Book Review

Balancing liberty and security: Human rights, human wrongs

Kate Moss

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The first thing that I would like to say about this book is that I really enjoyed it and found it both stimulating and enlightening. In order to get the most out of this book, it probably needs to be read in conjunction with Professor Moss's first book *Restriction by Stealth* (2009).

Generally, this book is written in a very accessible style, which both students and more seasoned academics will find easy to follow. The book has a wide appeal from law, to criminology and social policy. It is essential reading for any student of human rights or indeed anyone interested in the future of rights and liberty in the United Kingdom.

The first part focuses on philosophical arguments around liberty and freedom, and the balance of these *vis-à-vis* securities. There is a discussion of the origins of civil liberties and how law fits into the rights discourse. This discussion is then supplemented by contemporary context tying current policy to issues of liberty and security.

Chapter 2 proceeds to document how civil liberties have been breached in recent times by citing cases to illustrate how governments interpret civil liberties to their own ends. Much of that evidence is drawn from the recent Northern Ireland conflict. There is an interesting analysis of war, and evidence from recent conflicts, for example Iraq, are used to illustrate principles. I found this chapter particularly enlightening, while being very disturbing.

Chapter 3 examines the Human Rights Act. It commences with a discussion of the origins of the notion of 'rights' and then proceeds to describe how the Human Rights Act operates in practice. Throughout the chapter, the factual information is brought alive by the use of examples and cases.

Chapter 4 is perhaps the most disturbing chapter, being on torture and the use of torture by democratic governments. There is an analysis of the meaning of torture in the context of war and the law on torture is clearly articulated.

Chapter 5 looks at Article 5 and detention without trial. There is much made of the proposed Counter Terror Bill 2008 and use is made of some quite lengthy quotes, which could have been synthesised into a much more focussed discussion. However, the chapter is detailed and provides essential material on the role of Article 5 and definitions of detention without trial, which any law student will find invaluable.

Leading on from the issues in Chapter 5, Moss then proceeds to look at rendition and its relationship to Article 6 – the right to a fair trial. Although the current UK Government makes much of how the Human Rights Act has prevented them deporting terrorists and fails

to protect UK citizens, this chapter clearly exposes the latitude they have in suspending the human rights of individuals they *suspect* of terrorist activity. Very little of the detail Moss gives here ever hits the popular press, particularly detail argued in such a coherent way. There is also a recognition that a balance needs to be struck in terms of security, but it is clear from the evidence presented that these debates are not happening in any meaningful way.

The book ends by providing a discussion and analysis of the tensions, which exist in applying human rights, when securing one person's rights impinge on those of others. The ideas presented are pivotal in the current debates about the future of the Human Rights Act and are essential reading for any Member of Parliament engaged in that decision. However, I doubt that many will take that opportunity.

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