

Book Notes

A Bed for the Night: Humanitarianism in Crisis. By David Rieff. New York: Simon & Schuster, 2002. Pp. 367. \$26.00, cloth.

A Bed for the Night is a critique of the uncriticizable. Author David Rieff contends that while the public may perceive humanitarianism as the morally unimpeachable solution to world problems of hunger, refugees, or even genocide, the crises in Somalia, Bosnia, Rwanda, Kosovo, and Afghanistan have instead distorted the humanitarian ideal. Drawing on first-hand experience as a journalist covering these disasters, Rieff chronicles how aid workers and humanitarian organizations, frustrated by their inability to effectively cope with human catastrophes or change the political conditions that produce them, have sacrificed their integrity and independence by becoming part of larger political and military operations. In the effort to overcome inherent constraints on what neutral aid-givers can accomplish, humanitarianism has forfeited its moral authority and become, as Rieff gloomily concludes, “a catchall for the thwarted aspirations of our age.” To recapture their integrity, humanitarian and relief organizations must accept their limited aid-giving role and regain the moral high ground by divorcing themselves from political actors such as national governments or international political organizations.

Humanitarianism, Rieff writes, is founded on the belief that people are not meant to suffer and that, when possible, assistance should be given to the victims of war, oppression, hunger, and other calamities. The modern media has reinforced both the urgency and moral authority of this message, galvanizing support among the “international community” to act and prompting observers to proclaim a “revolution of moral concern” and to hope that humanitarianism might provide a solution for the ills of the world.

Rieff argues that these hopes are misplaced. Relief agencies depend on the media to generate moral and financial support for their operations—media whose sound bites tend to warp the public’s understanding of the situation, creating the impression that humanitarian agencies can address the problem. Humanitarian crises usually have political roots, and so feeding the orphan or housing the refugee may alleviate suffering, but cannot cure it. As Rieff writes, “the first and greatest humanitarian trap is this need to simplify, if not actually lie about, the way things are in the crisis zones, in order to make the story more morally and psychologically palatable.” Having fallen into that trap, humanitarianism suggests itself as the solution to larger political problems it is ill-equipped to solve.

What's worse, Rieff argues, is that political actors manipulate the humanitarian message for their own purposes. This exploitation has two uncomfortable effects. First, it unrealistically exaggerates expectations that humanitarian agencies will be able to provide relief for what are essentially political problems, weakening the humanitarian movement. Second, by substituting humanitarian actors for political action, major actors who *are* equipped to deal with these crises, such as Western states or the UN, excuse themselves from the burden of taking action.

In Bosnia, for example, Slobodan Milošević's campaign of ethnic cleansing produced a refugee crisis in a war-torn country, but the international community put a humanitarian band-aid on the wound. "Instead of political action backed by the credible threat of military force," Rieff writes, "the Western powers would substitute a massive humanitarian effort to alleviate the worst consequences of a conflict they wanted to contain." Under the auspices of the United Nations, relief workers struggled to meet the needs of a badly victimized population, serving meanwhile as a "humanitarian alibi" for inaction among policy-makers in Washington and Brussels.

Likewise in Rwanda in 1994, the UN and the United States justified their own unwillingness to intervene by pointing to the presence of the humanitarian groups. Rieff claims that "the humanitarians' powerlessness in resisting the appropriation of their own prestige by Western governments, and their ever-increasing dependence on those governments for funds and logistical support, made them inadvertent accomplices in the cruel deception [that meaningful action was being taken]." Moreover, political manipulation of the humanitarian message also made the humanitarians' work more difficult. Relief work in Rwanda consisted mainly of providing care in refugee camps for Hutu refugees, forcing aid workers to choose between abandoning the needy to their own defenses or acting in complicity with the perpetrators, thus casting doubt on the moral basis for providing such relief at all.

Having been manipulated as an ineffective response to political problems, Rieff contends that these organizations then lost their moral autonomy when they integrated themselves into larger political or military missions. Convinced that any effective humanitarian response had to be part of a larger international effort, relief workers succumbed to mission creep by combining their efforts with political actors and states, essentially becoming subcontractors for governments in their response to international crises. In Kosovo in 1999, humanitarianism served "as a pretext for what was essentially a political decision . . . to put an end militarily once and for all to Slobodan Milošević's fascist rebellion in the European backlands." Similarly in Afghanistan in 2001, "U.S. officials went to considerable lengths to point out how the military mission and the humanitarian one were parts of the same campaign." Rieff is not opposed to such military and political actions when they are carried out to achieve a just political purpose; he is only opposed to the humanitarian label that political actors use to rally support for

their actions. Humanitarianism has been hijacked by political actors eager to veil their own actions with humanitarianism's moral prestige.

A Bed for the Night is a rebuke of the political misappropriation of humanitarianism. By attempting to accomplish too much, the humanitarian has cast himself in the role of caregiver, emancipator, counterinsurgent, and liberator; and Rieff argues that "serious humanitarians will have to choose." His observations are important not only for the humanitarian agencies whose founding principles are being undermined, but also for a larger audience concerned about finding a morally coherent response to suffering in the post-Cold War world.

Written with the insight that only deep and careful reflection can provide, *A Bed for the Night* sounds an alarm for a humanitarian movement in danger of being overrun by larger political forces. Though Rieff's suggestion that humanitarianism must accept its limited capacity to alleviate suffering—providing care and assistance to those in need and not perpetuating illusions that it can do more—may be unpopular, his book raises important concerns about the integrity of modern humanitarianism and its tension with other notions such as the defense of human rights or the right of intervention. Given that the ideals of human rights, just intervention, and humanitarianism will continue to influence the way that international actors think about and respond to crises, this book is important for anyone wishing to develop a cogent response to conflict in the twenty-first century. *A Bed for the Night* is as significant for policy-makers and moral philosophers seeking to cope with humanitarian crises as it is relevant for the general public seeking to understand the various ethical and political conflicts that are signature features of the post-Cold War landscape.

—Mark R. Conrad

The Power and Limits of NGOs: A Critical Look at Building Democracy in Eastern Europe and Eurasia. Edited by Sarah E. Mendelson & John K. Glenn. New York: Columbia University Press, 2002. Pp. 257. \$22.50, paper.

Post-Cold War euphoria heralding the inevitable diffusion of democratic norms and values throughout the former Soviet Bloc rings as hollow today as Bolshevik slogans proclaiming the triumphal march of communism in 1917. Illiberal democracies like Russia and old-fashioned autocracies like Turkmenistan outnumber the likes of Poland or Slovenia. Yet despite the halting nature of political transition in much of the post-communist world, Westerners have rarely questioned the value of international NGOs in promoting and sustaining democracy through the development of local institutions and advocacy networks. In *The Power and Limits of NGOs*, Sarah Mendelson and John Glenn challenge this conventional complacency through a

collection of essays by regional scholars who seek to distinguish and critically reassess strategies used by NGOs attempting to foster civil society in states that have met the challenges of post-communist, democratic transition with varying degrees of success.

The book's seven case studies explore the development of internationally assisted public interest organizations in a variety of spheres, including women's NGOs in Poland and Hungary, media assistance in the Czech and Slovak Republics, and environmental NGOs in Kazakhstan. The unexpected theme running throughout the diverse subject matter is that there is no direct correlation between NGO presence and the robustness of a transitional state's civil society. Indeed, the very means and methods by which NGOs have sought to provide democratic assistance to Eastern Europe and Eurasia have often compromised their capacity to serve as a driving force of democratic change in society at large.

The case studies follow a general structure and methodological framework set out by Mendelson and Glenn in the book's introductory chapter. Each of the authors in the book provides historical background and political context exposing common misperceptions that adversely influenced the way NGOs approached the problem of democracy building in the 1990s. V. P. Gagnon, Jr., for example, in his essay "International NGOs in Bosnia-Herzegovina: Attempting to Build Civil Society," criticizes the failure of many NGOs to appreciate Bosnia's pre-war experience with grassroots activism and organization both in the 1980s and under Tito's modestly participatory political system. In Gagnon's opinion, NGOs that focus on political party building and civic education seek to address an ignorance of the democratic process that simply does not exist in Bosnia. Bosnians are better served by NGOs like Catholic Relief Services and Mercy Corps International, which promote ethnic reconciliation on an organic level through local community participation in physical reconstruction projects.

Gagnon's emphasis on particularized assistance tailored to meet the needs of local communities, coupled with close attention to cultural norms and historical experiences, resonates throughout the book as a whole. Whereas the editors distinguish four general types of NGO strategies—infrastructural assistance, human capital development, proactive or imported strategies, and responsive strategies—the individual authors expand upon this basic typology by addressing the tasks, targets, and terms of specific NGO activity. Most of the essays contain useful charts outlining the conceptual framework informing each case study. Despite terminological variations from chapter to chapter, patterns and parallels that cut across states and issues are not difficult to discern. Mendelson and Glenn accurately perceive the authors' unified view that "when new institutions have emerged and a critical mass of local NGOs and other institutions has developed, reactive strategies that call for local proposals and respond to domestic needs are more likely to be effective in helping to develop sustainable institutions"

than product-oriented strategies solicitous of ideas conforming to foreign priorities and preferences.

James Richter's study of Russian women's organizations best illustrates the fundamental tension between organizational imperatives and local predispositions that has impeded the ability of NGOs to influence the popular mindset and political development of post-communist states. Extensive interviews with members of Russia's activist community lead Richter to conclude that Western assistance to Russia's independent women's movement "has done little to foster the kind of informal connections—the positive externalities—necessary to integrate it more fully into Russian society." Competition for Western aid has fostered an atomized association of bureaucratized, corporate-like entities more concerned with their own survival than with the kind of grassroots activism necessary to garner popular support for the feminist movement and provide tangible benefits to Russian women. Opaque and hierarchical decision-making structures have nourished traditional skepticism toward all bureaucratic in-groups, leading to accusations of Soviet-style influence peddling. Even the Committee of Soldiers' Mothers, one of Russia's most active and influential independent women's organizations, has felt compelled to divert attention and resources away from its aggressive strategy of public demonstrations—a strategy that drew international attention to human rights abuses in the Russian military and put pressure on President Yeltsin to end the first war in Chechnya—since beginning to receive substantial Western aid in 1997.

