

Book Notes

Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law. By Anne Orford. Cambridge: Cambridge University Press, 2003. Pp. 243. \$75.00, cloth.

The memory of Rwanda, Bosnia, and East Timor serve, for most, as a call to arms—a justification for a strengthened international community able and willing to intervene militarily to protect victims of human rights abuses. For law professor Anne Orford, these same events tell a different story; they suggest the need to eschew humanitarian intervention's flawed logic and to re-imagine the dialogue between international institutions and human rights victims. Employing critical race studies, post-colonial critiques, and feminist readings, Orford argues both that the way in which intervention is narrated confines the revolutionary potential within human rights discourse, and that the meaning attached to intervention in legal texts preserves an unjust and exploitative status quo. As such, intervention promotes paternalism, dependence, colonial fantasies, and traditional gender stereotypes.

Orford is unflinching in her criticism of the motivations that inspire the post-Cold War era's penchant for militarism in response to human rights crises. She interprets intervention as another form of imperial domination rather than a means to self-determination and democracy. Like the less subtle but no less insidious colonialism before it, intervention is constitutive to the identity of the West as "benevolent civilizers" intent on recreating the other into its own image.

The imperial narrative of intervention appropriates the moral imperative inherent in images of suffering peoples to reinforce colonial and gendered stereotypes—the international community is the male hero, empowered to save the helpless female local victims. Likewise, post-crisis reconstruction entails the fatherly West parenting the child-like victim peoples, schooling them in Western democracy, often governing for them until they have proven their ability to handle self-determination responsibly.

This heroic narrative is especially pernicious because it obscures the causes of local violence and the full purpose of the international community's intervention. For Orford, Rwanda stands not for the West's failure to intervene quickly but for the violent results of the West's previous economic intervention. Orford argues persuasively that Rwanda's centralized, well-organized government was enabled by the international community's economic investments and supported by foreign aid despite its horrific human rights abuses; this in turn created the preconditions that made genocide possible. For the international community to then embrace the role of savior in the

wake of local violence, assigning guilt to local populations and implying its own innocence, is the height of hypocrisy.

Similarly, while reconstruction efforts operate ostensibly to confer self-determination, Orford suggests that the post-crisis experience of East Timor demonstrates that such rhetoric veils the true intent of the international community—to make the region secure for foreign investment. Consequently, where self-determination conflicts with the World Bank's economic reform, the will of international institutions preempts the will of the people, furthering economic exploitation and colonial paternalism.

The heroic narrative thus does violence to the reality that the international community is complicit in local crises, and that its aims in intervention and reconstruction are deeply ambivalent. The simple schema of vicious local tyrants, helpless local victims, and noble foreign heroes is, for Orford, a Western narrative designed to create a sense of self for the "civilized" world by locating the self outside of the space of violence to which the other is relegated. Inasmuch as intervention is viewed as essentially humanitarian, it forecloses the possibility of dissent, of exploring alternative modes of responding to human rights abuse. This pleasant glaze in which international intervention is bathed precludes criticism of the international community's complicity, thereby allowing violence to repeat itself. In other words, "the 'solution' to the Rwandan genocide flows from the definition of the problem." If the genocide resulted from the failure of the international community to apply international law to a rogue state, then stronger, more interventionist international institutions are needed; if, as Orford contends, the genocide was partly a natural consequence of foreign economic investment, then the solution is less intervention, not more.

Throughout her incisive prose, Orford essentially claims that humanitarian intervention has little to do with the victims of human rights abuse and much more to do with the identity and prosperity of the international community. Orford's critique holds weight. Her arguments are laced with disturbing factual evidence of the international community's pre-crisis complicity in human rights abuses, hesitation to confer self-determination to the objects of its intervention, and economic opportunism at the expense of victim peoples. She effectively illumines some of the theoretical deficiencies that plague the foundation of modern interventionist literature and action and documents how they play out, to destructive effect, in humanitarian intervention.

Yet while Orford's deconstructionist project finds resonance, her brief constructive plan rings hollow. At the close of the book, Orford takes eight pages (of two hundred nineteen) to sketch a way of thinking about human rights that would not suffer from the ailments of the heroic interventionist narratives. Here, her suggestions leave the reader crestfallen. Perhaps because of the efficacy of her devastating critique, one expects, indeed needs, a sounder solution than vague notions of an "attempt to build a body politic based on the recognition of difference and the desire to grant rights to the other" and

an “internationalism that is not founded upon fear of the other, but rather on an attempt to imagine new forms of universalism.”

To be fair to Orford, *Reading Human Rights* may not be intended to offer a programmatic alternative. Such is the luxury of academia, but the strength of her critical insight begs a stronger solution. Orford as theoretical critic excels; Orford as human rights practitioner stumbles. While it is right to chastise the international community for the manner of its intervention, it is inadequate to disregard suffering peoples’ pleas for help. As Orford says herself, a third way must be found between unreflective militaristic intervention and inaction. While the theoretical foundation for that third way may be found in this book, its practical formation is absent. Nonetheless, Orford’s important work asks questions too often obscured, the answers to which have the potential to create a more just, less violent means of protecting human rights.

—Stephen George

Identity in Democracy. By Amy Gutmann. Princeton, N.J.: Princeton University Press, 2003. Pp. 246. \$27.95, cloth.

Who are you? If the answer includes a religion, culture, or voluntary association, you may be undermining democracy. As Amy Gutmann effectively explains, identity groups have profound implications for democratic principles. On one hand, the cohesion and mutual support that these groups encourage can be used to empower people who alone would be ineffective at asserting their rights. Yet they can be destructive as well, subjugating the rights of others for the benefit of the group’s ideals or goals. Should democracies be supportive of identity groups in general, not at all, or only certain groups? If a country permits boy scouts, must they also allow neo-Nazis? Where does a government draw the line?

