BOOK ANNOTATIONS

Bob, Clifford, The Marketing of Rebellion: Insurgents, Media, and International Activism (Cambridge University Press 2005).

Doyle, Michael W. and Nicholas Sambanis, Making War and Building Peace: United Nations Peace Operations (Princeton University Press 2006).

Gearty, Conor, Can Human Rights Survive? (Cambridge University Press 2006).

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ROHT-ARRIAZA, NAOMI AND JAVIER MARIEZCURRENA, EDS., TRANSITIONAL JUSTICE IN THE 21ST CENTURY: BEYOND TRUTH VERSUS JUSTICE (Cambridge University Press 2006).

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The Marketing of Rebellion: Insurgents, Media, and International Activism, by Clifford Bob. New York, New York: Cambridge University Press, 2005. Pp. ix, 237. $24.99 (paperback).

JENNIFER INSLEY-PRUITT

Over the past few decades, non-governmental organizations (NGOs) have played an increasingly prominent role in myriad conflicts throughout the developing world. Variously described as the anchors of a new "global civil society" and the most principled actors in an era of amoral world politics, these organizations have constituencies and goals that transcend traditional state boundaries. Transnational NGOs provide financial and social support to social movements and insurgent groups in the developing world and can perform such varied functions as raising awareness about little-known problems and pressuring repressive local governments.

While most NGOs are, in practice, the well-intentioned ethical actors that many suppose them to be, the sheer magnitude of global suffering means that even the most devoted organizations must choose which causes to support and which to ignore. In *The Marketing of Rebellion*, Clifford Bob studies the reasons why certain local movements attract international NGO attention while others languish in obscurity. He analyzes

the ways in which insurgent groups market themselves, focusing on Nigeria's Movement for the Survival of the Ogoni People (MOSOP) and Mexico's Zapatista Army of National Liberation (EZLN) as examples of campaigns that won international support while other, similar challengers fell by the wayside.

According to Bob, an insurgent group attracts NGO support through a two-step process of first raising awareness of its cause among potential supporters and then "framing" its cause to appeal to international organizations. To begin with, movements raise awareness through either (1) targeted lobbying of potential supporters or (2) general consciousness-raising through media campaigns and highly visible political spectacles. In the second step, these movements attempt to match themselves to the needs and desires of target NGOs on the basis of five fundamental attributes—substantive goals, customary tactics, ethical precepts, cultural attitudes, and organizational needs.

With regard to substantive matching, local movements adapt their causes to international issue areas, choosing widely-known targets such as multinational corporations or dictators and attaching their goals to widely-appealing goods like ecological conservation. Likewise, a savvy group will match its cultural patterns, such as internal organizational democracy and gender equality, to those of the global elite, even if these changes actually distance the movement from indigenous customs in its home country. Organizational needs are equally important, and perceptive local movements understand that an NGO's interest in its own continued existence influences its choice of client groups and shapes its plea accordingly. NGOs make cost-benefit calculations that include the direct expense of supporting a local movement, the long-term risks of such association, and the transaction costs of choosing which groups to support. Insurgent groups attempt to represent themselves as likely to minimize costs and maximize benefits for NGOs that support them. They portray their causes as reasonably likely to be successful and widely supported within their chosen constituency, and thus convince NGOs that direct and long-term costs will be controlled. They minimize NGO transaction costs in researching the movement by ensuring wide media coverage.

While the structure of the activism marketplace requires supplicant movements to both raise awareness of their causes and frame themselves to better match target NGOs, not all groups are equally capable of successfully utilizing these strategies. Rather, there are structural factors that affect the success of movement strategies, many of which are essentially out of the control of any given insurgent group. Local groups that are already internationally prominent for nonpolitical reasons (such as Tibet, long famous among Westerners interested in Eastern spirituality) are more recognizable and will find it correspondingly easier to attract financial supporters. In a similar vein, groups that have large diaspora memberships in global cities like London or New York will be more likely to possess pre-existing contacts with NGOs. Groups with sophisticated knowledge of NGO structures and public relations techniques likewise fare better than others. In particular, a knowledge of English and an understanding of procedures like grant proposals can make a group seem coherent, stable, and more desirable to prospective supporters. Highly educated or Westernized leaders can help tremendously in this regard, both because they can communicate more effectively with the outside world and because it is frequently easier for NGOs and the international media to identify with a single, charismatic leader than with a diffuse group of oppressed tribesmen. Examples of such leaders are the Dalai Lama, Aung San Suu Kyi, and Subcomandante Marcos.

Beyond the characteristics of insurgent groups, the actions and reactions of their opponents can have an enormous impact on each group's ability to attract NGO funding. For example, movements headquartered in large or strategically important states have a greater chance of attracting attention than those in international backwaters. Likewise, movements facing opponents that appear less intransigent may have more success given the general desire of NGOs to find and support successful campaigns. Finally, government crackdowns can increase media coverage of an insurgent group and, correspondingly, NGO sympathy. In a dangerous game, local insurgents sometimes provoke governments into violence in an attempt to increase the prominence of the movement on the world stage.

Nigeria's MOSOP and Mexico's Zapatistas provide telling examples of how groups use "framing" to their advantage and

of the importance of charismatic and media-friendly leadership. MOSOP, which raised awareness through targeted lobbying, initially positioned itself as primarily interested in the political autonomy and land rights of the Ogoni people and secondarily concerned about the environmental impact of oil drilling in the Ogoni homeland of the Niger Delta. This call for autonomy and better living conditions fell on deaf ears, however, as many NGOs are reluctant to get involved in political conflict and because general underdevelopment is frequently an intractable cause that does not appeal to success-minded NGOs. After this initial failure, MOSOP reintroduced itself as an environmental group campaigning against the excesses of the Anglo-Dutch petroleum company Shell. With this new platform and with improved photographic documentation of environmental damage, the group attracted enormous attention from such prominent groups as Greenpeace.