Yet Richter, like all of the authors in *The Power and Limits of NGOs*, does not intend his criticism to serve as ammunition either for Western isolationists who regard the funding of NGOs as a waste of money or for post-communist populists who portray the presence of NGOs as an imperialistic tool of foreign powers. Quite the contrary, Mendelson and Glenn's collection stresses the untapped potential of NGOs to contribute to the expansion and consolidation of democratic institutions and values in the post-communist world. *The Power and the Limits of NGOs* is a call for greater self-analysis on the part of the NGO community—a series of cautionary tales that demonstrate the need for activists, policy makers, and scholars to think in qualitative rather than quantitative terms. Though one would like to have seen an even greater variety of issues examined—international efforts to promote minority rights and religious freedom, for example—the breadth and depth of this collection succeed in conveying to the reader both the far-reaching implications and the multi-layered complexities of NGO activity in states that, despite having receded from the international community's immediate view, still require responsible and responsive forms of international assistance.

—Michael Jacobsohn

Human Rights: A Political and Cultural Critique. By Makau Mutua. Philadelphia, Pa.: University of Pennsylvania Press, 2002. Pp. 256. \$49.95, cloth.

As the title of the book suggests, Makau Mutua does not direct his critique at the surface expressions of the human rights movement but at the very core of its ideology. The director of the Human Rights Center at SUNY-Buffalo Law School, Mutua makes a strong case that the human rights corpus—and by extension the movement—is not as universal and multicultural as it claims to be. While Mutua repeatedly affirms his respect for the movement's noble goals and ideals, he contends that its Eurocentric bias has led to the unwitting imposition of Western political, economic, and cultural norms on non-Western societies.

Mutua believes that the tension in the movement between the principles of universality and respect for diversity must be reconciled by a painstaking process of examining local cultures for those values that coincide with widespread principles of human dignity. He argues that the conception of human rights, far from being a fully realized concept, needs to be overhauled and transformed into a truly “multicultural, inclusive, and deeply political” initiative. Rather than propose what a restructured corpus would look like, he offers this book as part of his ongoing project to stimulate a more nuanced, critical dialogue that leads the movement towards this goal.

In the first chapter, “Human Rights as a Metaphor,” Mutua examines how the Eurocentric nature of the movement is embedded in the grand narrative of human rights as expressed through the triple metaphor of “savages-victims-saviors.” The savage, or human rights violator, is typically a non-Western state, but as states are merely the expression of their cultures, it is really the culture that becomes stigmatized. The metaphor of the victim is the driving force of the human rights ideology, but by focusing on victimization and powerlessness in the face of endless atrocities, the movement ends up dehumanizing the individuals in the oppressed society. Mutua reserves his harshest analysis for the metaphor of the savior, which is invoked by the actors—the UN, NGOs, Western governments, and charities—when they “rescue” victims from savages. But as human rights discourse is so often annexed to the advancement of liberal democracy, free markets, and Western culture, the human rights actor is really the latest in a lineage of European dominance that includes the colonial administrator and Christian missionary.

In the next chapter, “Human Rights as an Ideology,” Mutua presents his typology of the movement's schools of thought, which agree in their belief in basic rights but differ with regards to priorities, political orientation, and strategies. The “conventional doctrinalists,” the foot soldiers of the movement, are primarily the international NGOs. While lauding their energy and commitment, Mutua criticizes the white, European slant of their leadership. The “constitutionalists” are the academics of the movement—including Louis Henkin, Henry Steiner, Philip Alston, and Thomas Franck—who

view the human rights corpus as a constitutional framework. The “cultural pluralists,” to which Mutua presumably belongs, are non-Western thinkers who accept the human rights ideology and its European genesis, but who criticize its political implications, and emphasis on the individual, and its prioritization of certain rights. “Political strategists” are governments, especially the United States, and institutions, including the IMF and World Bank, who champion human rights inconsistently, near-sightedly, and usually for political benefit.

Mutua then turns, in “Human Rights and the African Fingerprint,” to a more specific examination of how the Eurocentricism of the movement conflicts with and misunderstands the African conception of human rights as it is found in African human rights documents. Through an explication of the concepts of duty and peoples’ rights, as codified in the African Charter on Human and Peoples’ Rights, he insists that the movement should appreciate—if not incorporate—their contributions to a universal notion of human rights. The Western mindset instead misinterprets these concepts as restrictions on individual autonomy and loopholes for oppressive regimes. Mutua makes a perceptive argument that a focus on individual rights is not a universal concept, but one that reflects the dynamics of an industrialized society. For developing and often illogically constructed African states, a focus on values such as solidarity, interdependence, and responsibility is more essential to the formation of vibrant societies.

In the two chapters that follow, Mutua examines the uneasy intersection of religion and human rights in Africa. First, he focuses on the tension in human rights discourse between the right to practice one’s religion and the right to proselytize to others. As the former is rooted in the more fundamental right of self-determination, it should not be trumped by the latter. He argues that the missionary, messianic religions of Christianity and Islam reinforced the subjugation of pre-colonial African society, and that Africans’ rejection of their indigenous religions—and thus their culture—has led to a debilitating self-hatred.

Mutua then stretches somewhat beyond a discussion of human rights to assert that embracing traditional African religions should be a key element in repairing this post-colonial identity crisis. Rather than reject or marginalize traditional religions—as most African states have done—they should follow the example of Benin, which established National Voodoo Day in 1996. He invokes the African Charter’s imperative that African traditions, civilization, and values be integrated into any human rights corpus for the continent.

In the final chapter, Mutua focuses on how the reborn state of South Africa embodies both the potential and the limitations of rights discourse. While human rights provided a medium for the new Constitution’s bold steps towards equal protection and societal reconstruction, rights language has tied the government’s hands in many areas. This is exemplified by white landowners’ invocation of the right to property to resist meaningful land

redistribution. Mutua also examines the treatment of women, the legal system, and the security apparatus to demonstrate that while progress has been made, the government must expand its rhetorical tools to address the country's intransigent social and economic disparities.

While one could extensively critique Mutua's arguments in the context of the debate between the movement's universalists and relativists, it suffices to say here that his book does suffer from a few internal flaws. For example, in discussing the tension between the state and human rights, Mutua could more directly address the distinction between government violations, like election tampering or police brutality, and controversial societal practices, like female genital mutilation. It is difficult to interpret the former as expressions of a national culture or the latter as state-imposed. Also, while he is quick to explain and qualify his most controversial arguments, he sometimes glosses over counterarguments and contradictory information, occasionally burying them in footnotes. Nonetheless, Mutua's book presents an incisive and well-written argument for a more critical examination of the human rights corpus's claim to universality, and as such is a valuable contribution to an important dialogue within the movement.

—Jesse Tampio

In Our Own Best Interest: How Defending Human Rights Benefits Us All. By William F. Schulz. Boston, Mass.: Beacon Press, 2002. Pp. 235. \$15.00, paper.

William Schulz, executive director of Amnesty International U.S.A., has devoted his professional life to the promotion of human rights. With *In Our Own Best Interest*, Schulz aims to show the average American how our country's approach to human rights issues may directly impact our everyday lives. It was a talk show appearance on Knoxville's National Public Radio station that brought the need for such a project to Schulz's attention. After discussing human rights issues around the world, his interviewer wanted to know what "all of this [has] to do with a person from East Tennessee?" Schulz found this to be a fair question, and one that the human rights movement has historically failed to address. Wishing to provide a fuller answer than he was able to give on the radio that day, Schulz wrote *In Our Own Best Interest* to emphasize the practical, everyday consequences around the globe and here in the United States that may result when human rights abuses are overlooked.

Before setting out to support his thesis, however, Schulz clearly establishes his belief that securing basic rights for all is, first and foremost, our collective moral duty. As Schulz explains, human rights defenders have traditionally relied on a sense of empathy and justice for support; "we have as-

sumed that if we describe the suffering dramatically enough, good people will respond." And while many have, he says, the numbers are not strong enough to attract the kind of steady political attention that the movement needs to make widespread progress. In order to secure this kind of support, Schulz argues that human rights activists must call attention to the potential pragmatic benefits of their efforts. By way of example, Schulz cites past social movements that began as "moral crusades," but only achieved maximum public support once the average person could see how the relevant issues affected his or her own life.

Having clarified his intent, Schulz sets out to catalog the different ways that democratic governments have been—and will continue to be—negatively impacted by our failure to make human rights a foreign and domestic policy priority. Schulz explores these issues as they emerge within the following contexts: stability and democracy, economic welfare, environmental protection, and public health. Some of these connections are more obvious than others; for instance, Schulz makes a strong case that nations that respect human rights are far less likely to go to war with a country like the United States. Our ability to avoid such conflicts has clear implications for our national security, stability, and economic welfare. Perhaps less straightforward, though, is the global impact that human rights abuses may have on the environment and on greater public health, and how these harms may touch American lives.

Schulz argues that environmental disasters are more likely to arise in those countries that deny their citizens such basic rights as freedom of speech and access to an independent press. Schulz points to Chernobyl as one example of administrative secrecy and suppression leading to an ecological catastrophe. Several smaller nuclear accidents preceded Chernobyl, and the Soviet government concealed these incidents from not only the general public, but from the very workers in charge of keeping their nuclear power stations safe. Without accurate information as to the potential for danger, these workers were ill-equipped to prevent future problems. The end result was the most destructive nuclear accident in history, the radiological impact of which was felt as far away as the United States. And these are not just the mistakes of a past era; as recently as 1996, a high-ranking Russian nuclear inspector was arrested and charged with high treason for disclosing information regarding Russia's current handling of nuclear reactors. Alexander Nikitin's report spoke of incompetent submarine crews, reactors that cracked while in operation, and nuclear waste leaking out into the ocean. He also claimed that nuclear accidents had killed more than 500 people since 1961 and nearly led to an unintended attack on three U.S. cities. As Nikitin observed (having finally been cleared of all charges in 2000), "Any attempt to conceal any information about harmful impacts on people and the environment is a crime against humanity."