Identity in Democracy begins to answer these questions by summarizing four major ways by which people identify themselves: culture, voluntary associations, ascriptive groups, and religion. Often the major issue in each discussion boils down to a seeming conflict between respect for the group and respect for the individual. Gutmann’s analysis, despite being separated by the four categories of identification for explanatory purposes, consistently focuses on the individual’s multiple overlapping identities. We are to a certain degree a product of all our identity groups. Gutmann remarks that an individual’s right to join these groups should not be curtailed in a democratic society; yet, with so many possible permutations of identities, she argues one must be careful not to consider identity groups above individuals or to treat them as representing the united voice of its constituents.

For example, the discussion of cultural identification deals with the supposed tensions between cultural group rights and individual rights. Many times, when a cultural group denies certain freedoms to its members, it can assert that denial as simply part of the “culture,” thus gaining acceptance by a democratic government. When the Pueblo authorities refused Julia Martinez tribal benefits because of marrying outside the tribe, despite the fact that men may intermarry and retain their rights, the Supreme Court of the United States declined to “interfere” with tribal decisions. The Supreme Court arguably denied the constitutional right of equal protection under the law to half of a cultural group because of that culture’s professed values—values that, as Gutmann observes, were written by men. Gutmann argues against this special treatment towards cultural groups. The fact that the Pueblo policy was challenged by someone within that culture undermines the entire notion of a single cultural value for all members and thus undermines the basis of supporting a group to the detriment of fundamental individual rights.

But the other end of the spectrum—placing individual rights over group rights—does not make room for any minority group values at all and may expose one to attacks of unilateralism if the dismissal of “culture” or “religion,” for example, is misapplied. A common criticism of human rights work is that it implicitly imposes Western imperialism and individualistic values upon different groups. Gutmann’s work touches on an important question for human rights supporters around the world: to what extent should one ascribe to relativism? Must one always choose between respecting the group and respecting the individual?

Gutmann, interestingly, does not see a major conflict between identity group rights and human rights. She argues that citizens can knowingly express an identity only when certain fundamental human rights are recognized. Essentially Gutmann’s argument begins with the idea that a democracy must protect certain basic rights, like equal protection under the law. The source of the basic individual freedoms could be a country’s constitution, or the Universal Declaration of Human Rights. Beyond that, people should be free to identify with whatever group or groups they choose.

If a group does not ascribe to the same democratic principles as the government, then according to Gutmann, the government should not support or help fund the group. A democracy must always defend the human rights of an individual within a group. The group should not be prevented from assembling, nor should a person not be permitted to express an anti-democratic identity. As an example, neo-Nazis in America do not receive any official support or funds from the U.S. government but nonetheless are often allowed to demonstrate their views publicly.

Identity in Democracy, though published over a year ago, continues to be a relevant exploration of democratic values. Recently France passed a controversial law banning all overt religious symbols from its schools, including Muslim *hijabs*, Jewish *yarmulkes*, and Sikh turbans. The justification of this law was to promote the ideals of secularism and equality. Gutmann’s book

deals directly with the balance between religion and secularism, and as she has consistently done for all types of identities, she treats religious identity from a rights perspective. The author views religion as part of a fundamental right to freedom of belief (whether religious or not) that must be protected, but not to the point where it causes injustice to others. If one accepts Gutmann's perspective, the French situation, often oversimplified as French religious intolerance, crystallizes into a clearer debate over France's prioritization of certain individual rights above the freedom of belief and whether these rights are being unjustly violated by wearing religious symbols to school.

This book was not intended to be a comprehensive guide to identity groups in democracies. Rather it was meant to give a more solid structure to ongoing discussions over identity. Thus, one will not find hard conclusions, for example, as to which basic human rights need to be placed above the identity group. Reading the book often feels like peeling back the layers of an onion, only to quickly discover empty space. The questions left unanswered, however, leave the reader free to explore the path started by Gutmann, incorporating one's particular experience. The argument is thought-provoking, not merely thought-dispensing. For any practitioner of human rights who has struggled with finding the balance between group identities and individual freedom, *Identity in Democracy* will give an interesting and well-reasoned perspective.

—Jasmine Marwaha

Pathologies of Power: Health, Human Rights, and the New War on the Poor. By Paul Farmer. Berkeley, Cal.: University of California Press, 2003. Pp. 402. \$27.50, cloth.

Paul Farmer writes of the truths that are repeatedly silenced, lest they make it difficult for the privileged few to sleep at night. His readers will come to know the unsettling truth of the Haitian girl whose most viable hope of rescuing her impoverished family from their daily struggle for survival was a soldier who ultimately only gave her the AIDS that killed her; the reality of daughters dying of tuberculosis contracted from fathers who returned home sick from the airborne pathogen after being detained for months to a year in a crowded Russian prison while awaiting trial for charges of stealing bread; voices from the community of Chiapas, Mexico, raised in public outcry about the lack of access to health care that has befallen their community and left so many to die from neglect rather than from a paucity of existing remedies. The final bitter irony of these truths is that each of these illnesses are treatable, each of these premature deaths preventable, but the medicines that would relieve the pain were simply out of reach.

