryos. The problem of an aging population profile due to advances in medicine and the problems associated with organ transplants and the definition of death.

It is not the judges alone who have slumbered through the changes in the problems faced by society as a result of changes in technology (as might be gathered from the cover illustration). Criticism is made by Weeramantry of the judges' failure to resurrect their common law making power to deal with these changes, and also of the legislators, '*social*' scientists and scientists. The legislators have been slow to enact new laws to meet the demands of technology, and there has been both a lack of significant community pressure on the legislature to make such laws, and a myopia of the scientific profession in their work as it affects society. The work of the Law Reform Commissions has been of limited success due to the lack of funds and the necessity for instructions from the government of the day before they can investigate such areas of law reform.

Reviewing this work was no easy task, not because of any fault of the author, but more due to his having carried out his task well. The issues raised are of such a diverse nature, ranging from the technological and financial power of multinationals vis-a-vis third world countries; the militarisation of scientific research; the impact of advances in medical science on society — religious, social and legal issues — the right to live and die without undue pain; DNA engineering; and test tube babies. Throughout Weeramantry raises conflicting points of view and arguments, interspersed on occasions with personal opinions and possible solutions.

Under chapter headings such as "*Human Rights, Law and Technology*" (Chapter 2), "*The Human Body*" (Chapter 4), "*The Human Habitat*" (Chapter 6) and "*Humanness and Human Dignity*" (Chapter 7) the author exposes the reader to legal, social and political issues associated with 'technology' within that motif. Indeed it is possible to read each of these chapters individually without any loss of information or meaning, though at the cost of inconsequential repetition which has the effect of reinforcing the thrust of the book as a whole.

The final chapter "*Agenda for Action*" offers some 57 possible 'mechanisms' which could be used by lawyers, community action groups, legislators, scientists and social scientists in taking up the challenge of developing a new legal order.

It is refreshing to have such a positive conclusion to the book, although Weeramantry warns the reader that not all suggestions can be used together, nor might any one be relevant in all situations. Some of the more interesting suggestions include the development of 'scientific journalism' to keep the public informed of scientific change; a scientific ombudsman to investigate alleged moral objections to scientific projects; structures for social accountability in science; the possible establishment of an additional Chamber in Parliament, consisting of scientists to consider technology related legislation; the development of a comprehensive and compulsory public risk insurance cover to automatically compensate victims of technology, e.g. pollution, or exposure to dangerous chemicals; the creation of special scientific courts which have judges who possess scientific qualifications in addition to their legal qualifications. These are just a handful of the possible courses of action suggested in the concluding chapter.

The issues raised or discussed, and the suggested possible courses of action make this relatively short and vastly readable book essential reading for all sectors of the community who have, or ought to have, an interest in this area, particularly community action groups, judges, lawyers, politicians, physical and social scientists. Mercifully Professor Weeramantry has taken great pains to avoid the use of legal, scientific and sociological jargon (with a few minor lapses). The only annoying, and time consuming features of the book are: firstly, the placing of notes and references at the end of the book, rather than with the chapters to which they relate (ideally they should be on the relevant page); secondly, this difficulty is compounded by typographical errors in the chapter headings in the reference section, Chapter 4 is labelled Chapter 3, and Chapter 7 is labelled Chapter 6, which is extremely confusing to the reader.

In keeping with his belief in the need for an 'internationalisation' of law to deal with many of the problems raised by the changes in technology and the need for technology to benefit all of mankind, this work is as relevant for readers in the U.S.A., U.K. and Europe as those in Australia, though for some reason the Australian example sticks in the mind of the reviewer.

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