The Zapatistas likewise used framing devices to their advantage, beginning with the dramatic piece of political spectacle with which they made their entrance onto the world stage. With the seizure of San Cristobal, an important and heavily-touristed city in southern Mexico, the Zapatistas transformed themselves overnight from a little known regional movement to the center of a media frenzy. Although the convergence of media on the area highlighted widespread human rights abuses and poverty, the Zapatista message was initially fuzzy. After several weeks, though, the group honed its substantive goals to focus on indigenous issues. This recognizable message provided a convenient target for NGOs, and the Western-ized cultural predilections of the Zapatistas—including women's rights and tolerance of homosexuality—also endeared them to their target audience.

Likewise, both MOSOP and the Zapatistas depended in large part on a charismatic leader and speaker. The leader of MOSOP, Ken Saro-Wiwa, was a wealthy and well-educated man able to use his prior connections to guide both the initial introduction of the Ogoni into the world setting and their change in organizational platform when the first proved unpopular. Eloquent and charismatic, he communicated brilliantly with English-speaking media. Moreover, because Saro-Wiwa was so well-known as a media figure, his eventual detention shone a bright light on human rights abuses in Nigeria, causing international NGOs to funnel even more money to

MOSOP. After his death, the movement declined in the absence of a leader able to simultaneously mollify competing internal voices and project an effective face to the outside world.

The Zapatistas have also profited from the charisma of a central public figure in Subcommandate Marcos. Marcos, a spokesman for the Zapatistas, is an unidentified but nonetheless obviously well-educated mestizo who is the most recognizable face of a group composed largely of illiterate, non-Spanish speaking indigenous people. While the radical tactics and appealing message of the Zapatistas certainly contributed to their initial appeal, Marcos' charm and ability to bridge the enormous gap between the Mexican media and civil society and the impoverished Mayans of Chiapas state have kept the group in the public eye.

In conclusion, *The Marketing of Rebellion* provides an interesting but ultimately limited discussion of the use of marketing techniques in the NGO world. While the idea of studying the interactions between international organizations and local movements seeking funding is interesting, Bob's lack of theoretical structure leaves the book as a fundamentally descriptive and empirical enterprise unmoored from prior discussions of social change and social action theory. As a descriptive piece, the book is at its best in the case studies of the MOSOP and the Zapatistas, but the relevance of these studies is limited by the fact that there are only two groups examined in depth. To get a representative sample of such relationships, shorter but more numerous studies of insurgent groups and their NGO supporters might be in order.

Making War and Building Peace: United Nations Peace Operations, by Michael W. Doyle and Nicholas Sambanis. Princeton, New Jersey: Princeton University Press, 2006. Pp. 400. $65.00 (hardcover).

NICHOLAS ALEXIOU

With the media focused on the struggles of the United States and its ever-dwindling "coalition of the willing" in prosecuting the Iraq war, along with continuous attempts by North Atlantic Treaty Organization (NATO) forces to establish a secure Afghanistan, scant coverage has been afforded to the numerous operations being conducted by the United Nations

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Department of Peacekeeping Operations (DPKO). Currently, the DPKO is attempting to maintain peace in some of the most troubled regions of the world, such as Sudan, the Democratic Republic of Congo, Lebanon, Haiti, and elsewhere. These conflicts in far-flung locales are rarely covered by the Western media, a fact that is not significantly altered by the presence of the United Nations. The lone exception to this scant coverage arises when a catastrophe occurs. The famed "Black Hawk Down" episode from the United Nations Operation in Somalia II (UNOSOM II) is perhaps the most well known example of a UN mission being catapulted onto the front page for its errors rather than its successes.

It is against this backdrop that Michael Doyle and Nicholas Sambanis have written *Making War & Building Peace: United Nations Peace Operations.* Limiting their examination to post-1945 civil wars, the authors present numerous case studies in an attempt to ascertain why particular attempts by the United Nations to make and secure peace have succeeded while others have been spectacular failures. In navigating this complex morass of law, policy, and politics, the reader is fortunate to have two authors who bring a wealth of experience to their book. Professor Doyle teaches at both Columbia's School of International Affairs and its law school and, from 2001 through 2003, served as Assistant Secretary-General and Special Advisor to Secretary-General Kofi Annan. Professor Sambanis teaches in the political science department at Yale University, and his research focuses on questions surrounding civil wars.

With authors who boast such impressive academic credentials, it is not surprising that the book is intensely analytical. In an attempt to establish a model that could accurately describe the effectiveness of peace operations both past and present (the former having the benefit of hindsight so that the efficacy of the model could be determined), Doyle and Sambanis have created the "Peacebuilding Triangle." This model combines the "degree of hostility of the factions," "the extent of local capacities remaining after the [civil] war," and "the amount of international assistance" to predict whether UN efforts to maintain peace at the conclusion of a civil war will be successful or not. The logic behind this triangle is summarized thus: "[T]he deeper the hostility, the more the destruction of local

capacities, the more one needs international assistance to succeed in establishing a stable peace."

And yet, it is the simplicity of this idea that also serves as the greatest failing of both the Peacebuilding Triangle and this book as a whole. The authors appear to be doing nothing more than reaffirming basic common sense via elaborate case studies. In fact, one could summarize their entire thesis as simply "the worse a situation is, the more resources are needed." This is not a thesis that will alter the course of history.