Some would have you believe that those who die prematurely of treatable diseases and other needless suffering were simply victims of chance: born in an unfortunate station in society (in the wrong spot/color/gender) that did not afford them the “luxury” of “modern” medicine. Such is the mistaken view of those who locate the problem with the victim. In *Pathologies of Power* Paul Farmer argues that the problem lies not with the victims, but with the fact that our world—and the landscape of life chances with it—is calibrated to the workings of a competition-driven market economy that has “lost its soul,” as Nancy Scheper-Hughes put it (if it ever had a soul in the first place). Farmer asserts that our competition-driven market economy artificially alters life chances by unleashing political and economic forces that inflict and perpetuate structural violence by distorting susceptibility to extreme suffering such as hunger, torture, rape, AIDS, tuberculosis, and other infectious and parasitic diseases. Instead of allowing individual destinies to run their course free from interference, these political and economic forces predetermine “who will suffer abuse and who will be shielded from harm.” In this way, the range of opportunities is so closed and human agency so constrained for the disfavoured. Being born in Haiti is more likely than not tantamount to a sentence of death by torture, AIDS, or starvation, and being detained in a Russian prison is tantamount to a sentence of death by tuberculosis. Farmer solemnly attests that “the most basic right—the right to survive—is trampled in an age of great affluence” in which increasing globalization and scientific advancement make solutions to the problems of survival more and more feasible.

This tragically ironic state of affairs, Farmer asserts, demands resolution and is the most urgent problem of our time. While acknowledging the contributions of the legal profession to human rights, Farmer laments that lawyers too narrowly focus on obtaining civil and political rights to the detriment of social and economic rights. “The right to vote, for example, has not protected the poor from dying premature deaths, caused as often as not by readily treatable pathogens.” Indeed, Farmer asserts that the role of the medical and public health community is to complement legal contributions to the human rights struggle by advancing a research and action agenda that will promote social and economic rights by working towards an equitable distribution of the fruits of scientific advancement, that is, equal access to the medical breakthroughs that render many pathogens treatable. If medicine and public health fail to heed this call, Farmer warns, they will be complicit in the creating and perpetuating the horrors that result from the pathologies of power.

Farmer proceeds to unveil his blueprint for action by documenting how structural violence resulting from our competition-driven market economy impacts individuals in Haiti, Cuba, Guatemala, Chiapas, Guantanamo Bay, Uganda, Russia, Boston, and other locales. Having painted a picture of our current reality, Farmer moves on to indict guilty parties and assess current approaches to mitigating the damages. Farmer points out obscene inequalities: the Haitian worker who makes seven cents a day toiling on coffee plan-

tations and arises each morning to the familiar “fight for food and wood and water,” versus “the CEO of one managed-care company received a salary of \$370,604 and stock options worth more than \$15 million.” He decries the avarice of pharmaceutical companies who do not make needed medicines available to the destitute sick because there is no profit to be made from such customers. Indeed, Farmer chides the entire health care profession/industry/community for allowing profit motives to compromise more fundamental goals, such as honoring the premise that health care is a basic human right by providing access to medical technologies to all. At times, Farmer seems to scrape the surface of deeply embedded structural problems, giving the reader only a hint of the policy quandary and lapse of social engineering that begs for remedial attention. Although Farmer falls short of his goal of conducting a deep and systematic interrogation of the socially constructed structural processes that inflict and perpetuate structural violence, he does achieve a good overview of the problem by identifying likely culprits and insightfully critiquing several relevant mechanisms.

Ultimately, after a tour of the pathologies that characterize our current hierarchy of power, and the hypocrisy and lies that serve to uphold and legitimize it, the reader is left with an overwhelming sense of the injustice that demands to be addressed. If we agree that the right to survival—and derivatively, the right to health—is one of the most fundamental of human rights, then why are tens of millions dying each year because market forces do not allow them to have access to adequate health care, food, or safety? Are they not considered human? Whose interests are served by this state of affairs? And when will we conjure up the requisite commitment to resolve this astronomical atrocity and sin against humanity?

—Micheale Turnage

Burying the Past: Making Peace and Doing Justice After Civil Conflict (Expanded and Updated). Edited by Nigel Biggar. Washington, D.C.: Georgetown University Press, 2003. Pp. 330. \$26.95, paper.

The 1990s brought in a wave of new democracies in the world, producing a host of countries that are now entering into a phase of “transitional justice,” where they must come to terms with past atrocities from governmental repression and civil conflict. *Burying the Past* explores the tensions inherent in facing the past through a collection of essays written by scholars, theologians, and practitioners. As the title suggests, the central theme presented in the book is the tension between seeking justice for past wrongs and seeking peace for future stability. Through the thirteen contributing authors, the book explores the possibility (and arguably the necessity) of establishing peace through seeking restorative justice.

The book is organized into three sections. The first section addresses the “concepts” of justice and peace through a largely Christian perspective and challenges the perception that the two are at odds with one another. This section is a dialogue among Nigel Biggar, Donald W. Shriver, Jean Bethke Elshtrain, and Tuomas Forsberg, about forgetting, forgiving, seeking justice, and seeking peace after civil conflict. In particular, the concept of restorative justice is advanced in place of retributive justice. Restorative justice is centered on the restoration of the victim, whereas retributive justice is centered on the punishment of the perpetrator. As Forsberg writes, “the forgiveness that is integral to restorative justice seems to be a future-oriented and victim-centered way of dealing with the past, whereas the punishment integral to retributive justice seems backward looking and state centered.”

Throughout the book, the authors emphasize the importance of a victim-centered restorative justice that does not blindly forget past injuries. That is, the “forgiveness” of the past asserted by Forsberg is not the same as “forgetting” the past. Rather, the remembering of past wrongs is essential to reestablishing the dignity and humanity of the victims and allowing for true forgiveness and reconciliation. The book suggests that this concept of forgiveness, as an opposing force to vengeance and perpetual hatred, while deeply entrenched in Christian morality and values, is a powerful concept and tool in dealing with “transitional justice” in the secular, political sphere.