Aside from the obvious health implications imposed by undisclosed environmental hazards, there are other ways that public health may be affected

by human rights violations. Countries that deny their average citizens basic rights are likely to treat their prisoners even worse. In addition to problems of abuse and torture, prison cells are often so grossly unsanitary as to provide the perfect breeding ground for a host of diseases, including drug-resistant tuberculosis. Once inmates are released back into the general population, they pose a serious health risk to the greater community—a community that is likely to include tourists, business persons, and servicemen and service-women from the United States. With international travel so commonplace, Schulz fears that “worldwide pandemics [are] no longer a fantasy.”

While much of *In Our Own Best Interest* is devoted to documenting the ways in which foreign practices may adversely affect American interests, Schulz also examines certain U.S. policies that tarnish our own human rights record and serve to undermine our credibility on sizeable issues. For example, ingrained tendencies towards racial profiling, coupled with ongoing problems of police brutality in minority communities, threaten to halt the progress we have struggled to make in this country regarding discriminatory government practices. Schulz also scrutinizes abuses in our prison system and our support of the death penalty and considers how these practices may perpetuate violence within our society at the same time that they damage our standing in the international community.

Interestingly, one of the most compelling aspects of Schulz's work relates not to its content, but to its timing. The original edition was published just prior to the September 11 attacks. In a new preface added to the paperback edition, Schulz writes that he had considered including a chapter on terrorism when he began this project, but decided that such a discussion would not further his goal of convincing average Americans that human rights abuses affect us too—the threat of terrorism having once been so far removed from our everyday experience. Schulz now calls this decision “inexcusably shortsighted,” and he addresses the ways in which rampant human rights violations in Egypt, Saudi Arabia, and Afghanistan have created a ripe environment for extremism in those countries.

Throughout *In Our Own Best Interest*, Schulz combines victims' stories with relevant research and social commentary, presenting a convincing case that we ignore human rights abuses at our own peril. His text offers timely and relevant advice to an American administration and public facing unprecedented challenges and concerns. Every nation worried about the safety and well-being of its citizens, as well as the plight of human rights victims around the world, would likely do well to heed Schulz's message and address these issues with determination, sensitivity, and urgency.

—Cristine Reynaert

Human Rights as Politics and Idolatry. By Michael Ignatieff. Edited by Amy Gutmann. Princeton, N.J.: Princeton University Press, 2001. Pp. 216. \$19.95, cloth.

The product of the 1999-2000 Tanner Lectures on Human Values at Princeton University, Michael Ignatieff's *Human Rights as Politics and Idolatry* seeks to reform rights proponents' conception of the scope and limits of human rights. In his two essays, "Human Rights as Politics" and "Human Rights as Idolatry," Ignatieff's primary contention is that human rights in their operation are inherently political and thus provide a language to discuss wrongs inflicted on the powerless, rather than serving as moral trumps whose absolutism cuts short any such dialogue. With an introduction by Amy Gutmann and commentaries by K. Anthony Appiah, David Hollinger, Thomas Laqueur, and Diane Orientlicher, as well as a response by Ignatieff to these commentaries, *Human Rights as Politics and Idolatry* provides a varied discussion of the issues raised in Ignatieff's two essays.

Ignatieff's first essay seeks to establish the inherently political nature of human rights enforcement. Ignatieff asserts that failing to take into account the broader political environment in which human rights violations take place and clinging to a narrow conception of human rights as moral trumps can in practice defeat the very aims that human rights seek to achieve. Various human rights, he argues, can unavoidably conflict. As an example, Ignatieff discusses how the right to self-determination of a particular group can undermine state stability, which is usually conceded as a prerequisite for effective rights enforcement. Furthermore, the pursuit of self-determination as manifested in nationalist movements frequently results in the consequent violation of the rights of minority groups not encompassed by these movements. None of this undermines the legitimacy of human rights, argues Ignatieff; rather, it sets up a framework in which competing interests can be put on the table as legitimate aims to be pursued in attempting to effectuate a solution to any given problem.

Ignatieff's second essay focuses on the dangers inherent in viewing human rights as a sort of secular religion. By elevating human rights to a level of sacredness or eternal good, Ignatieff argues that activists endanger the end goals of human rights by provoking needless moral opposition from religious and cultural groups. Discussing what he describes as the spiritual crisis among human rights proponents, Ignatieff criticizes the conception of human rights as being grounded in theology, be it secular or otherwise; he argues instead that the ultimate justification for human rights is based in history. We know what can happen when humans are deprived of their agency, and rights were developed to preserve this agency. They prescribe negative liberties and thus tell us what is right, rather than prescribing positive duties as to what is good. For Ignatieff, their ultimate goal is individual liberty, not secular faith.

The individualism promoted by human rights is frequently the most criticized aspect of human rights. Individualism, it is argued, is a Western concept that undermines community values and opens the door to the adoption of Western culture and the abandonment of tradition. Ignatieff's response acknowledges the importance of group rights, such as the right to speak a particular language or practice a particular religion, but he emphasizes that group rights are only justified to the extent that they protect the rights of a group's individual members. Furthermore, Ignatieff asserts that embracing individualism does not necessarily mean embracing Western ideas or ways of life. He supports this claim by emphasizing the extent to which human rights have gone global by going local. Human rights activists usually belong to the same culture as the victims of rights abuses.

Gutmann's introduction to Ignatieff's essay questions whether our conception of human rights should be restricted to preserving negative freedoms. Despite the minimalist conception of human rights currently adopted, human rights have not commanded universal acceptance, leading Gutmann to question whether an expansion of this conception would pose any actual harm. Like Ignatieff, Appiah's commentary endorses the deliberate silence of the Universal Declaration as to the "why" of human rights (the result of an agreement to disagree among the Universal Declaration's drafters). Appiah embraces this untheorized agreement of human rights as a pragmatic one essential for the function of rights in international law. Hollinger's commentary provides a useful counterpoint to Ignatieff's claims by appropriating the voice of the patriarchal and theocratic authoritarian, or PTA, and pointing out the likely opposition Ignatieff would face. Of particular worth is his assertion that, because human rights abuses are likely to occur in nations lacking the consent of the governed, the promotion of individual liberties inevitably means the promotion of social, cultural, and political conditions conducive to these liberties; the culturally transformative effects of such a promotion would be hard to deny to the PTA. Laqueur, in agreeing with Ignatieff that actual interventions in the affairs of sovereign states on the basis of human rights should be done sparingly and with guaranteed effectiveness, asserts in his commentary that we need not always rely on rights as the sole way to promote individual liberties, particularly if we accept the notion of human rights as politics. Finally, Orientlicher challenges the universalistic claims of human rights as presented by Ignatieff on cultural relativist grounds. She also argues for the necessity both of broader inclusiveness in the formation of human rights legislation and of greater transnational collaboration if any relativist critique is going to be successfully defeated.

Ignatieff's response to the commentaries of Hollinger and Orientlicher in particular sum up his overall approach to understanding human rights. Ignatieff agrees with Orientlicher's suggested strategies for opposing the relativist critique, stressing the need for intercultural understanding among human rights proponents in order to avoid imposing their values on those

they seek to help. Ignatieff plainly concedes that Hollinger's PTA will not be persuaded, nor should it be expected that he or she would be. Human rights are directed at the powerless, not the powerful. Given that the PTA will not be convinced despite Ignatieff's minimalism, Ignatieff nonetheless defends his resistance to advocating full-scale liberal democracies in all situations, both because democracy is far beyond the reach of many countries and because there is doubt as to whether majoritarian democracies are the best safeguards of human rights.

—Satyanand Satyanarayana

Our Posthuman Future: Consequences of the Biotechnology Revolution. By Francis Fukuyama. New York: Farrar, Straus and Giroux, 2002. Pp. 256. \$25.00, cloth.

Rapid advances in biotechnology raise questions that have a science fiction-like aura about them: Will there be class stratification based on an individual's genetic pedigree? Do psychotropic drugs such as Ritalin have a greater impact than simply calming a few children in grade school? What is the impact of dramatically increasing life expectancy on society? In *Our Posthuman Future*, Francis Fukuyama places these bioethical problems into context by first explaining the science behind the issues and then exploring the many ways these issues might affect society and politics. This book is divided into three sections, the first and third of which set out the basic bioethical dilemmas and how a regulatory system could address them. The second section justifies Fukuyama's regulatory approach through a theoretical construction of human rights derived from a conception of human nature. Here, Fukuyama develops his contention that biotechnology requires regulation because of its threat to alter human nature fundamentally, thereby undermining the natural equality necessary for human rights. Developing on the theme of his widely read earlier work, *The End of History and the Last Man*—in which the convergence of societies on a liberal democratic form of government was explained in relation to the needs and desires of human nature—Fukuyama suggests in this book that biotechnology's impact on human nature could have far-reaching consequences for human social and political systems.

In the first section of *Our Posthuman Future*, Fukuyama explains the moral dilemmas posed by psychotropic drugs, the implications of human cloning and genetic engineering, and the consequences of increasing longevity in developed nations. Fukuyama emphasizes the inevitable trade-offs posed by biotechnical advances and suggests that these trade-offs create significant obstacles in forming public policies to regulate scientific research. Fukuyama also speculates more generally on the possible consequences advances in

these different areas might cause. In the area of prolonging life, for example, Fukuyama examines the trade-off between the length and quality of life. The shift in demographics caused by increased longevity might affect the rate of political change by slowing down the time at which older politicians leave office. Alluding to Fidel Castro and Kim Il Sung, Fukuyama politely suggests that more countries are likely to face the challenge of removing aging leaders.