This theoretical simplicity is not just limited to the first few pages where the authors' thesis is articulated but rather permeates the entire text. Doyle and Sambanis conclude their book by establishing a "seven-step plan" to help create a more effective peacebuilding process. The seven steps require: a secure post-conflict environment, a peaceful regional security environment, demonstrable progress in small areas, establishment of the rule of law, strong property rights, participatory democracy, and moral/psychological reconciliation. Aside from the need for strong property rights, especially in societies with little history of such rights, these conclusions suffer from the same obviousness the authors' thesis does. To note that effective peacebuilding requires the cessation of violence both in and around a particular country is to merely restate the definition of peace.

While *Making War* might not be a theoretical triumph, Doyle and Sambanis have pieced together a wonderful collection of case studies which provides an invaluable documentation about the horrors of modern civil wars and the effectiveness of a global effort to halt these scourges. The cases comprise those instances in which the UN had to engage in conflict to halt the civil war in progress (making war), and those cases in which the organization would insert itself in a non-violent manner to maintain a fragile peace which had been struck between warring factions or broker such a halt in the fighting (making peace). These two sets of missions have completely separate mandates and, as such, must be treated separately in order to judge the efficacy of the individual mission and of the broader mission type.

In Chapter Four, we are provided with the case studies of Somalia, the former Yugoslavia, and the country now known as

the Democratic Republic of Congo. These three cases show the inherent problems with attempts to impose peace on recalcitrant parties. All three cases are coded as failing to establish a lasting peace. Even the case of the Congo, dubbed the only successful effort at imposing peace in a conflict where neither side wanted to halt the fighting and there was no formal peace framework established prior to the UN's arrival, is deemed a failure since the halt in the violence lasted only until the departure of the United Nations Operation in the Congo (ONUC).

These failures are contrasted with Chapter Five, where the reader is treated to cases in which the UN was able to maintain and/or broker peace. These successes are important, not only for *Making War* but also for the UN as an organization. Rightly pilloried for its "deficiencies as a war-maker," Doyle and Sambanis note the organization's "often-unappreciated successes as a peace-maker and peacebuilder." El Salvador, Cambodia, Eastern Slavonia, and East Timor are all highlighted as success stories where peace held. Sadly, the contrast comes in Chapter Six, where the reader learns that just because the UN is not trying to impose peace does not mean the actions it is taking will be successful. Cyprus and Rwanda are provided as two instances in which UN action (or in the case of Rwanda, inaction) proved to be inept at best and disastrous at worst.

One of the primary strengths of the case studies crafted by Doyle and Sambanis is the history that the authors provide on each conflict they address. Realizing that the relevant facts surrounding a particular civil war did not start with the arrival of the UN, or even with the first shot of the war, the authors attempt to trace the roots of the conflict so that the reader is fully aware of why a complete and permanent halting of violence is often times so difficult. In a desire to apply their "triangle" to a particular case, the space for historical background is limited, and on some occasions this leads to an incomplete historical narrative. When discussing Rwanda, for example, the authors delve into the favoritism placed on the minority Tutsi population by Belgium imperialists at the expense of the Hutu majority. And while we are told the ramifications of this policy (the widespread resentment of the Tutsis by the Hutus), there is never an explanation as to why the Belgians would enact what appears on the surface to be a blatantly discriminatory policy. One of the more historical books mentioned in

Making War's vast bibliography might explain that the Belgians identified with the long, angular body and facial structure of the Tutsis as opposed to the more squat and round Hutus, but that appears nowhere in the text. While this is not a strictly historical work, these gaps in the narrative can be confusing to the uninformed reader and remarkably frustrating to those who bring their own knowledge base to the book.

Professors Doyle and Sambanis have provided a meticulously researched account of UN efforts to impose, maintain, and establish peace in countries suffering through civil war. Their rich historical analysis is a wonderful read and provides evidence to support their "triangle" metric and their conclusions for a better peacemaking regime. However, their suggestions will not likely turn the international community upside down, since their approaches reflect, more than anything, basic common sense and conventional wisdom.

Can Human Rights Survive?, by Conor Gearty. Cambridge, England: Cambridge University Press, 2006. Pp. 174. $22.99 (paperback).

REBECCA A. BERS

Originally presented as a series of lectures, this collection of essays addresses the extant challenges faced by human rights. The outlook is grim: Moral philosophers are plagued by doubt, terrorism has altered the political forum, and—despite its formal popularity—the philosophical underpinnings of human rights are weakly supported and little investigated by the very human rights activists who have made the field so popular. Against this dismal backdrop, the field of human rights is enjoying unquestionable legal and political success at the moment; yet, Professor Gearty questions the long-term sustainability of the current human rights regime. Gearty is well-situated to examine these issues. As Professor of Human Rights Law at the London School of Economics (LSE) and Rausing Director of the Centre for the Study of Human Rights at LSE, Gearty has published widely in the fields of terrorism, civil liberties, and human rights.

Gearty focuses on human rights as a domestic and philosophical issue, relying heavily on examples from Britain and the United States. Gearty writes with a mixed tone. He is prac-

tical and starkly realistic but at the same time writes with a sense of common cause with "Human Rights defenders." The first chapter lays out the book's aims in broad strokes: It sets out to determine the future of the human rights movement by examining its philosophical underpinnings and practical challenges. The second chapter asserts that human rights cannot survive without a stronger intellectual authority, focusing on the roots of human rights in political and moral philosophy. The third chapter claims that despite its formal legal successes, indeed because of it, human rights have become depoliticized and weakened. The human rights movement cannot survive without reclaiming its position as a political issue. The fourth chapter claims that the idea of human rights has been redefined in relation to terrorism. In order to survive, human rights must escape the definitions of "good" and "evil" that dominate the national security debate on terrorism. The fifth chapter concludes by making substantive suggestions for a new human rights agenda.