In the second section of the book, “Dimensions,” contributing authors discuss the developments in human rights institutions. Martha Minow opens this section by exploring recent institutional innovations that have contributed to increasing human rights accountability across the world. These institutions include ad hoc international tribunals, truth commissions, and the permanent International Criminal Court. While each has its strengths and weaknesses, Minow believes that together they have launched a new awareness and condemnation of human rights abuses across the world. Minow predicts that the twentieth century may well “be known as one that created international human rights tribunals, truth and reconciliation commissions, and public and private institutions to advance human rights.”

Following Minow’s broad overview, Hugo Van Der Merwe and Marie Smyth discuss the particulars of the South African Truth and Reconciliation Commission (TRC) and the Northern Ireland peace process, respectively. Merwe argues that the South African TRC should be more sensitive to local processes, and that the TRC’s largely top-down approach should be supplemented with closer attention to the interests of individual victims. Smyth presents the problem of multiple victimhood in Northern Ireland, where multiple parties consider themselves the victims. She emphasizes the importance of empirical data in determining who is to blame and warns against categorization of victims or perpetrators along religious or political lines. Finally, Brandon Hamber offers a psychological perspective on dealing with past atrocities. Hamber affirms the importance of victim-centered justice, of re-

remembering and forgiving, and of reintegrating the victim into society after civil conflict.

The third section of the book explores the transitional justice of individual countries, including case studies on Chile, Guatemala, South Africa, Rwanda and Northern Ireland. Alexandra Barahona de Brito discusses Chile's premature "reconciliation" in accepting a democratic system wrought with authoritarian enclaves and military control. She acknowledges that the Chileans have made progress in confronting past atrocities, but holds that they still have a long way to go. Rachel Sieder promotes the importance of memory politics in Guatemala's healing and democratization, and echoes the assertions made in support of restorative justice. Charles Villa-Vicencio further explores the components of restorative justice in the TRC, discussing the importance of amnesty, victim testimony, and reparation and rehabilitation. Stef Vandeginste addresses the aftermath of the Rwandan genocide and the ways Rwanda has fallen short of reconciliation and true democracy. Finally, Terence McCaughey discusses the shortcomings of the Good Friday Agreement between Northern Ireland and Britain, seeing it as an agreement to disagree rather than a step towards forgiveness and reconciliation. McCaughey urges that facing the past and extending forgiveness are necessary to true reconciliation and lasting peace.

Nigel Biggar concludes the book with a chapter that draws on the themes brought up by the different authors, as well as an epilogue that addresses the impact of the September 11 tragedy. Across the board, the authors seem to condemn the policy of forgetting as a default approach to dealing with past atrocities. Rather, emphasis is placed on remembering and forgiving. This is the central theme that gives the book a unique twist: in placing the importance of forgiveness (a largely religious concept) into the political realm, *Burying the Past* offers a creative approach to dealing with past conflict that defies dominant realist theories guiding domestic and international relations. The concepts and illustrations presented in the book put morality and justice back into what has become a zero-sum, survivor-takes-all approach to global politics and conflict. It is through this unique lens of forgiveness and reconciliation that the book offers a refreshing look into political conflict and transitional justice. As Biggar writes, "There is evidence, then, that the truth about the past will out, and that sooner or later, justice will press its claims. Humans, it seems, are not satisfied with peace in the present. They are constituted by moral as well as political needs."

—Jill Kou

Between Light and Shadow. By Mac Darrow, Portland, Ore.: Hart Publishing, 2003. Pp. 353. \$55.00, cloth.

This book, which focuses on the mandate and functions of the World Bank (Bank) and the International Monetary Fund (IMF), belongs to a growing genre of works on human rights obligations of International Financial Institutions (IFIs). What sets it apart from other works in this genre is its rigor and depth. Darrow analyzes meticulously legal grounds for such integration and develops concrete policy recommendations to implement the integration agenda.

After introductory remarks, Chapter Two reviews the origins and contemporary roles of the IFIs. While Darrow notes the official position of both IFIs, that engagement with human rights issues is beyond their mandate, he is also quick to remind us that it is acknowledged by both institutions that their work could enhance human rights. In the author's view, the Bank seems to have taken incorporation of human rights into its work more seriously, whereas the IMF tends to regard human rights work, or "social issues" in IMF parlance, as the task falling under the mandate of the Bank. Darrow, however, does not spare the Bank from criticism, noting that its efforts to incorporate human rights in its work have been selective, of little practical relevance in the Bank's work, and at best of merely "marginal relevance to the Bank's research agenda and substantive policy developments."

Chapter Three examines direct/indirect and positive/negative impacts of the policies and activities of the IFIs on the realization of human rights. Darrow acknowledges that theoretically IFIs' policies and activities could have positive human rights impact although they might have not been primarily intended to focus on human rights as such. He catalogues several cases to underline his argument that activities and policies of IFIs could have negative human rights impact.

Chapter Four answers the question of whether and to what extent the mandates of the IFIs support or hinder human rights integration agenda. In Darrow's view, constitutive instruments of the IFIs do not impose significant impediments for taking human rights considerations in the activities and policies of IFIs if such instruments were to be construed in light of their objects and purpose and with regard to contemporary circumstances.

Chapter Five identifies and analyzes four potential constraints (both theoretical and practical) to genuine integration of human rights in the work of IFIs. First, there are institutional barriers to integration within the IFIs. Second, the IFIs have a tendency to prescribe a "one-size-fits-all" macro-economic policy in their operations which does not make it easy to intervene in favor of human rights in a specific client state. Third, there are difficulties in integrating human rights in the IFIs arising from apparent inter-disciplinary clash between economics and human rights, made worse by the fact that economists tend to constitute a significant majority in the IFI's staff. Fourth, there are limitations on the extent to which one could rely on human rights-inspired condi-

tionalities in the IFIs' agreements with client states to secure better protection of human rights in those states.