As a way of framing these issues and suggesting a regulatory solution for them, Fukuyama develops a distinction between biotechnology used for therapy and for enhancement. This difference is raised by examining the use of drugs affecting neurological processes currently available on the market, such as Ritalin and Prozac. Echoing concerns that these drugs are often overprescribed, Fukuyama suggests that the difficulty society currently has in drawing the line between when the drug is being used therapeutically to correct a legitimate problem and when it is being used for convenience or cosmetic purposes will expand when society decides how to regulate future technologies. In the third section of this book, Fukuyama proposes the creation of a new regulatory system based on this distinction between therapy and enhancement. This administrative body could use this concept to permit genetic engineering that corrects genetic disorders, for example, while prohibiting the same technology from being used to preprogram intelligence or eye color.

Making this distinction between therapy and enhancement is crucial to Fukuyama's idea of what uses of biotechnology are permissible. Fukuyama offers a justification of this assertion in the second section of his book, where he suggests that unregulated use of biotechnology for purposes of enhancement threatens to alter the essential element making humans human. In doing so, Fukuyama envisions human rights as we know them being undermined in response to this breakdown in the currently existing natural equality among individuals. In reaching this conclusion, Fukuyama develops a theory of human rights based on human nature, following a neo-Aristotelian approach to identifying certain fundamentally human elements and deriving political implications from these elements. Fukuyama's approach requires him to address a number of historically and philosophically contentious questions. In particular, Fukuyama argues against the many theoretical attacks on basing human rights on human nature.

In responding to these attacks, Fukuyama develops an idea of how "essentially human" characteristics can be identified by confronting the difficult problem of discovering how much of our characteristics are biologically determined in contrast to being learned from our environment. Fukuyama answers this classic "nature versus nurture" problem by asserting that current statistical data can be used to identify these human elements. Adjusting for historical and environmental differences, Fukuyama asserts that we can imagine traits such as cognition that both show a "bell-shaped" normal distribution among humans and have a relatively small variance. Practically

speaking, however, this method encounters too many difficulties to generate an actual list of human characteristics. Consequently, Fukuyama rejects the method of trying to create a definitive list of human traits that is advanced by many other scholars employing this sort of neo-Aristotelian approach; he is in favor of simply referring to the combination of these elements as "Factor X." The black box referred to as Factor X can be envisioned as an amalgamation of such elements as moral choice, reason, language, sociability, sentience, emotions, and consciousness. The crux of Fukuyama's argument for regulation of biotechnology rests on the sanctity of Factor X. "We want to protect the full range of our complex, evolved natures against attempts at self-modification," he writes. "We do not want to disrupt either the unity or the continuity of human nature, and thereby the human rights that are based on it."

Although Fukuyama is careful to consider the arguments against basing human rights on human nature, he is less attentive to explaining why his own view of human nature, which seems to be broadly defined to the point of being unidentifiable, is so easily susceptible to alteration. Does this condemnation extend even to gene therapies targeted at diseases such as cystic fibrosis caused by single mutations in single genes? It may be easier to make the case to enforce a ban against the production of a being that is half-human and half-ape, but Fukuyama's theory seems unable to make the fine distinctions between therapy and enhancement that Fukuyama makes himself at so many other points in this book.

Nonetheless, Fukuyama's understanding of the material and ability to clearly explain these possible future scenarios makes this book an excellent summary of a field clearly riddled with ethical dilemmas. The theory of human rights presented here is also noteworthy for its approach to integrating scientific and philosophical ideas. In addition to providing a strong case for regulation, *Our Posthuman Future* provides a clear framework for beginning to think critically about the many consequences of the biotechnology revolution.

—Jamie Simpson

Engaging Cultural Differences: The Multicultural Challenge in Liberal Democracies. Edited by Richard A. Shweder, Martha Minow, and Hazel Rose Markus. New York: Russell Sage Foundation, 2002. Pp. 485. \$49.95, cloth.

Does a commitment to liberal principles entail respect for cultural differences? If so, how far ought that respect extend, and what shape should it take? Should it include culturally justified exemptions from otherwise valid, generally applicable laws? Should it include the availability of a "cultural defense" to criminal prosecution? A right to the "free exercise of culture"?

What would such a right look like? What would it include? What would be its limits?

These and other difficult—at times seemingly intractable—questions are explored with depth and nuance in a new collection of essays fittingly entitled *Engaging Cultural Differences: The Multicultural Challenge in Liberal Democracies*. The essays are the work of participants in the Social Science Research Council Working Group on Ethnic Customs, Assimilation, and American Law—an interdisciplinary group of legal scholars, political theorists, social psychologists, and anthropologists who have come together to try to understand the many kinds of challenges that multiculturalism poses within liberal democracies.

Given the interdisciplinary nature of the group, it is no surprise that the collection of essays reflects a diversity of perspectives, approaches, and foci. Many of the essays examine the challenges posed by cultural differences in the United States; several others examine the ways in which such challenges have played out in other liberal democracies, most notably Norway, France, Germany, India, and South Africa. Some of the essays in the collection describe in vivid detail particular instances of cultural clashes and explicitly refrain from coming to any normative conclusions; others aim quite directly at articulating the principles according to which such cultural clashes ought to be thought about and resolved. Some of the essays investigate the ways in which demands for cultural accommodation may conflict with a commitment to liberal principles; others look at the ways in which a commitment to liberal principles may itself be illiberal when it leads to an unwillingness to take seriously the importance of culture and the difference it makes. Other important themes addressed in the collection include an examination of the ways in which human rights discourse has been used and shaped—and at times resisted—by those engaged in struggles for cultural accommodation; of how the development of a language of human rights has complicated anthropology's privileged relationship to culture; and of how the framing of the demand for cultural accommodation in terms of a contest between human rights and the right to culture is fundamentally misguided and singularly unhelpful in illuminating the critical issues at stake in thinking about and responding to the challenges posed by demands for cultural accommodation in liberal democracies.

It would clearly be impossible to summarize accurately and concisely a collection of essays written from as diverse an array of disciplinary backgrounds as those contained in *Engaging Cultural Differences*. Still, some general comments can be made about the collection as a whole. To begin with, it speaks eloquently to the complexity of the challenges that demands for multicultural accommodation pose in liberal democracies. As such, it makes clear that the question of whether and to what extent cultural differences ought to be accommodated cannot easily be answered in the abstract, but must be tackled with a keen appreciation of the particular facts of each situation in which the demand for accommodation is made. At the same

time, the collection invites us to think more deeply about the ways in which we approach those particular “facts”—that is, to question how we frame and understand particular cultural differences, which ones we are willing to accommodate, and on what grounds.

Perhaps most significantly, however, *Engaging Cultural Differences* invites us to think hard about what our approach to the challenges posed by multiculturalism in liberal democracies reveals about us—about our conceptions of, among other things, what it means to be a person, what it means to be a part of a culture, how gender relations and relations between parents and children ought to be structured, how we ought to define “public” and “private” and the line separating them, and how the strangers among us ought to be treated. As Martha Minow, one of the collection’s editors, writes in her reflective and thoughtful essay, “About Women, About Culture: About them, About us,” we “will have to acknowledge that debates over cultural conflict and assimilation are not just about women, and not just about immigrants, minority groups, or Third World nations; they are about all of us.”

Indeed, that these debates over cultural conflict and assimilation are essentially debates about who we are, and who we want to be, will become increasingly clear as globalization brings more and more of “us” into contact with more and more of “them”—and an ever more diverse group of “them” to boot. Crucially, how we resolve the cultural conflicts, how we understand and respond to demands for cultural accommodation, and how we define the limits of such accommodation will not only reveal who we are, but will also inevitably shape who we will be for decades to come. This is the promise, as well as the peril, of “engaging cultural differences.” And, as the collection of essays makes inescapably clear, the path between the two—if it exists at all—is far from clearly marked. Thus, our challenge is to recognize the complexity of the issues posed by demands for cultural accommodation in liberal democracies. Our obligation is to walk carefully and with due humility in the face of that complexity.

—Sandra J. Badin

A Problem from Hell: America and the Age of Genocide. By Samantha Power. New York: Basic Books, 2002. Pp. 384. \$30.00, cloth.

A Problem from Hell is both a history of America’s reactions to the genocides of the twentieth century and a history of the American government’s understanding of genocide itself. Written by Samantha Power, a former war correspondent and executive director of the Carr Center for Human Rights at Harvard University’s Kennedy School of Government, *A Problem from Hell* synthesizes interviews and documentary evidence into a readable narrative

about the American government's unforgivable apathy in the face of genocide.

Power begins her story with the history of the conception of genocide itself. The hero is Raphael Lemkin, a Jewish lawyer from Poland who was obsessed with genocide long before he knew what to call it. As early as 1933, Lemkin drafted proposals to prohibit and punish the types of massacres committed against Christians in Nero's Rome and Armenians in Turkey, but these proposals were ignored by interwar Europe. By 1941 Lemkin himself had faced annihilation in Nazi-occupied Poland, but he escaped—not only to warn of the imminent danger to European Jews, but also to encourage a broader recognition of the crime of eliminating entire ethnic, cultural, and racial groups.

Upon hearing Churchill describe Hitler's atrocities as "a crime without a name," Lemkin focused his efforts on naming this crime. Drawing upon linguistics, history, and moral philosophy, Lemkin settled upon the word "genocide," derived from the Greek for "race" and the Latin for "killing." Lemkin, however, did not believe that a group had to be exterminated for genocide to have occurred; instead, acts of genocide were defined as "aiming at the destruction of essential foundations of the like of national groups, with the aim of annihilating the groups themselves." Lemkin then set out on his most important quest: convincing the world to prohibit, prevent, and prosecute the crime of genocide.

After years of writing letters to the editor and pounding on diplomatic doors, Lemkin finally persuaded the United Nations to adopt the Genocide Convention in 1948. Lemkin had won his quixotic struggle, but the quest to ratify and implement the convention was only beginning. It took the United States almost four decades to ratify the Genocide Convention, and even then, it did so with significant reservations.