After a brief introduction, a second chapter, entitled "The Crisis of Authority," asserts that the idea of human rights has a shallow philosophical foundation. This chapter traces the epistemological foundations of human rights through developments in religion, philosophy and science in Western thought. This survey provides a guide to the underlying tensions in human rights as a subject of study. In their quest for universal truths, Enlightenment thinkers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau provided a basis of "foundationalist" thought, emphasizing that people have fundamental, pre-political rights. The outmoded foundationalist approach allows for moral colonialism, epitomized in Rousseau's "unfortunate ramble about forcing people to be free [which] was dubious even when it was written and has not been improved by the horrors that have since been done in the name of compulsory freedom." Nineteenth century thinkers such as Jeremy Bentham, Edmund Burke, and Karl Marx were convinced that the pursuit of human rights per se was wrong-headed, although Immanuel Kant provided an intellectual coherence for human rights by focusing on reason as humankind's unique and defining characteristic—the concept of human rights was thus raised above justice and fairness, which wash out as little more than mere gut instincts. However, Charles Darwin's scientific studies managed to both under-

mine foundationalist assumptions and shake Kantian confidence in reason (reason being rooted in the mind, which is a mere part of the body, all of which is the result of a variable process of evolution and adaptation). Soon, the focus on universal rights was supplanted by contests between democratic, nationalist, and socialist ideals. Starting in the mid-nineteenth century, and through the massive violence of the Holocaust and the two World Wars, the rhetoric of political ideology reigned. In the aftermath, the Universal Declaration of Human Rights appeared to signal the dawn of a new human rights era. But, the Cold War saw sharp disagreement over the contours and content of human rights, with each side using the term (subject to its own definitions) as a political weapon, distracting from the universal underpinnings that seemed so apparent during the Enlightenment. Gearty returns to this theme in Chapter Four.

Gearty examines contemporary human rights theorists to situate his own theory. He rejects postmodern approaches, claiming that Amartya Sen and his colleagues use clever rhetoric to mask what is—at bottom—an Enlightenment-style "pseudo-fundamentalism." Gearty similarly rejects Richard Layard's utilitarian rationale for human rights as rhetorically centered on the individual rather than the collective, which nonetheless obscures a norm based on the collective good. Compassion and human decency are the roots of Gearty's human rights ethic, in which he redefines compassion, borrowing from a definition offered by Oliver Davies and Martha Nussbaum. Gearty anchors this epistemology of human rights in a re-examination of Darwinian thinking. Gearty concludes this chapter with an alternative pragmatic argument: Even if one believes that human rights is fiction, the ends justify the means. In the current era, "[p]ost-modern decency needs to grab help where it can find it, without being too picky about origins," a pragmatic statement that seems to contradict the imperative found at the start of this chapter. This chapter bolsters a human rights epistemology both through dialogue with contemporaries (and predecessors) and a call for action but underlines the doubt inherent in an age where a concrete foundation for human rights like that of the Enlightenment foundationalists no longer seems possible.

The third chapter, entitled "Crisis of Legalism," claims that the concept of human rights, in gaining ground in the

legal arena, has done long-term damage by removing itself from the political realm. In order to succeed, the project of human rights must maintain authority and relevance in both law and politics. The false dichotomy between political and legal is based on foundationalist notions of pre-political rights rejected in Chapter Two, notions which are rejected again here because they strip human rights of political significance. Gearty attempts to strike a balance between the benefits and costs of transferring human rights to the legal realm, building on the philosophical basis he established in the first and second chapters. Human rights under a foundationalist model create firm norms that are enforced from above; Gearty claims that this alienates human rights from its origins in representative democratic theory. After a brief comparison to New Zealand and Canada's approaches to legal articulations of human rights, this chapter examines the U.K. Human Rights Act as an answer to the crisis. The Human Rights Act incorporates the human rights norms of the European Convention on Human Rights as enforceable but reserves for Parliament the democratic power to suspend the Act in the event of war or other public emergency. This chapter asserts that when human rights are relegated to a purely legal position, legislation becomes "an overture for the real thing [judicial interpretation]." This is particularly problematic because the disadvantaged, who are most at risk of being subjected to human rights violations, are largely excluded from the legal system. The chapter concludes with an exhortation to human rights defenders to sell the story of human rights on the political field as well as the legal field.

The fourth chapter, entitled "Crisis of National Security," argues that human rights must be disentangled from the rhetoric of national security that has fundamentally changed human rights discourse and practice. Gearty draws on his specialization in terrorism to build a linguistic argument: Not only did the definition of terrorism change over time in the twentieth century, but the changes in how governments deal with terrorism has changed the definition of human rights. This chapter examines the specific domestic implications of draconian terrorist laws in the United Kingdom. The new definition of terrorism has shifted from a focus on "dignity and hope" to "danger and fear" and removed many of the procedural protections of the criminal justice system in the name of

security. The legal response in Britain and the United States to the threat of terrorism replaces the previously individual-centered focus of human rights with a general ideal of Western moral superiority. This recasting of human rights allows politicians and intellectuals to rationalize their support of draconian laws as a necessary evil to remedy the threat of terrorism. Human rights cannot survive if they continue to be used to justify these "counter-terrorism" tactics. The use of "good and evil" in a rights-based discourse diminishes the integrity of the subject; the tendency for dehumanizing one's enemies should be opposed by arguments for human rights, not supported by them.