Chapter Six identifies areas where human rights could be integrated in the work of the IFIs either in fulfilment of legal obligations of the IFIs or as a means to achieve the IFIs' objectives more effectively. Darrow is emphatic on the need for the IFIs to be more accountable to the constituency affected by their policies and for elevation of socio-economic rights to the same level as civil and political rights in the IFIs' human rights policies and practices. Darrow concludes in Chapter Seven: "[T]here is both need and scope for the IFIs to take better and more explicit account of human rights concerns in their work."

Human rights students and scholars will find the in-depth legal analysis, particularly in Chapter Four, very useful in shedding light on unanswered questions related to human rights obligations of IFIs. The rich references in the footnotes and a comprehensive bibliography at the end of the book provide useful leads to a scholar interested in exploring this subject further. The concrete policy proposals and acknowledgement of political environment under which the IFIs operate makes the book useful to human rights practitioners in developing practical strategies and persuasive arguments for engaging the IFIs on their human rights obligations.

Three critical issues, however, are not sufficiently addressed in the book. First, with the introduction of Poverty Reduction Strategy Papers (PRSPs), the door is opened to bring human rights issues in the activities of both IFIs. Darrow seems too focused on criticizing the process and thus loses opportunities for creating value by appreciating the positive elements of the process and offering concrete suggestions for building on these positive elements and then addressing the weak points.

Second, while touched upon by Darrow in passing, the issue of country-level cooperation and coordination of the work of IFIs and the U.N. agencies in the context of United Nations Development Assistance Framework (UNDAF) and common country assessment (CCA) is insufficiently investigated in the book. The relevance of UNDAF/CCA to human rights is not limited to the fact that it provides a mechanism for coordinating the operations and activities of the U.N. agencies as well as IFIs at the country level. The UNDAF/CCA process uses the human rights-laden Millennium Development Goals (MDGs) as one operating framework. Thus, there are human rights gains to be made were the World Bank and the IMF to be more actively involved in the UNDAF/CCA process.

Finally, there is inadequate acknowledgement in the book of the fact that both IFIs, particularly the World Bank, have improved their practices and policies related to human rights in recent years as exemplified by their interest in funding primary education in poor countries such as Tanzania. That said, one cannot disagree with Darrow's conclusion that "human rights demand a much higher place than they presently occupy" in both IFIs, and that there

is room for IFIs, and perhaps more so for the IMF than the Bank, to take “better and more explicit account of human rights concerns in their work.”

—Evarist Baimu

Science in the Service of Human Rights. By Richard Pierre Claude. Philadelphia, Pa.: University of Pennsylvania Press, 2002. Pp. 263. \$42.50, cloth.

There are a variety of ways to think about the intersections between science and human rights. Access to the products of scientific research might be a universal right; the same products might be threats to humanity. Scientists themselves possess human rights; they also promote them. With such broad concepts at hand, this variety of themes is inevitable and each could inspire a book in itself. Richard Pierre Claude took a comprehensive approach to the study of science and human rights, and the resulting volume is a passionate and unique testament to the challenges and opportunities facing both fields in an interdependent world. The spirit guiding the sometimes unwieldy undertaking is evident in one of Claude’s many well-chosen quotations. For example, from Andrei Sakhorov: “It is now both morally and technologically true that we can no longer ignore the way people are treated in their human rights from one country to another.”

The book is divided into three parts: International Standards, which discusses widely misunderstood international guidelines and the varying ways they bind actors; Issues, which treats health and medical ethics and then information technology as the most difficult areas at the junction of science and human rights; and Politics, which tells some of the myriad process stories of the range of players in the still-new movement for international human rights.

International Standards begins by looking historically at the links between science and human rights. Claude uses a post-World War II UNESCO survey of scientists to challenge the notion that science, being supposedly neutral and objective, can or should exist within a vacuum. Modern terrorist threats and the “World Scientists’ Warning to Humanity” in 1992 underscore the idea that the accomplishments of science are not without an underside. This sets the stage for an examination of United Nations human rights standards related to science. A chapter is devoted to the Universal Declaration of Human Rights (UDHR). Claude illuminates the surviving document and its attempt to protect both a universal right to the benefits of science and scientists’ rights to freedom by telling the “story of people making plans in a setting of evident hopelessness surrounded by the shadowy wastelands of Asia and Europe.”

International standards ends with two chapters devoted to Article 15 of the International Covenant on Economic, Social and Cultural Rights (ESC):

the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. This 1976 document—based in part on Article 27 of the UDHR and adopted as a treaty by 144 countries (not the United States)—is a less customary, more binding source of international law. Using both the framer's debates and modern-day violations, Claude attempts to explain the "core minimum" requirements of each abstract right in Article 15. For instance, Section 5 mandates international cooperation on scientific development of developing countries. Claude gives meaning to the mandate by analyzing the growing practice of bio-prospecting, or "bio-piracy," whereby corporations from developed countries search for medical miracles in the rain forests, with the help of indigenous peoples, and then leave none of the benefits behind in the developing countries. The analysis includes a discussion of accountability, a notoriously difficult concept in international law. Claude argues that the states committed to the treaty, with the help of NGO scrutiny, have to be responsible for the steps "necessary for the conservation, the development and the diffusion of science and culture," including maintaining scientific freedom. This is especially the case given the small staff and budget of the ESC Treaty Committee. In a refreshing departure from the broad treaty language, Claude provides examples of what states specifically should and should not do to ensure the ESC is implemented.