Both before and after ratification Power argues that the United States referred to and applied the concept of genocide selectively and narrowly. In the late 1970s, the United States could "distinguish" the situation in Cambodia from genocide because much of the population died from starvation, rather than more traditional tools of genocide. Moreover, Power argues that the United States government set the bar for genocide too high; in Bosnia, for example, the United States did not characterize forced deportations and executions of Muslim men as genocide until well into the conflict, arguing that the Serbs were not trying to kill all Muslims in their midst. Even the Genocide Convention does not set such a high bar for genocide because it would require intervention too late. Power demonstrates that the United States has often set the bar for genocide artificially high precisely to avoid incurring any legal or moral obligations to intervene.

Power offers her most fascinating insights when discussing the reasons proffered against United States intervention to halt genocide. Most commonly, policy makers argued that intervention did not align with American interests that were narrowly defined. In Cambodia and Iraq, these interests

required supporting our enemies' enemies. In Bosnia and Rwanda, our interests, for the majority of the conflicts, simply did not involve either of these far-off lands. In each of these situations, the United States tried not to describe the atrocities as genocide until months into or years after the conflict. Thus, while the foreign policy machine argued against intervention, its public relations maneuvers demonstrate that when a spade is called a spade, genocide can become a vital concern of the American people.

When it is quite obvious that genocide has occurred, the United States has fallen back on theories that the killings are inevitable and on concerns about military intervention. In her analysis of the Rwandan genocide, Power effectively debunks these two excuses. United States officials argued that the Rwandan conflict was the result of "ancient tribal hatreds" and that in some sense that it was "typical" of the region. However, the State department knew that Hutu political leaders were strategically spreading anti-Tutsi propaganda by radio, carefully coordinating militias, and organizing massacres; the Hutus were plotting genocide in order to consolidate political power. The U.S. government recognized this, says Power, but its public spin on Rwanda—as an inevitable, unstoppable ethnic conflict—allowed the government to dismiss intervention as a real possibility.

United States officials were haunted by memories of Somalia; they did not want to sacrifice U.S. troops in a futile effort to stop genocide in Africa. Power criticizes the American tendency to examine and quickly dismiss the deployment of American ground troops as the only way to respond to genocide. She identifies several proactive measures the United States could have taken: jamming the signal of the murder-inciting radio station, sharing intelligence information with UN peacekeeping forces in Rwanda, or encouraging other nations to send more troops to strengthen the peacekeeping force. Power shows that even these small steps may have limited the extent of the slaughter. Unfortunately, the United States seems to have been trying so hard to avoid ground deployment that it failed to adequately consider other options.

Structurally, *A Problem from Hell* begins with the Armenian genocide and Lemkin's story and then systematically examines five genocides perpetrated since World War II. Power divides her analysis of each genocide into the phases of the American response: recognition, response, and aftermath. This structure makes the book accessible to those unfamiliar with the genocides of the twentieth century. It also allows readers to more effectively compare each of the genocides to each other. On the other hand, the repetitive structure makes the book formulaic and at times prevents Power herself from engaging in more complex comparisons that might interest academic readers. For example, while Power notes the overlap in the Bosnian and Rwandan genocides, she does not thoroughly compare the United States' limited involvement in Bosnia to the utter lack of intervention in Rwanda.

Overall, Power succeeds as both storyteller and commentator. She employs rich detail to bring readers into the American embassies and halls of

the State Department where responses—or non-responses—to genocide were formulated. She also clearly demonstrates that the United States did not fail in its responses to genocide; instead, it usually succeeded in projecting a tepid level of condemnation without intervention. *A Problem from Hell* offers an excellent introduction to America's response to genocide in the twentieth century, and at its best the book offers ways to analyze genocides of the past and thoughts on how to respond to genocides of the future.

—Veena Iyer

Partner to History: The U.S. Role in South Africa's Transition to Democracy. By Princeton N. Lyman. Washington, D.C.: United States Institute of Peace Press, 2002. Pp. 384. \$19.95, paper.

After the April 1994 South African elections, one journalist aptly described the poignancy of the moment: "African adversaries embraced, world leaders hailed a miracle and ordinary people danced in the streets." Years of intense negotiations led to the first free and fair democratic elections in South African history. The long-awaited vote marked the end to the era of apartheid and the commencement of South Africa's transition to a democratic government. In *Partner to History: The U.S. Role in South Africa's Transition to Democracy*, former U.S. ambassador to South Africa Princeton Lyman gives new perspective to this South African "miracle." However, while the transition occurred without a devastating civil war, he hesitates to use the term "miracle." Such a description, he writes, would signify that the South African transition was an aberration, without relevance to other conflicts. Lyman recognizes the lessons from the South African experience that can be replicated in other international conflicts. His account of the American role in the transition exemplifies the important facilitative function American practitioners and policymakers can play in aiding other countries in their efforts to transition to democracy.

Lyman traces the long history of white supremacy in South Africa, starting with the establishment of the first Dutch colony in 1652. When the National Party attained majority support in 1948, it institutionalized racial discrimination in order to preserve the economic and political dominance of the white population. Apartheid was intended to limit the rights of nonwhites and assure that they would not obtain the education and status necessary to acquire civil, political, and legal equality in the future. In response to these discriminatory efforts, resistance to apartheid under the leadership of the African National Congress matured and intensified throughout the 1980s. President F. W. De Klerk realized that South Africa, in order to avoid civil war, had to form a "constitutional relationship with Black South Africans." He initiated what he saw as "an orderly step-by-step process" to

end apartheid while maintaining the rights of his white constituency. Though the process would sometimes be less than orderly, South Africa was poised to undergo a significant change.

Throughout these domestic developments, American foreign policy towards South Africa was often contradictory; the United States would denounce the existence of apartheid as a political regime while supporting financial and business interests in the country. The policies of various American presidents from the 1940s to the early 1990s produced this fluctuation until American policy stabilized when President George Bush and U.S. ambassadors to South Africa both painstakingly worked towards improved relations with the government and anti-apartheid groups and leaders. Princeton Lyman became the American ambassador in 1992, a critical juncture in South Africa's history, and became an important player in the unfolding transition.

Though South Africa accepted international support in the negotiations, Lyman points out that South Africans ultimately "owned" the transition process themselves. Under Lyman's leadership, the United States played an active and intense role, mobilizing international and domestic support for the process and working to bring recalcitrant parties into the negotiations. Nevertheless, the South Africans stood behind the reasoning of De Klerk's response to President Bush's offer of mediation help: "It cannot be expected that South Africans should surrender responsibility for determining their own future." The United States and other countries facilitated the negotiations and helped guard against resistance from the right and left, but the South Africans saw that legitimacy could only be attained by actively pursuing their own compromises. Lyman believes that that this ownership may have been the crucial factor solidifying the final accord between the parties and the post-election transition. Lyman hopes that the lesson to be learned for future conflict resolution is that the United States can successfully play a supportive rather than a commanding role in helping other countries end internal conflicts.

The author describes in detail the final months leading up to the election, giving a behind-the-scenes narrative of the parties and players involved in the negotiations and their efforts to overcome resistance. South African leaders had many fears: low voter turnout, civil disorder, and violent disruption. However, the U.S. observer mission and other international support helped allay these fears and build confidence in the process. When election day finally arrived, the world was relieved when the parties' apprehensions were not realized.

Lyman's firsthand experience gives his book a unique perspective on the transition process. In an effort to include comprehensive information about the important players and history-making events, he sometimes interrupts his chronology with stories or names that may be hard to follow for a reader unfamiliar with South Africa's history. Those interested might look to accounts by others intimately involved with the process, such as Allister

Sparks's *Tomorrow is Another Country*,¹ to garner a broader range of perspectives on the transition process. *Partner to History* is a valuable and engaging explanation of the critical time before, during, and after South Africa's historic transition. It offers an important glimpse into the facilitative role the United States can play in assisting other countries with conflict resolution and democratic transformation.

—Allison Elgart

International Human Rights and Authoritarian Rule in Chile. By Darren G. Hawkins. Lincoln, Neb.: University of Nebraska Press, 2002. Pp. 261. \$45.00, cloth.

Darren G. Hawkins's *International Human Rights and Authoritarian Rule in Chile* analyzes the influence of the international human rights movement in shaping the human rights policies of General Augusto Pinochet's military regime, as well as the contribution of international human rights pressure to the downfall of Pinochet's regime and the reinstatement of democracy in Chile. Hawkins posits that international human rights pressure combined with a unique set of domestic conditions within Chile to propel the downfall of military rule in Chile and the reestablishment of democracy in the late 1980s.

Hawkins's argument opens by recognizing the growth and concomitant globalization of the human rights movement over the past few decades. Nongovernmental and multilateral institutions have aggressively monitored the human rights policies of states and exposed governmental human rights abuses over the past thirty years. Even governments have acknowledged the increased internationalization and strength of the human rights movement by adopting human rights platforms and signing international conventions respecting human rights. Hawkins contends that all governments—including authoritarian regimes—crave legitimacy both within domestic society and on the international scene. In turn, repressive governments have been forced to address criticism of human rights abuses leveled by other governments and international human rights monitors in order to secure both domestic and international political legitimacy.

After acknowledging the *potential* of the international human rights movement to force governments to acknowledge (and ultimately abandon) repressive human rights policies, Hawkins then outlines a theoretical framework in which he assesses the *ability* of international human rights pressures to orient domestic human rights policy formulation in a pro-human rights

1. ALLISTER SPARKS, *TOMORROW IS ANOTHER COUNTRY: THE INSIDE STORY OF SOUTH AFRICA'S ROAD TO CHANGE* (1996).

direction. Hawkins contends that four specific domestic political conditions must exist in order for international human rights pressures to force governments seeking political legitimacy to abandon repressive human rights policies. First, although states with vibrant civil societies not dominated by a political elite enjoy more access to transnational human rights networks, the ability of transnational human rights networks to pressure policymakers and the extent of policy change in fractured polities are likely to be minimal. Second, where international human rights norms mirror domestic cultural understandings, states will be more responsive to international human rights pressures. Third, states that face serious economic or political crises are less responsive to international human rights pressures than are states facing relatively minimal security or economic problems. Fourth, the presence within the government of "rule-oriented actors"—government actors who wish to rule by consent, not coercion, and who strive to establish legal principles legitimizing authoritarian decision making—increases the likelihood that international human rights pressures will influence domestic human rights policy. The interaction of these specific domestic political conditions with international human rights pressures, in turn, can force an authoritarian government to jettison repressive human rights practices in order to achieve internal and international political legitimacy.