The fifth and final chapter, entitled "Can Human Rights Survive?" suggests a potential future for human rights. This chapter returns to the two basic dimensions of human rights: on one side, the prohibition of cruelty and humiliation and, on the other, a dedication to human flourishing. Gearty insists that this general theory must be accompanied by a well-defined focus in order for human rights guarantees to survive. That focus must be "cutting edge." Some vehicles for realizing human rights include regulation of hate speech, regulation of the internet, reproductive rights, the right to die and euthanasia, and the regulation of genetic technology.

While this collection of essays does not detail the specific boundaries of what human rights should look like or do, it is an intellectually challenging review of the epistemological and practical crises of human rights. It makes a convincing argument that the idea of human rights is not a static one and that it is time for a reexamination of the theories and political agendas underpinning these rights.

Politics as Religion, by Emilio Gentile. Trans. George Staunton. Princeton, New Jersey: Princeton University Press, 2006. Pp. 194. $39.50 (hardcover).

MARCO MOLINA

Over the last two centuries countries across the globe have continued to move further away from a political system defined by a traditional religion. However, secularity in the political system does not mean that modern politics are without religious qualities. Emilio Gentile fleshes out this phe-

nomenon in *Politics as Religion*, describing in detail the "sacralization" of politics in the modern era. The central theme is that the religion of politics, like a traditional religion, is a system of beliefs and rituals that transcend the individual and work to unite the masses, and that this modern form of politics has taken over during the last few centuries.

Gentile structures the book in a methodical manner to guide the reader through the abstract nature of the subject matter. The introduction begins by explaining how the American political system, though secular in its structure, still possesses many religious qualities. From the words "In God We Trust" to the divine presence in rituals such as the Pledge of Allegiance or swearing in before testifying, we encounter and depend on a supernatural power under which to unite. Moreover, Americans have "sacralized" political figures in efforts to bring together dissenters—for example, George Washington was portrayed as the Moses of the United States, delivering the Americans their coveted independence upon the New Israel. Abraham Lincoln becomes the martyr of unity and the preservation of the Union, later followed by John F. Kennedy and Martin Luther King, Jr. Political symbols like the American flag and the American seal have also taken on a nature of divinity as symbols of something greater than the people intended, in an effort to unite the masses.

Gentile explains in the first chapter that "secular religions" found in political systems fall into two categories: civil religions and political religions. The former is form of sacralization of a collective political entity which acts like a shared civic creed, above all parties and religions. The latter is a form of sacralization of a political entity that is exclusive in nature. Gentile describes the American and French Revolutions as the real starting points for secular religions. Both of these Revolutions created political systems rich in civil religion: France and the United States set up democratic political systems, secular in nature, while preserving religious rituals and beliefs under civic creeds that transcended any singular political or religious ideology. Gentile theorizes that these civil religions were necessary to provide direction and certainty in what were chaotic and confusing circumstances. As modernity occurs, outdated beliefs are challenged and upheavals ensue, promoting change in the social and political fabric; civil religions re-

present a way to allow for opposing views and ideologies while maintaining unity and direction in the political framework.

In the United States, the civil religion perpetuated throughout each phase of American political history. The early generations of Americans perceived the new country as a land for God's chosen people. Even during its Civil War, the North and the South were each defending the values of the American nation in order to continue with their God-given mission as Americans. The expansion to the west and beyond was seen as America's "manifest destiny" under the authority of God. The involvement in both World Wars of the twentieth century was justified under a theory of divine entitlement to defend the good from all evil, and this theory carried over into the Cold War against Communism, the ultimate evil.

The book also explains, with great detail, the rise of political religions as secular religions over the last century. After the First World War, political revolutions in Europe led the way to establishing our first modern political religions. Gentile explains that the political chaos across Europe coupled with the rejection of previous unifiers such as traditional religions created political religions in the form of fascism and communism. Again, political religions involve the sacralization of political systems that are exclusive to one ideology. Like civil religions, political religions are secular in nature but, unlike civil religions, work best in a totalitarian system. Obvious examples of political religions include the Nazi movement in Germany during the 1930s and the Bolshevik Revolution in the Soviet Union in the early twentieth century. In both of these cases, political systems were put in place rejecting traditional religions as unifiers and pushing for a secular (and at times atheistic) political identity. Much like civil religions, however, the religious qualities (i.e., myths, rituals, beliefs, etc.) remained an important part of political religions. The fascist leaders took on messianic identities leading to divine treatment from their followers. In order for the political religions to survive, Gentile argues, they must rely on the religious nature of politics.

After the World Wars, Communism remained the dominant political religion. Gentile explains that Communism's legitimacy as a political religion can be seen through the reaction from religious actors such as the Catholic Church. Communist leaders were deemed to be anti-Christ figures and the

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biggest threat to traditional religions. Communism effectively
unified masses of people under a political agenda without
resorting to traditional religions for guidance or support.
Meanwhile, Communist leaders such as Josef Stalin, Fidel Cas-
tro, Che Guevara, Mao Zedong, and Kim Il Sung enjoyed a
level of deification within their respective countries.