In *Issues*, Claude approaches the same territory from a complementary perspective and offers practical suggestions. In the chapter on health and medical ethics, Claude discusses the famous "Nuremberg Doctors' Trial," the event that precipitated modern bioethics. While rightly treating the UDHR as both a response to the horror of the Nazi medical experiments and an important influence on modern health practices, Claude argues that the document's promises have still not been realized for those without access to medication, with privacy violated, or with limited freedom to experiment. In the chapter on information technology, Claude travels from Gutenberg to the internet, noting the double-edged sword that is modern technology: computers are the stuff of both hazardous intrusions into privacy and cheap access to information, of hatred-promotion and promising statistical analysis of human rights violations.

Finally, *Politics* offers intriguing case studies of the methods of a range of actors: scientists, nongovernmental organizations, citizens at the grassroots community level, and transnational organizations, including corporations and professional societies. All present interesting ways to overcome the "structural weakness" inherent in the international system. From Physicians for Human Rights using DNA fingerprinting to reunite families in El Salvador to the citizens of Woburn, Massachusetts, uniting in opposition to polluted water, these accounts are useful models for human rights practitioners, a group that, in Claude's estimation, should absolutely encompass scientists.

Claude excels at storytelling, but his captivating and lucid descriptions of drafting and of politicking have more than mere interest value: they provide

insight into the difficulty of capturing human rights standards in words and binding law while serving to clarify what human rights law and practice is and should be. The book falters, though, in its over-analysis. Between the main introduction, the section introductions, the individual chapter introductions, and conclusions, there is too much “telling-you-what-I’m-going-to-tell-you and how-I’m-going-to-do-it,” and the overlapping theses present in every segment are more confusing than helpful. It is of course true that there are a myriad of ways to analyze the connections between the huge fields of science and human rights. Because Claude tries to be explicit about all of them the reader ends up wading through too much “meta” in search of the important, inspiring, well-researched and truly original historical and sociological content.

—Ellen Lee Moskowitz

All The Shah's Men: An American Coup and the Roots of Middle East Terror. By Stephen Kinzer. Hoboken, N.J.: John Wiley & Sons, Inc., 2003. Pp.258. \$24.95, paper.

Any analysis of America’s position in the Middle East would be incomplete without a thorough understanding of the U.S. role in overthrowing Dr. Mohammad Mossadegh, the democratically elected and revered Prime Minister who nationalized Iran’s oil. In *All The Shah's Men*, Stephen Kinzer revisits Operation Ajax, the 1953 CIA-sponsored coup that ousted Mossadegh and returned the Shah to power. Though not forgotten in Iran, the 1953 coup has sadly faded from memory in the United States. It is, therefore, refreshing and timely for Kinzer to provide a highly readable account of America’s first intervention in Middle Eastern affairs, a coup d’état that may be at the root of the terrorist threats America faces today. This book implicitly argues that the Eisenhower administration’s Cold War mentality caused an error in judgment with tremendously negative long-term ramifications for U.S. policy.

Kinzer begins his exciting narrative with the CIA’s initial failure to depose Dr. Mossadegh. Concerned with Mossadegh’s willingness to tolerate communists, the CIA dispatched Kermit Roosevelt (Theodore Roosevelt’s grandson) to Iran to destabilize the government and to replace the Prime Minister with a leader more acceptable to the Americans and British. Roosevelt’s original plan was to arrest Mossadegh using quasi-legal royal decrees and to appoint royalist General Zahedi in his place. When the plans were secretly leaked, the Shah escaped, and all hopes of ousting Mossadegh seemed lost. In a matter of days, however, Roosevelt tried again, and this time, he was successful.

Before recounting how Roosevelt’s second coup succeeded in overthrowing the democratic government in Tehran, Kinzer provides readers with a

quick overview of the history of ancient Persia and modern Iran. In addition, he discusses the role of Islam in Iranian history and pays particular attention to the Shiite Muslim tradition. He focuses primarily on two themes: the historical Iranian desire for just leadership culminating in Iran's Constitutional Revolution in the early 1900s and the tragic Iranian outlook rooted in the Shiite belief in martyrdom. Kinzer argues that this tradition gave rise to Dr. Mossadegh, a fierce believer in democracy and Iran's national sovereignty. Predictably these beliefs placed Mossadegh in direct odds with the highly profitable British oil business that operated in Iran according to the inequitable terms agreed to by Iranian monarchs. The concessions leading to the formation of the Anglo-Iranian Oil Company (AIOC) effectively permitted the British to siphon all oil profits out of Iran, to treat Iranian workers as second-class citizens, and to refuse Iranians the opportunity to audit AIOC's books.

Dr. Mossadegh nationalized Iranian oil in 1951 to wide acclaim. He was immensely popular at home and tremendously respected abroad, so much so that he was chosen *Time's* "Man of The Year." Kinzer argues that until Eisenhower's election to the White House in 1952, American and British approaches to the nationalization of Iranian oil remained widely divergent. He quotes numerous American foreign policy figures expressing disdain for British colonialism and sympathy for the Iranian cause. In fact, Kinzer cites President Truman's correspondence with Churchill in which he urged the British leader to respect Iranian nationalism. Failure to accommodate Iran's nationalist aspirations, Truman warned, would allow the Soviets to control this strategically situated country.

Eisenhower's election reversed this foreign policy approach, bringing the United States much closer to Britain. The rigidly polarized worldview of John Foster Dulles and his brother Allen Dulles, both high-ranking figures in the Eisenhower administration, allowed the British to enlist American support for the coup. The British, according to Kinzer, merely reformulated their predominantly colonial grievance with Iran using the prevalent Cold War discourse. The Dulles brothers accepted the British argument that Mossadegh was too soft on communists and that the *Tudeh* (the pro-Soviet Communist party) may soon control Iran. Thus, the CIA backed Operation Ajax and allowed Kermit Roosevelt to ally himself with figures as diverse as the Shah, General Zahedi, Ayatollah Kashani, and local gang-leader Shaban Jafari in order to overthrow Mossadegh. Kinzer superbly describes the chaotic atmosphere in Tehran in August 1953 when Mossadegh was finally driven from power.