Hawkins applies this theoretical framework to the case of Pinochet's Chile, contending that Pinochet's quest to secure legitimacy for his regime, coupled with the interplay of domestic and international political forces, led to the demise of military rule in Chile and the reemergence of democracy. Hawkins's analysis of the impact of international human rights pressures on Pinochet's Chile begins with an examination of the onset of authoritarian rule. He asserts that international and domestic human rights pressures forced the Pinochet regime to seek international political legitimacy during the government's early years even while committing human rights abuses. In particular, international human rights pressures during the first several years of the Pinochet regime forced the government to adopt a discourse on human rights and abandon its most repressive human rights practices. The domestic resonance of international human rights norms, coupled with the influence of "rule-oriented" actors eager to secure international legitimacy, also drove Pinochet to announce a plan for the end of military rule and to develop a new constitutional framework for a "protected democracy." Throughout the 1980s, domestic and international human rights opposition to ongoing Chilean government repression led the Pinochet regime to prioritize its quest for legitimacy through the implementation of the constitutionally mandated plebiscite of 1988. As the plebiscite ended Pinochet's rule, Hawkins contends that this demonstrates how the Pinochet regime ultimately sacrificed its control of the government in the quest for political legitimacy. Hawkins concludes his analysis by undertaking a comparative study of government responses to international human rights pressures in other contexts.

Hawkins presents an interesting explanation for Chile's return to democracy after almost two decades of military rule under Pinochet. However, attributing Chile's re-democratization principally to the influence of international human rights pressures does not completely explain Chile's transition to democracy. While international human rights pressures certainly influenced Pinochet's decision to curb humanitarian abuses and permit increased political openness, he still sanctioned one of history's most egregious and notorious campaigns of crimes against humanity.

The enormity of the tyranny undertaken by the Pinochet regime *even while* it adopted public relations measures to secure international legitimacy during the regime's early years demonstrates that the international human rights movement did not greatly influence Pinochet. Furthermore, international actors did not overwhelmingly condemn the human rights abuses that occurred during the early years of Pinochet's regime. As Hawkins acknowledges, Chile suffered only marginally from economic penalties imposed in response to the coup; moreover, international capital generously poured into the country during the early years of the Pinochet regime. Although Pinochet certainly abandoned his most repressive tactics in the mid-1970s, this policy shift arguably constituted a response to the installation of the Carter Administration in the United States, which opposed Pinochet's repression with much greater ferocity than had the preceding administration that had applauded Allende's overthrow.

International human rights pressures only constituted one of several influences propelling Chile's return to democracy in the late 1980s. While democratization certainly gained momentum from international human rights forces, international economic pressures for open markets, global democratization trends, and Chile's desire for domestic economic stability and integration with global capital markets chiefly led to Chile's return to democracy. Unlike many other Latin American countries, Chile also enjoyed a proud history of democratic rule, suggesting that military rule could never have been an acceptable permanent form of governance, but constituted an extreme—yet temporary—response to Allende's unsuccessful socialist democratic policies. Chile's long democratic tradition arguably also facilitated the socio-cultural democratic transition. Finally, the military's continued strength in post-Pinochet democratic Chile indicates the limited success of the international human rights movement in influencing the Chilean democratic process.

While Hawkins presents an interesting analysis of the impact of international human rights on the Chilean re-democratization process of the late 1980s, international human rights pressure was not necessarily the dominant reason behind Chile's renunciation of Pinochet and restitution of democratic rule.

—Charu A. Chandrasekhar

Zichroni v. State of Israel: The Biography of a Civil Rights Lawyer. By Michael Keren. Lanham, Md.: Lexington Books, 2002. Pp. 240. \$26.95, paper.

Michael Keren's biography of Israeli lawyer Amnon Zichroni highlights the challenges of human rights advocacy in an evolving democracy. This book explores the ideologies motivating Zichroni and the tactics which led him to become one of the first advocates of Israeli civil society, and eventually one of Israel's most respected lawyers.

Zichroni first demonstrated his determination to follow his social conscience and challenge authority precisely when his peers were submitting to commands of the state. At the age of eighteen, Zichroni became Israel's first well-known conscientious objector; the affair resulted in a highly public trial and a twenty-two-day hunger strike that almost killed the young man. Zichroni rejected the validity of the military, both in Israel and across the globe, and considered himself the accuser of the army, rather than the defendant in a high-stakes trial. He was ultimately excused from military service and his perseverance paved the way for the discussion of fundamental questions that shook the foundations of Israeli society.

Zichroni dedicated his legal career to asking these difficult questions in order to prevent the state from dominating society. Zichroni criticized Israel for lacking important features of a democratic country: there was no separation of state and religion, individual rights were threatened, and the laws perpetuated racial, religious, and gender-based discrimination. Zichroni was particularly enraged by the influence of religious authorities empowered by the proportional voting system and the reality of coalition governments. Early in his career, he tackled these problems as a parliamentary aide to the New Force party. Through his speeches, proposals, and press releases, Zichroni overcame the disadvantage inherent in being a member of a minor party and strengthened parliamentarianism by "exposing the imperfections of democracy through democracy."

Throughout his career, Zichroni has been fundamentally involved in fighting for the human rights of Palestinians and Israeli Arabs. Zichroni fought on behalf of Palestinians at a time when few people knew or cared about the human rights challenges inherent in land occupation. In 1984, the Progressive List for Peace ("PLP"), which called for co-existence between Jews and Arabs, as well as between Israel and a future Palestinian state, was almost denied status as a political party on the grounds that it was subversive. Zichroni fought for PLP to be allowed to run, demanding freedom of association and the right to political expression for Israeli Arabs. Zichroni argued that since PLP posed at most an ideological challenge to Israel, and was not a security threat, its prohibition was unjustified. The success of this campaign, however, underscored an important paradox of humanitarian struggles. In the same election, Kach, the extreme rightist party led by Rabbi Meir Kahane, was permitted to run for office for the same reasons that PLP was protected. Thus Zichroni's efforts demonstrated that true humani-

tarian battles must aid even those who seek to undermine rights; sometimes we have to fight for our enemies in order to properly defeat them.

Measures designed to prevent terrorism have played a significant role in Israel's history, and Zichroni has been prominent in guarding against deleterious human rights consequences. In the 1980s, the Prevention of Terrorism Ordinance outlawed contact between Israelis and members of the Palestinian Liberation Organization ("PLO"). While contact with the PLO was generally resented by the Israeli public because of their overt terrorist activities, Zichroni viewed this first major ban on the freedom of association of Jewish Israelis as a threat against society. Zichroni thus challenged this ordinance by arguing that PLO contact, including peaceful negotiations between PLO members and Israelis, was an act of civil disobedience. He asserted that the law did not comport with morality and was therefore unjust. In doing so, Zichroni sought to challenge the law without shaking the foundation of the rule of law. Here Keren identifies the distinctive responsibility that lawyers have when disagreeing with state authority. As officers of the law, lawyers have a heightened duty not to violate that law. This is a duty which creates a dilemma between counseling obedience and following one's conscience. Zichroni found his solution by fighting within the legal framework; he challenged the exclusive definition of the PLO as a terrorist organization and later joined Israelis in conducting peace negotiations with PLO members through a Rumanian delegation, thus not explicitly breaking the contact rule.

Civil and human rights lawyers also play a unique role in cases in which state secrecy and legal rights represent competing interests. In the later years of his career, Zichroni represented defendants arrested for treason and espionage. While the right to a fair trial, as guaranteed in democratic societies, is occasionally countered by the need to maintain secrecy, Zichroni demonstrated significant strength in balancing these forces. He learned to use the press without revealing any confidential information and encouraged Israeli citizens to demand open trials whenever possible. Zichroni was also able to distinguish his personal ideology from his professional role and to use each to bolster the other. For example, while defending Mordechai Vanunu, accused of selling nuclear secrets to the Soviets, Zichroni spoke out against nuclear proliferation while defending his client on the grounds that the information conveyed was already public. He successfully combined his responsibilities as a lawyer with his conscience in striving for a just result.

Zichroni's efforts to protect the rights of security defendants opened up new opportunities in his career. He represented the State of Israel in negotiations to trade captured spies for soldiers missing in action and developed new ties with representatives of the state. Zichroni was consequently accused of associating too strongly with "the establishment" and abandoning his left-wing roots. Keren explains that these accusations fail to recognize the consistency and strength of Zichroni's ideology. Throughout his career, he has operated as a mediator between civil society and the political state, tak-

ing advantage of available legal procedures while remaining true to his goal of protecting liberty.

Keren's biography not only demonstrates Zichroni's dedication to advancing causes in which he believes, but also provides the reader with a comprehensive analysis of Israeli civil society and human rights theory in general. Unfortunately, at times Keren fails to adequately portray both sides of the complex issues he explores, and this deficiency diminishes the legitimacy of his message. Despite this flaw, Keren successfully highlights the unique aspects of human rights challenges in Israel and presents Amnon Zichroni as a strong example of how a lawyer can protect fundamental rights while strengthening the state through his challenges.

—Naomi Loewith

La Charte des Droits Fondamentaux de l'Union Européenne. Edited by Jean-Yves Carlier and Olivier de Schutter. Brussels, Belgium: Bruylant, 2002. Pp. 304. €40.00, paper.

The post-World War II process of European integration is perhaps the Western world's most successful attempt to overcome age-old cultural and historical divides using "soft power" stimuli. However, with the imminent expansion of the European Union ("EU") to the formerly communist countries of Eastern and Southeastern Europe, new questions about the nature and purpose of the EU have arisen. Today, many analysts point to an emerging "European" continental identity that is developing alongside the well-established national identities. This identity is no longer exclusively based around the idea of economic free trade, but rather around a deeper sense of shared norms and values. Thus, the Treaty on European Union signed in Maastricht in 1992 states that "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the member states." And although membership in the EU requires also being a party to The European Convention on Human Rights ("ECHR"), it has become increasingly important for the EU to define exactly what it means by "fundamental freedoms."