Though secular religions can still be seen in the political
landscape as we enter the third millennium, Gentile theorizes
that they are on the decline. He argues that the prevalence of
secular religions in the past does not signify a trend for future
generations but rather a reaction to political upheaval ger-
mane to their respective political environments. However, it is
important to note that Emilio Gentile wrote this book and
published it (in Italian) in 2001, before the terrorist attacks on
New York's World Trade Center on September 11, 2001.
Luckily, Gentile provides the reader with the necessary back-
ground and framework to understand the political concepts
and issues on hand for application to present times. Using his
analogies and in-depth analysis of the sacralization of politics
in the modern political era, we can apply his reasoning to a
post-September 11 world. The reader may find Gentile's dis-
cussions of political religions relevant when applying it to ter-
rorist groups such as those found in Afghanistan under the
Taliban and in the Middle East. Specifically, terrorist organi-
zations like that of the Taliban resemble the exclusive ideology
germane to political religions. However, it may be that terror-
ist-harboring nations are also like civil religions in that they
utilize traditional religions along with sacralization of politics
to create a political umbrella under which individuals of differ-
ent sects of that religion can come. It may be, as Gentile theo-
rized, that the secular religions of the past are not necessarily
blueprints for what one should expect for the future and that
the world is experiencing an unprecedented version of a secu-
lar religion.

The book, in sum, is an adequate portrayal of the religion
of politics over the last few centuries. Gentile does a masterful
job of describing the phenomenon of secular religions
through the sacralization of politics. Moreover, his analysis of
civil religions and political religions provide useful frameworks
for the reader to apply to present and future political systems.
However, it is important to remember that Gentile's analysis is

not a prediction of what to expect but rather a depiction of what has transpired.

Protecting Jerusalem's Holy Sites: A Strategy for Negotiating a Sacred Peace, by David E. Guinn. New York, New York: Cambridge University Press, 2006. Pp. 232. $75.00 (hardcover).

ARJUN SETHI

Protecting Jerusalem's Holy Sites presents the assumptions, analyses, and recommendations of a project of the International Human Rights Institute of the DePaul University College of Law (IHRLI) entitled "The Holy Site Projects." The manuscript's main author is David E. Guinn, an author who has "written extensively on issues of national and international religious freedom, pluralism, and law." Seeking to address what the project highlights as "the heart of the Israeli-Palestinian conflict," the analysis centers on the holy sites of Jerusalem. It puts forth a proposal for "the development of a legal regime separable from the final peace negotiations not only to protect the holy sites but to promote peace by removing these particular volatile icons from the field of conflict."

The first chapter is an introduction to the project. It begins with the argument that most peace efforts in the Israeli-Palestinian conflict have largely failed and that this failure has been in part due to the "effort to confront and resolve all of the conflicts between Israelis and Palestinians as a means for creating a comprehensive framework for peace." The project's approach is supposed to limit the focus of conflict resolution efforts "to one aspect of the peace process: the thorny problem of Jerusalem and the holy sites." Based upon an engagement with religious leaders from the three Abrahamic faiths, as well as religiously-engaged international human rights lawyers in Chicago, the project promises "fruitful results through a blending of expertise in human rights, international law, and religion."

The discussion of the project focuses on three features related to Jerusalem and its holy sites. First, it centers on the religious aspect of the conflict through its discussion of the religious significance of holy sites. In particular, the issue of religious freedom as represented by control of, and access to, the Jewish, Christian, and Muslim holy sites is elaborated. Sec-

ond, it discusses the municipal administration of Jerusalem, specifically examining how previous arrangements affected the issues related to religious freedom and what alternative arrangements may offer. Finally, the project advocates a particular role for both international law and the international community to play in the process of resolving the issue of the holy sites and Jerusalem. Such a focus on religion is justified in two ways by the author. One is in arguing that few of the peace efforts "have addressed religion as a prominent player." The main thrust of this critique suggests that secular leaders have dominated the peace process. The other is that in addition to "being a challenge to be dealt with within the peace process . . . [religion] offers advocates and the parties a rich resource." Guinn goes on to argue that "the language of faith addressing the needs of justice [and] human dignity" is a necessity in "such a terrible conflict."

The second chapter, entitled "Historical Perspectives," offers the reader a historical and political survey of Jerusalem and its holy sites from 70 C.E. to 1967. This chapter includes sections on the periods of the British Mandate, the 1948 war, and the period of Jordanian rule. The significance of this chapter is its discussion of the emergence of "the status quo approach to the holy sites." The chapter's illustration of the development of this approach is central to its critique and recommendations made later on. Here, "the status quo approach" refers to "the failure to establish a clear definition for a holy site and to instead rely on [a] historically evolved approach." This meant that authorities "elected to recognize those locations that had acquired a de facto holy sites status as protected holy sites." Furthermore, "the decision to recognize a particular place as a holy site was often made when controversy forced the hand of the ruling party. That is to say, particular locations entered the rank of holy sites when their status, either in terms of ownership or control, was made the subject of a contest by two or more parties who each agreed that the site was of particular religious significance."

The following chapter is entitled "Israeli Policy on the Holy Sites: 1967-2002." This period represents a dramatic shift in the political context of Jerusalem and its holy sites. Beginning with the pre-war plans for the 1967 Arab-Israeli war, the chapter traces the transformation of the political objectives and context of Israel's occupation of East Jerusalem, its annex-

ation, and its subsequent unification with West Jerusalem. The chapter has three main sections, each dealing with the Israeli government's policy towards each of the three mono-theistic faiths' holy sites. Most notable in this chapter is its il-lustration of how "the status quo approach" to Jerusalem's holy sites continued despite the dramatic change in political context. The nuance to this dynamic is that, unlike the previ-ous reigns of Britain and Jordan, the Israeli government avoided quoting pre-existing proclamations about maintaining the holy sites "according to existing customs." Instead, the statement of the Israeli government on the status of the holy sites "rested on the authority of Israel's Declaration of Inde-pendence, which states that the Jewish state 'will guarantee freedom of religion and conscience, of language, education, and culture. It will safeguard the holy sites of all religions.'"