Kinzer's well-written, quick-paced, and gripping work should be of tremendous interest to those concerned with American foreign policy in the Middle East. The story of Operation Ajax may be worth telling and retelling for those who wonder why the people of the region in general, and Iranians in particular, remain distrustful of the United States. In this book, Kinzer wishes to argue for the existence of a causal connection between the overthrow of Mossadegh and the contemporary terrorist acts directed at the

United States. While the strength of this causal chain is perhaps debatable, observant students of history would be hard-pressed to dispute Kinzer's central assertion.

Despite general strength, *All The Shah's Men* suffers from two shortcomings. First, Kinzer attempts to explain too much about the Iranian perspective, and about Mossadegh's refusal to compromise, through the lens of Shiite Islam. Despite Islam's importance in Iranian politics, using Shiite theology to explain the nationalization of the oil industry is far too reductionist. It is disappointing that the book discusses Shiite traditions at length, but fails to consider the influences of various decolonization movements around the globe on the Iranian struggle.

More importantly, Kinzer does not illustrate precisely why he believes Operation Ajax has given rise to today's terrorist activities. Though he points out that the 1953 coup has made Iranians distrustful of the United States, Kinzer fails to consider the issue in sufficient depth. The author's central thesis may have been strengthened if he considered the Shah's post-1953 crackdown on secular and democratic opposition groups and how this approach translated into the radicalization and Islamization of dissent. Had Iran's secular democracy been allowed to develop, mature, and solidify under Mossadegh, it is likely that the Islamic fundamentalism now threatening the entire region would not be a serious issue.

Stephen Kinzer begins his book with a quote from Harry Truman: "There is nothing new in the world except the history you do not know." Those wishing to learn about terrorism and America's image in the Middle East would be well advised to take Truman's words seriously and to familiarize themselves with the history of the American-backed coup d'état in Iran.

—Kaveh Shahrooz

Human Rights and Scots Law. Edited by Alan Boyle, Chris Himsworth, Andrea Loux, and Hector MacQueen. Portland, Ore.: Hart Publishing, 2002. Pp. 355. \$72.00, cloth.

Human Rights and Scots Law seeks to address the effect of new human rights legislation and devolution on Scottish law and, in certain instances, United Kingdom (U.K.) law more generally. The U.K. ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) in 1951 and allowed its citizens to take cases to the European Court of Human Rights (ECtHR) from 1966 onwards. However, the rights expressed in the ECHR—the right to life, the right to family and private life, the right to a fair trial—did not become part of U.K. domestic law until 1998 with the passage of the Human Rights Act (HRA). That same year, separate acts devolved a greater legislative power to local assemblies in Scotland,

Wales, and Northern Ireland. Both the HRA and the Scotland Act have altered the long standing concept of Westminster parliamentary sovereignty by bringing to the foreground a new reliance on local governance, an emphasis on “reading in” human rights into law, and some formalization of the U.K.’s unwritten constitution.

The book asks whether and to what extent the HRA marks a radical change in British constitutional law, representing a shift to a “rights based” discourse or reflecting a more piecemeal change to the common law. The book further considers the often cross purposes of HRA, which seeks to promote a consistent application of rights and the devolution policy that gives greater autonomy to Scotland. Threaded throughout the book as well are questions relating to the changing role of the judiciary and how these developments will affect the traditional conservatism of the bench.

The first five chapters address these themes by offering a range of perspectives on the relative impact of the HRA. Lord Clarke emphasizes judges’ new duty to use the jurisprudence of the ECtHR in interpreting the HRA. Himsworth doubts the ability of the HRA to achieve uniformity particularly in light of the devolution policies and the differences across the U.K. in existing rights protection. He also suggests that there is a continuing hostility on the part of Scottish judges to the use of the ECHR in Scottish jurisprudence. Tierney takes up this latter point by emphasizing an inevitable change in the judicial role as constitutional law becomes increasingly based on the adjudication of rights. He argues that this transition must be met with safeguards for judicial independence and measures to strengthen judicial impartiality.

Subsequent chapters highlight the comparative experiences of Sweden (Cameron) and Canada (Boyd) in incorporating human rights law as well as detail the impact of the HRA and the Scotland Act in specific areas of law. For the reader, the picture that emerges is equivocal. Some authors are confident that the HRA will signal better rights protection and will help strengthen a rights-based culture. Hogg is optimistic that the right to private life and protection from discrimination will encourage the legislature to take action in issues related to sexual orientation. Ferguson and Mackarel argue that Scottish criminal law will continue to evolve as courts test devolution issues, as supported by the swift acclimation to HRA provisions by criminal defense lawyers and state prosecutors.

Other contributors express stronger reservations that rights in the HRA will conflict with existing protections and could actually weaken the ability of legislators to make positive reforms. Laurie notes that the HRA’s influence on medical law has been poorly received by the Scottish judiciary. Laurie suggests that courts, instead, have routinely given responsibility to the medical profession for protecting patients’ rights.

Still other chapters offer a more mixed view. Although MacQueen and Brodie observe that the HRA has supported positive change in private law, they also register concerns about how the protection of property rights sits

with Scottish land reforms. Similarly, Edwards remarks that the HRA might be both a “boon and threat” for children’s rights because the ECHR, which does not directly recognize children’s rights, might set back Scottish legislation like the Children (Scotland) Act 1995, or disproportionately favor parental rights. Loux addresses the concerns more generally by advocating the use of third party intervention to strengthen a democratic dialogue around the HRA and to create a broader basis for rights education.