Therefore, in 1999, the heads of state of the fifteen European member countries met in Cologne, Germany to launch an initiative aimed at codifying these rights. The result of this effort—The European Charter of Fundamental Rights—is the subject of this French-language compilation of seventeen essays by mostly francophone scholars. Written only a little over a year after the signing of the Charter in Nice, this book is a mostly academic discussion of the possible impact and scope of the Charter and assumes a working understanding of the EU.

One of the most interesting themes of the book is the ongoing tension between the member countries' insistence that the treaty be non-binding and the hope that many of the authors place in the future legal value of the treaty. In their introductory essay, Jean-Yves Carlier and Olivier De Schutter present the purpose of the Charter, which is to crystallize and codify the various rights that *all EU member countries* can agree upon. As the participants in the drafting convention went through heroic efforts to hammer out a text that was to be comprehensive, comprehensible, and innovative, they did manage to convince some of the less enthusiastic members states to agree to a legally binding charter.

In another essay, Huges Dumont and Sébastien Van Droogenbroeck ask what constitutes the true nature of the Charter and whether the Charter will eventually contribute to the "constitutionalization" of the EU treaty, pulling the EU even further from its roots as an international treaty organization and pushing it towards the federal model. According to Dumont and Droogenbroeck, the key to such a development is the sovereignty (or lack thereof) of the European Union. Since the EU is such a strange hybrid between a supranational government and a treaty organization, the authors hesitate to compare the Charter with a true federal constitution. Nevertheless, they leave open the question as to whether the Charter can perhaps serve such a role in the future—by galvanizing European popular opinion around the idea of a "European identity" that may someday form the political momentum for a more powerful, legally binding, supranational governance.

In a contribution that will likely be of interest to human rights practitioners, Professor Paul Magnette reminds us not to underestimate the power of normative texts. He points to past instances in the history of the European Union where the pronouncement of purely political "declarations" has given elements of civil society the normative tools they have needed to push for concrete reforms. According to Magnette, the current Charter may potentially open the normative floodgates for Europeans wanting to expand existing civil and political rights and codify more precise social and cultural rights. One of the Charter's most innovative features is that it incorporates social rights on an equal footing with civil and political rights, but, as Olivier De Schutter points out, there are many inconsistencies and vague definitions in the Charter's attempt to define these social rights. According to Magnette, this is fertile ground for activism on the part of Europe's civil society. Indeed, both a judge sitting in the European Court of Human Rights in Strasbourg (Françoise Tulkens) and a judge sitting in the Court of Justice of the European Communities in Luxembourg (Melchior Wathelet) agree that the likelihood of the European Court of Justice using the Charter to justify future decisions is very great indeed.

Another controversy that surfaces towards the end of the book is a debate over the effect that the Charter will have on the relationship between the European Union and the Council of Europe. These are two separate bodies with separate signatories, and traditionally their activities have had little

effect on one another. But by introducing a human rights declaration into the main texts of the European Union, the European Court of Justice may now potentially hand down decisions that would otherwise be handled by the European Court of Human Rights (an arm of the Council of Europe). Indeed, the Charter specifically refers to two separate provisions in the ECHR, thereby opening up the danger that the two courts will have different interpretations of the treaty. Françoise Tulkens critically explores the validity of thinking that human rights institutions are necessarily embedded in a hierarchical pyramid structure. Tulkens proposes instead the concept of a pool of resources, in which practitioners can choose from a variety of mutually cooperating and complementary sources of human rights law. She thereby transforms the debate over which institution should ultimately “win out” over the other into a debate over how the two institutions can best cooperate and complement one another’s activities.

This is a useful book for scholars interested in the debate over the development of a normative “European identity” associated with the EU and the role that human rights can play in this process. However, it is also a very scholarly book, and it is probably not very useful to readers who do not have a prior knowledge of the European Union and its institutional structure. Although the book mentions that one of the Charter’s primary purposes was to prepare the EU for expansion, the authors never discuss the potential impact of the Charter on the future member states, and they ignore the larger debates over a “European identity” brought up by the potential admission of Turkey. All in all this is a good book for readers seeking a detailed case study of the extraordinarily complex process of attempting to incorporate human rights norms into an international organization.

—Stephan Sonnenberg

The African Charter on Human and Peoples’ Rights: The System in Practice, 1986–2000. Edited by Malcolm Evans and Rachel Murray. Cambridge, England: Cambridge University Press, 2002. Pp. 418. \$75.00, paper.

In recent decades, the peoples of Africa have been hit hard by natural disasters, civil war, ethnic and religious conflict, and widespread human rights abuses. In order to support the healing and progress of the continent, the Organization of African Unity (“OAU”) created the African Charter on Human and Peoples’ Rights, which entered into force in 1986. With the Charter, the OAU sought to bring human rights out of a Western-dominated framework and ground it solidly in African values and concerns. For instance, the Charter outlines the individual’s duties towards the state in addition to the state’s duties toward the individual, reflecting African values of reciprocity and collaboration. Unfortunately, many within and outside the

region have been sorely disappointed by the enforcement of the Charter under the African Commission on Human and People's Rights (founded by the OAU). They commonly complain that the Commission is overly deferential to state governments, takes too long to process Communications (submissions of human rights violations under the Charter), and overemphasizes the goal of promoting dialogue while underemphasizing the importance of deterring human rights abuses.

The African Charter on Human and Peoples' Right provides a constructive, no-frills critique of the Commission's implementation of the Charter. The mission of the book is straightforward: to evaluate the Charter's efficacy in practice, not theory. To this end, editors Malcolm Evans and Rachel Murray have assembled an impressive international cast of eleven African human rights specialists from academia, NGOs, international law bodies, and the Commission itself. They largely avoid taking an adversarial, exposé-style approach, seeking instead to combat pessimism about the African regional human rights system with realistic, informed, critical optimism.

The book opens with a look forward in "Future Trends in Human Rights in Africa" by Gino Naldi. At its inception in 1963, Naldi explains, the OAU was more expressly concerned with bolstering state sovereignty and ridding the continent of colonialism's traces than with promoting and protecting human rights. The Charter's entry into force, Naldi argues, represented an important step forward for human rights in Africa. He acknowledges weaknesses in the Charter as it was written, such as "clawback clauses" that appear to subject individual civil and political rights to the dictates of state law. However, Naldi refuses to regard the Charter as "fatally flawed." Instead, he highlights recent efforts of the OAU to give the Commission more bite and to zero in on the issues of greatest concern to Africa, such as discrimination against women and the persecution of those living with HIV/AIDS. Ultimately, Naldi is guardedly hopeful about the potential of the system to become an effective regional human rights instrument.

The next section takes the reader through the failures and successes of the Commission in its nitty-gritty, day-to-day operations. Writing on the states' reporting mechanism, Malcolm Evans, Tokunbo Ige, and Rachel Murray document the widespread lack of compliance with the Charter's bi-annual-state-reporting requirement. They recommend greater forcefulness on the part of the Commission in obtaining and responding to state reports. On the Commission's rulings on admissibility, Frans Viljoen applauds the Charter's unique procedural flexibility, such as its acceptance of Communications from non-victims. Viljoen criticizes the Commission, however, for applying too strict a standard in barring Communications. On the Commission's evidence and fact-finding, Murray makes a strong case for the Commission to step out of its role as promoter of OAU solidarity and to take its role as finder and trier of fact more seriously. According to Murray, the Commission must strengthen its credibility by vigorously enforcing evidentiary standards for states and using country missions to conduct more thorough investigations

of abuses. The theme resounding throughout this section is the need for greater political will and consistency in the Commission's procedures.

The book also touches on more theoretical, ideological issues of the Charter's enforcement. Articles by Christof Heyns and Chidi Anselm Odinkalu examine the normative framework that the Charter creates for the treatment of distinct categories of rights: civil, political, economic, social, and cultural. One of the book's highlights also appears in this section: "The Challenge of Culture for Human Rights in Africa: The African Charter in a Comparative Context," by N. Barney Pityana, a current member of the Commission. In Pityana's view, universality and cultural relativism need not exist as two opposing poles of approaches to human rights, where ne'er the twain shall meet. Pityana commends the OAU's intention of centering its human rights approach on African culture and traditions but rejects the OAU's interpretation of universal human rights as a Westernized, neocolonial proposition. The appropriate balance, according to Pityana, is to incorporate both approaches and apply universal human rights principles contextually, protecting individual rights liberally but with an eye toward local values and priorities.

Finally, the book's authors highlight the roles of different players in the African regional human rights system: NGOs (Ahmed Motala), Special Rapporteurs (Malcolm Evans and Rachel Murray), the imminent African Court on Human and People's Rights (Julia Harrington), and the Commission itself (Victor Dankwa). The writers in this section unflinchingly reveal the stitches holding the African regional system together and the lack of political will on the part of the Commission and of states that is weakening its authority. Still, each concludes by looking toward possibilities for strengthening the framework. According to these well-informed participants and observers, the Commission needs to promote broader awareness of the Charter across the continent, greater access for individuals to its mechanisms, and more courageous collaboration with states and NGOs alike.

This book is a valuable and unique contribution to scholarship about human rights in Africa. It would have strongest appeal to human rights practitioners and academics with an interest in Africa or comparative international human rights studies. Although it may not make for particularly vivid reading, the book's clarity and conviction also make it an engaging and worthwhile experience for readers with a less single-minded interest in the African region.

—Monica Eav

Economic, Social and Cultural Rights: A Textbook, Second Revised Edition. Edited by Asbjørn Eide, Catarina Krause, and Allan Rosas. The Hague, The Netherlands: Kluwer Law International, 2001. Pp. 785. \$184.00, cloth.