Chapters Four and Five, entitled "Solutions Offered for the Issue of the Holy Sites" and "The Multimdimensional Problem," respectively, attempt to analyze and address the is-sue from its present-day context and dynamics. The analysis of prior efforts to address the Jerusalem-holy sites issue is divided according to three criteria: "sovereignty, the holy sites (iden-tity/ownership/control), and municipal administration." Ac-cording to the critique inherent in the project, previous frameworks have failed to separate the issues of "holy sites" and "Jerusalem" and thus have not specifically addressed the issue of holy sites. But to focus on religion only as method for the project is not enough. Guinn points out that "[r]eligion provides one tool to assist the negotiations of the holy sites regime. Law provides the second." Specifically, a significant body of law can be drawn upon to help provide shape for the ultimate legal regime and define the interest of the parties that are to be part of that regime.

"Principles to Praxis" is the title of the sixth chapter, which outlines the Holy Sites Project's set of explicit principles for the development of a legal regime to protect the holy sites. In developing these principles, the project draws upon relig-ious and legal resources. The principles drawn from religion include the centrality of peace and the nature of civil dis-course. The legal principles drawn upon include the rights of peoples and the United Nation's Charter as it relates to mat-ters of peace and security. The chapter concludes with a dis-cussion on application asserting that "[t]he forgoing princi-

ples are, for the most part, procedural. They provide guidance on how to structure a proposed negotiation and the contextual features, such as religion, that need to be considered as necessary background for a negotiation."

Chapters Seven and Eight provide the beginning of the project's implementation for a limited approach to resolving the conflict over the holy sites. The challenge of such a process includes the need to "cultivate an atmosphere of trust and to develop effective collaborative structures necessary to foster the development of trust [and] to develop the actual administrative structures." Building on the initial critique of "the status quo approach to holy sites," the project also outlines the need to define what the law is regulating. Guinn argues that the "[first] critical task in creating a legal regime to protect the holy sites is to define the term." The project's descriptive approach creates a categorization of holy sites which breaks down to "Iconic Holy Sites," "Cultic Holy Sites," "Cemeteries," "Historical and Archeological Sites," and "Contested Holy Sites." The first of these refers to "central, especially important sites that are sacred to all three monotheistic religions." The second refers to "holy sites in which active and regular worship takes place." The third is self-evident, while the fourth set includes sites that are no longer used for religious purposes but represent some particular history of any one of the three religions. The last one refers to sites for which "the existence of conflict over their ownership or control represents a specific challenge that will need to be addressed."

The remaining chapters in the book and the conclusion address issues of identifying the relevant parties, providing a timeline for the sequence of discussions, and achieving international and regional commitments in order to transform the previously outlined principles into a negotiations regime.

Overall, the project falls short of achieving its stated objectives. While the book provides an important synthesis of historical developments vis-à-vis the nature of the "status quo approach to the holy sites," it fails in many of the same ways as did prior attempts at providing a framework for conflict analysis and resolution, namely by neglecting to include principles of international law and human rights. Indeed, perhaps the most glaring failure of previous attempts at structuring the peace process, whether in the Israeli-Palestinian aspect of the 1979 Camp David Accords, the 1991 Madrid Peace Confer-

ence, the 1993-2000 Oslo Peace Process, or the 2000 Camp David negotiations, is the total absence of the grounding of such processes in international law. A review of any of the related documents illustrates this fact: The terms "international law" and "human rights" do not appear a single time. This reflects how previous negotiations and agreements were based in power politics (at the international, regional, and domestic levels) as opposed to principles of equality and self-determination. The Holy Sites Project fails in a very similar way. Despite its invocation of legal principles, it fails to ground the process for negotiations and limit the options for agreement within an international and human rights framework. The emphasis on holy sites, quite similar to the emphasis on autonomy or territorialized statehood, without a corollary grounding in international and human rights, allows the negotiations process and outcome to be dictated by power politics and thus lends itself to repeating the cycles of failed negotiations. The desire to integrate international law by the project participants is laudable. However, the lack of a full engagement with principles of international law makes its invocation merely rhetorical as opposed to substantive.

Deporting Our Souls: Values, Morality and Immigration Policy, by Bill Ong Hing. New York, New York: Cambridge University Press, 2006. Pp. xiii, 220. $28.99 (hardcover), $23.00 (.pdf eBook).

RAHUL SHARMA

Immigration has been a hot topic of debate in Washington and throughout the United States over the past few years. The events of September 11, 2001 put immigration in the spotlight as a national security issue, and President Bush's call for a guestworker program in 2004 made sure it would stay there. As Congress debated which of many bills to pass last year (guestworkers / no guestworkers / fence / no fence / and so on), many protests throughout the country were well-attended by people who felt like they had a stake in the issue. In light of such issues, *Deporting Our Souls*, Bill Hing's book on the values behind our immigration policy, could not be more timely.

The author was deeply involved with analyzing and questioning immigration policy well before it became a topic of

wide discussion. Many of the examples of deportation he mentions stem from a law passed in 1996, which he and many other immigrant advocates sharply criticize as grossly unfair. Before he became Professor of Law and Asian American Studies and the director of the law clinical programs at the University of California at Davis, Hing spent many years as an immigration lawyer, including arguing before the Supreme Court as defense co-counsel in *INS v. Cardoza-Fonseca.* Hing's work in that case helped expand the definition of "refugee" in order to make it easier for refugees to seek asylum in the United States.