These issues are arguably best summarized in the chapters by Munro and Gearty. Munro concludes that judicial review procedures have not dramatically changed, but the use of proportionality may prove over time to transform how courts analyze rights; she argues that the courts are now able to require full and proper justification from public authorities in balancing individuals’ rights and the needs of the state. Gearty notes that although courts have spurred important reform in the criminal justice system; he argues that the changes wrought by the HRA seem more motivated out of protection of the common law than the bolder assertion of unqualified rights.

All of this is to answer an apparently simple question with a multiplicity of answers: Is the HRA a revolution in U.K. law or merely the evolution of the common law? The book is relatively successful in giving the reader varying shades of the debate in different areas of law, although it is difficult at times to see how particular chapters answer this question. For example, Gretton describes the right to protection of property without linking his discussion to the HRA or the Scotland Act. Clark describes her role as the new Advocate General but provides the reader with little analysis regarding the use of these powers.

Understandably enough, no book could hope to address all the issues and questions raised by the introduction of the HRA, especially so soon after incorporation. To this extent, *Human Rights and Scots Law* succeeds in what it attempts to do, namely in giving the reader an understanding of the various issues of the debate surrounding human rights in Scotland and the U.K.

—Rachel Rebouche

Buried Secrets: Truth and Human Rights in Guatemala. By Victoria Sanford. New York: Palgrave Macmillan, 2003. Pp. 313. \$35.00, cloth.

Victoria Sanford’s book is a vehicle for survivors of *La Violencia*, the period of human rights abuses against Maya Indians in Guatemala, to tell their stories of persecution and, ultimately, of survival. *Buried Secrets* strives not only to tell the stories of the victims, but to show how their testimonies help to find both truth and justice for the Maya in Guatemala. Sanford uses the testimonies in two ways: to further her hypothesis that *La Violencia* was a sys-

tematic genocide and to show the power of the language of the testimonials in bringing about political power and justice to the Maya people.

Sanford's describes the Guatemalan Army's multiple genocides of the Maya people as a "phenomenology of terror." The process began with the militarization of villages. The Army would infiltrate the town, accusing the villagers of sympathizing with the Guerillas. The next step would be the first instance of genocide: a massacre of the villagers. Usually those massacred would be men, but by the end of the reign of terror, women and children were also killed. The survivors fled the villages, usually because the army would burn buildings and crops to further punish the villagers for supposedly sympathizing with Guerilla forces. The second instance of genocide occurred once the survivors had fled, usually to the mountains, when the army would then hunt the survivors, to either kill them or force them into army control. Because of the hardships of hiding in the mountains—starvation, thirst, and extreme cold—many who were not captured surrendered to the army.

After being in army control, the third genocide against the survivors began. Survivors were placed into "model villages," army-controlled townships built upon the same land as the original towns that were burned. These townships were parodies of the original towns, as the new buildings were shoddy and the citizens were not given their original land back. After being sent to the "model villages," the Maya were then "re-educated" by the army to erase the supposed sympathy with the guerillas. The final step of the phenomenology of terror was the aftermath of such terror: survivors living in fear of the army and of citizen patrollers (who were little more than army puppets).

Telling the phenomenology of terror in an interesting way, Sanford resists the urge to collapse individual stories of the genocide, instead weaving multiple individual narratives into one whole picture. The power of the book lies in the fact that the story is told not by Sanford, but by the people who directly experienced the horrors. Sanford believes in the power of language—that the power of testimony can help the Maya reclaim power and space within Guatemalan politics and culture.

The transformative power of language is evident in many ways in the book. One way is the name for the horrors inflicted upon the Maya in Guatemala. While the massacres and militarization were occurring, the Maya could only call what was occurring "*La Situacion*." After the signing of peace accords in 1996, the survivors could finally use more descriptive terminology of what had occurred: *La Situacion* became *La Violencia*. By finally being able to describe their plight as the violence it was, the Maya began to take power away from their persecutors, the Guatemalan Army and Government.

Language is used to broaden the scope of what occurred. For example, the genocide of the Maya is classified not only as the mass killings of civilians, but also the persecution and re-education of the survivors. Indeed, the word survivor was expanded to include not only the men who were targeted and

yet survived the massacres, but also the women, children and elderly who witnessed the killings and fled to the mountains afterward. Sanford shows that the enlarging of traditional definitions of massacre, genocide, and survivor lets those who suffered at all during the genocide to tell their stories and begin the healing process.

Another instance of the transformative power of language is the use of language in the excavations of the mass graves (or clandestine cemeteries). In order for a town to have an excavation, it must be requested by the survivors and approved by the courts. Thus, the act of excavation, which is usually an act of healing for the survivors, begins in language. Indeed, the language is important in the process of excavation: the first step is the gathering of testimonials from the survivors in order to locate the mass grave and to help identify the bodies of victims that are buried there. The testimonials have opened up both a physical and political space of resistance for the survivors. The literal site of the massacre is taken back by the families of the victims, and by petitioning the government for the excavations, the survivors are engaging in the political process that was forbidden to them in the past.

Buried Secrets is an interesting book that explores the intersections of memory, history, and language. Though Sanford emphasizes that testimonies give the survivors some power, they are nonetheless working within a larger political system to gain its power. Readers can see how the survivors are gaining power by using the justice system to attain their goals of truth and justice. The courts are used to excavate graves, to punish those who committed the acts of genocide, and most importantly to learn the truth of what happened in the past. The survivors in telling their life stories are also reclaiming their history and ensuring their future.

—Sarah Lamoree