

Introduction

The Executive Committee of the International Association for Philosophy of Law and Social Philosophy (IVR) meets annually in one of the forty-odd countries that are now members of our organisation. The ASLP is the Australian National Section and has played a very active role, hosting the IVR's World Congress in 1977. Since 1975 every second year has been a World Congress year; in the intervening years, those hosting the Executive Committee meeting have arranged a workshop, symposium or seminar to instruct and entertain those attending and to bring them into closer touch with the local national section, thus maintaining the IVR's tradition of active discussion and thought across, as well as within, national boundaries. Such symposia or workshops have been held, in recent years, in Warsaw, Baku, Weimar and Bologna. Countries of the old Warsaw Pact, which faced hard currency difficulties in making their financial contributions to the work of the IVR at the centre, have been especially generous in acting as hosts for such Executive Committee meetings and symposia.

In June, 1990, Professor Nicolás López-Calera, a Spanish legal philosopher of distinction who holds a Chair in the University of Granada, invited the Executive Committee — of which he is a member — to have its meeting in that ancient University and to participate in a symposium on Human Rights Today. The principal speakers were Professor Neil MacCormick of the University of Edinburgh, Professor Karl A. Mollnau of the Academy of Sciences of what was then still the German Democratic Republic and Professor Adam Lopatka, then still First President of the Supreme Court of the Polish People's Republic. We print those papers here, together with an extended and updated version of comments made at the Symposium by another Australian present, Professor Eugene Kamenka of the Australian National University.

The charm of Granada, the peace of the Alhambra and the dignity and serenity of the University where we held our Symposium were such that it was difficult to remember at the time that we were discussing human rights in the midst of a human-rights-based revolution that was transforming the political systems of Eastern and

Central Europe, sweeping away their ruling parties and political leaders, opening up borders and extending, with remarkable rapidity, the limits placed on civil, political and cultural expression. The German Democratic Republic, from which one of the most interesting and dignified speakers at the Symposium came, no longer exists as a sovereign state and Professor Mollnau welcomed that coming change. The Polish People's Republic is now — once more — the Republic of Poland. Whatever difficulties — economic, political and social — and whatever uncertainties these historic transformations may bring, they make the work of the IVR in these countries and throughout the world both freer and more urgent and valuable. Earlier, we had been able to welcome a similar freeing of intellectual thought and discussion in Greece, in Spain and Portugal and in some countries in South America. We live, no doubt, in a difficult world but it is not a world without hope.

Human rights is a matter of international concern — both in fact and in law. Australia, in the 1970s and 1980s, witnessed a remarkable development in legislation, practice and procedures meant to promote the recognition of and respect for the rights of people — *vis-à-vis* government, *vis-à-vis* institutions and corporations, *vis-à-vis* each other. We have created strong and to some degree enforceable presumptions against racial and sexual discrimination and barriers to opportunity. Here, we have been moving along a path trodden by other affluent western democracies: the United Kingdom, the USA, Canada, New Zealand, the countries of the European Community. The trend is not without its problems and its controversies — controversies in which members of the ASLP and of our sister organisations in the countries mentioned have been active and prominent, as producers of books and articles, as public speakers, as legislators, commissioners, judges, legal advisers and representatives, administrators and drafters.

In much of the world and especially in the present and former world of monocratic socialism, the struggle for human rights and civil liberties, for freedom to speak and freedom to criticise the government has been more urgent and more dramatic. Australians have known no Gulags — or if they have known them it was before they came to this country. The arrogance of government in our nation may be increasing, but it stands a far cry from that against which much of Central and Eastern Europe and of the Soviet Union and China, rose in revolt. In the pages that follow, this becomes evident. We are part of one world but also of many worlds. Increasingly we share ultimate hopes and beliefs — the belief in justice, in human rights and freedoms, in the need for material well-being and

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comparative independence as the bases for a good life. We read each other's constitutions and try, where appropriate, to learn from them. But we face radically different degrees of oppression, cynicism and want. Our enemies are not one but many and each country has to fight for its future in its own way. But it does so as part of an interdependent world in which freedom and not only dictatorship can seek inspiration from many quarters. It is in that context that our Symposium in Granada took place and that it may interest the readers of this *Bulletin*.

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