Economic, social and cultural rights have historically received much less attention from member states, UN bodies, and NGOs than have civil and political rights, despite the fact that both families of rights are repeatedly affirmed in UN documents as being indivisible and interdependent. This collection provides a welcome addition to this neglected area within human rights law. It analyzes and criticizes the lesser status of economic, social, and cultural rights within the international legal community, and also provides persuasive and well-researched suggestions for bolstering the status of these rights.

Edited by three Scandinavian human rights scholars, this book contains thirty-two chapters by prominent researchers and human rights leaders, including Katarina Tomaševski, currently the United Nations Special Rapporteur on the Right to Education, Sandra Liebenberg, a leading South African scholar, and co-editor Asbjørn Eide, a member of the UN Sub-Commission on the Protection and Promotion of Human Rights. This book covers a broad spectrum of subjects in this sphere of human rights law, including the right to development, the right to health, and the right to education, as well as strategies for implementing and fully realizing these rights. This second edition also includes new chapters on topics not contained in the first edition (published in 1995), including an examination of how multinational enterprises affect these rights, and how these rights can best be protected in domestic legal systems.

The intended audience for this book is a global one, but this compilation may be especially helpful for those in the United States who have had little exposure to the body of international law that addresses issues of economic, social, and cultural rights. *Economic, Social and Cultural Rights* is an essential resource for scholars and activists working for the advancement of economic, social, and cultural rights, as well as those working on grassroots, anti-poverty work who would like to expand their organizing strategies to include more of a rights-based approach.

The book's first section explores the concepts and principles that make up the body of international law known as economic, social, and cultural rights. The first section explores the major debates relating to the legal entrenchment of this "family" of human rights, including claims that they are not and should not be justiciable rights like civil and political rights, and that to do so would require an inappropriate incursion of the judicial branch into the realm of legislative policy-making. These claims are tackled head on and persuasively rebutted by Eide, Liebenberg, and other contributors. The common conclusion of this first set of chapters is that there is nothing inherently different about the core set of rights known as economic, social, and cultural rights that necessitates or justifies their inferior status in interna-

tional human rights law. On the contrary, these chapters provide the theoretical support for the equal protection and advancement of these rights, both on ideological and practical grounds.

The second section of this collection considers the core substantive rights which typically fall under the rubric of economic, social, and cultural rights. Each of the chapters focuses on a separate basic right, such as the right to an adequate standard of living and the right to food, and the relevant international standards are explored and state obligations explained under existing obligations. The authors also discuss the challenges of setting attainable indicators and benchmarks, as well as the difficulties of formulating country-specific minimum thresholds for the different basic human rights.

The third section of the textbook considers particular groups for whom and contexts in which the enforcement and realization of economic, social, and cultural rights is most essential. While everyone is equally entitled to enjoy these rights, this section illustrates that violations of economic, social, and cultural rights often have a disproportionate impact upon certain groups. In this section, contributors turn their attention to children, indigenous peoples, migrant workers, and women as the critical beneficiaries of these rights. There is also a chapter on the importance of protecting economic, social, and cultural rights in situations of armed conflict.

The fourth and final section of this compilation considers how these rights can be most effectively implemented and realized. The authors address the many obstacles that often arise when trying to make real progress on implementing international human rights standards so that to people on the ground they are more than merely ideological wish lists. This section tackles both the promise and limitations of existing implementation mechanisms and remedies for violations of these rights, also suggesting strategies for improving the enjoyment of these fundamental human rights.

This collection would serve as a comprehensive textbook for a course on international human rights or legal approaches to tackling poverty, but it also reads as a collection of discrete essays on the status of economic and social justice issues within international law. The chapters are well organized, making it easy to navigate through technical references to various UN treaty provisions and other documents. The detailed footnotes and an abbreviations list are also helpful. With all of the useful extras included in this edition, *Economic, Social and Cultural Rights* is an invaluable reference tool. The annexes to the book include the major international guidelines pertaining to economic, social, and cultural rights, and selected general comments issued by the UN Committee on Economic, Social and Cultural Rights and the UN Human Rights Committee. The editors have also included a table of treaties relevant to these rights for easy reference. The more than thirty-page bibliography at the end is also a very useful starting point for those who wish to do more research in this area.

While this anthology is a bit of an investment, for individuals, organizations, and institutions working on these issues who can afford to add it to

their library, it is a must-have. It is simply the most comprehensive work available on the importance of protecting and promoting economic, social, and cultural rights.

—Katherine Wiik

Destructive Messages: How Hate Speech Paves the Way for Harmful Social Movements. By Alexander Tsesis. New York: NYU Press, 2002. Pp. 250. \$40.00, cloth.

Destructive Messages examines the connections between “misethnic” speech and societal acceptance of discriminatory attitudes against “outgroups”—propaganda that may ultimately yield a violent political mandate. Exploring the means by which prejudiced attitudes become systematically imbedded into social consciousness, and the power of public (mis)conceptions to preclude individual rights, Alexander Tsesis describes the psychological need of a society to project, displace, and justify its fears by scapegoating marginal groups. Both subconscious and overt, these socialized meanings become so deeply embedded in the cultural psyche that the targeting of outgroups becomes essential to the validation of the power of the “ingroup.” Tracing patterns of systematic marginalization historically rooted in divisive speech, Tsesis theorizes that stereotypes based on religious or ethnic difference emerge from the public subconscious and become dangerous mechanisms for demagogues seeking to enhance existing power structures.

Tsesis documents the evolution of hate speech into violence within several familiar socio-historical contexts. In late nineteenth-century Germany, for example, the foundations of the Holocaust were already beginning to emerge from long-established anti-Jewish sentiment. Traditional stereotypes based on religious differences developed into more deeply rooted, academically endorsed racial stereotypes, as evidenced by the linguistic shift from “anti-Judaism” to “anti-Semitism” (coined in the 1870s by Wilhelm Marr). Pseudoscientific studies establishing Aryan superiority became fodder for members of the intellectual elite seeking a scapegoat for an economic downturn. Anti-Semitic attitudes leapt from academic to political rhetoric, grew latent around the turn of the century, then reemerged full-throttle in a pamphlet entitled *Protocols of the Elders of Zion* during Germany’s post-World War I decline. *Protocols*, which was exposed as a forgery a year after its 1920 publication, nevertheless maintained momentum well into the 1930s as evidence of a Jewish conspiracy for world domination. Reaffirming ideas previously planted within the social consciousness, Nazis seized upon a new wave of sensationalist propaganda, gaining widespread support not for discrimination, but for destruction of the Jewish race.

Tsisis also discusses parallels in United States history. Noting that the roots of slavery in America were fixed in the race-neutral institution of indentured servitude, which later merged with a popular conception of Africans as heathens, Tsisis attributes religious propaganda as the justification for bringing Africans to America as slaves. Over time, "biological" arguments emerged, legitimizing inhumane treatment of slaves because they were understood to be soulless or subhuman. The forced removal of Native Americans, and collateral violence, was based upon similar mythologies of savagery, humanitarian pretenses, and ignorance of aboriginal ownership customs. By the mid-nineteenth century, utilitarian arguments provided ethical justifications—sacrificing of the rights of a subgroup was deemed necessary to establishing equality and happiness among the majority—resulting in the acute political expediency of hate speech messages.

The only non-Western example cited in detail by Tsisis is in the context of contemporary issues: the hereditary slavery of black Africans by Arab/Berbers of various social classes in Mauritania. An institution since the twelfth century, the practices and justifications of this ongoing, religious and race-based servitude mirror those described in the context of the American colonies. Again, subordinating language denotes the superiority of one race over another, and teachings of providence lead even the enslaved to believe that theirs is a legitimate position within the social hierarchy, and that the only manifestation of virtue is obedience to their masters. So embedded are these cultural norms that an attempt to outlaw slavery in 1981 was basically ineffective.

The diffusion of socialized hatred has continued in recent times via the anonymous and cost-effective Internet, through hate-based political organizations, general public desensitization to the tragic consequences of past bigotry, and calls for racial war. Given the long-term potential for mere speech evolving into socially accepted violence, Tsisis endorses the enactment of narrowly tailored laws limiting constitutional protections of hate speech. In an analysis centered upon United States First Amendment jurisprudence, Tsisis challenges the application of the principles underlying constitutional language. The Supreme Court applies a balancing test that permits the restriction of speech only when such action is necessary to advance a compelling government interest. Set against Holmes's "marketplace of ideas" doctrine, this test leads to questions of true democracy. Working through case law leading to the most recent decision of *R.A.V. v. St. Paul*¹ (a 1992 cross-burning case holding that legislation targeting specific content is unconstitutional), Tsisis describes a judicial tendency to rest too heavily upon the requirement of an immediate threat and a naïve presumption that people spreading hate messages would be content with mere speech without action.

1. 505 U.S. 377 (1992).

He suggests that judges should consider history, rather than discreet instances of defamation, and demonstrate a preference for inclusive speech.

Ultimately, Tsesis calls for increased judicial and legislative attention to the protection of individual rights. Suggesting that the United States is an anomaly in its extreme protection of free speech, he notes that Austria, Belgium, Brazil, Canada, Cyprus, England, France, Germany, India, Israel, Italy, Netherlands, and Switzerland are among those countries more willing to draw a clear line where unregulated speech may impose upon the rights of others. Additionally, he cites various international treaties addressing the elimination of hate crimes and limiting misethnic speech, to some of which the United States is a signatory (albeit with reservations).

Tsesis's theoretical arguments are compelling, but the potential for legal analysis is overwhelmed by reasonably familiar historical and sociological observations. Without delving into the nuances of causality, he teases the reader with a legal analysis, concluding by proposing a set of policy considerations (which include historical persecution, foreseeable violence and persecution, intent, and the balancing of individual and social benefits) and a model statute. Perhaps these would have proven more satisfying as an introduction to a more in-depth analysis of the contemporary threats posed by hate speech, its international implications, and of the viability of his proposals within the context of current United States doctrine. Tsesis's discussion is nevertheless a thought-provoking one, reflecting upon individual rights and freedoms in the context of a salient contemporary issue.

—Jennifer M. Pendleton