In light of the author's impressive resume, readers could be forgiven for expecting a more even-handed analysis of a highly contentious issue than what they get here. The book's five chapters are devoted to a selection of major immigration policy areas: (1) illegal immigration, (2) deportation of violent felons, (3) the legal immigration selection system (i.e. the type of visa a particular individual should receive), (4) national security and immigration policy post-9/11, and (5) the integration of immigrants into local American communities. While the book jacket states that "the author suggests his own proposals on how to address the policy challenges from a perspective that encourages us to consider the moral consequences of our decisions," by the fifth chapter his proposals devolve into a familiar (if anecdotal) recital of policies and individual success stories that advocates for illegal immigrants have been pushing for years. Hing writes as though any other policy or viewpoint cannot be possible once we consider the moral consequences of our decisions, and his opponents might find it difficult to receive his arguments as anything other than an insult.

On issues where there is open ground for reasonable disagreement, Hing quickly glosses over the other viewpoint without really explaining why he feels his argument is superior. When dealing with the idea that immigration causes lower-income Americans to lose jobs, he says he "understands and respects" that perspective, but nothing in the rest of the book underscores why he feels that the interests of undocumented workers deserve more support than the interests of lower-income Americans. For instance, he proposes that Mexican immigrants should receive "favored treatment" when applying for visas to bring relatives to the United States because Mexico is home to the largest group of immigrants. Why such treat-

ment should be extended only to Mexicans is supported by little apart from an assertion that "we stand at a crossroads in world history where we need to think regionally in terms of politics and economics." The author understands and acknowledges that most of his proposals would favor illegal Mexican immigrants at the expense of legal immigrants from other countries, but he never specifies why he believes this to be moral or acceptable. At other times, he throws in non-sequiturs, such as the concern that the REAL ID Act could allow the government to add RFID chips to driving licenses. Yes, it is possible, but probably the reason that no one else in the media has mentioned it is that no one else seriously expects this to happen. At other times, in various real-life stories of immigrants (legal and illegal) who have been hurt by the current immigration policies, Hing essentially expects the reader to draw broad conclusory generalizations from a small and poignant sample set.

However, at least the first five chapters provide some policy ideas and concrete examples of people who have been hurt by U.S. immigration policy. The epilogue, unfortunately, is a collection of phrases that tugs at the reader's heartstrings instead of appealing to their minds. Hing consistently refers to undocumented workers as "dreamers" and asks why anyone would want to make it a crime to dream.

That being said, while the book is not very useful as an impartial survey of the morals involved in the immigration debate, it still provides an impassioned overview of the moral arguments on one side of the debate. This is a perspective that is not always given great attention, whether in the halls of government or the seminar rooms of academia. For that reason alone, this book is worth reading.

In the end, this book is not an impartial, even-handed observer of a complex, passionate, and deeply divisive debate. As a policy piece, claiming that the author's side is moral and the other side is not may not be the most effective way to encourage productive debate and compromise on such an important and timely issue. However, while this book may not change anyone's mind, its eloquent exposition of one position in the ongoing immigration debate will alternatively provoke and inspire a wide audience; for the immigration advocates, it provides non-legal arguments that can be made to advance their cause, and for immigration restriction advocates and all

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others, it provides a perspective that is not often seen during the immigration debate.

Troublemakers or Peacemakers: Youth and Post-Accord Peace Building, edited by Siobhán McEvoy-Levy. Notre Dame, Indiana: University of Notre Dame Press, 2006. Pp. 338. $70.00 (hardcover).

SARAH FICK

Young people in conflict situations are usually portrayed as innocent victims or dangerous predators. Even the terminology used to refer to young people changes as the perception of them shifts from one extreme to another: as victims they are "children," but as perpetrators of violence they are "youth." The reality is not so straightforward. Young people in conflict situations play a variety of roles that span the spectrum from victims to conflict-escalators to peace builders. No matter what role they play, young people are rarely passive vessels merely absorbing and reproducing the views and behaviors of the adults around them. Instead, they think critically about the role of conflict in their lives, respond to it in a variety of creative ways, and actively interpret its meaning for themselves. *Troublemakers or Peacemakers: Youth and Post-Accord Peace Building*, a collection of essays edited by Siobhán McEvoy-Levy, explores the different roles young people play in conflict, how they respond to their own experiences of powerlessness and trauma—sometimes perpetuating conflict and other times working to resist it—and how they construct their conceptions of war and visions of peace. The contributors take issue with the received "monolithic image" of youth soldiers, as well as the stereotyped portrayal of young victims of violence as a "lost generation" so traumatized by war that they are incapable of imagining or participating in the creation of a peaceful society. Instead, they focus on the diversity of experiences of young people in conflict and the multitude of ways in which they choose to respond to it. They also underscore the vital role young people can play in determining whether a peace process will succeed.

Michael Wessells and Davidson Jonah attack stereotypes in a chapter on the recruitment and reintegration of child soldiers in Sierra Leone. They outline many different path-

ways into soldiering. Some young people were forcibly re-
cruited, kidnapped, and forced to take drugs and murder or
torture their own family members in order to prevent them
from deserting. Other youth chose to join factions because
they saw no other hope for survival after their families were
killed. Still others picked up arms out of a desire for power
and enjoyed the military identity they assumed. Victoria San-
ford, in her study of child soldiers in Guatemala and Colom-
bia, also describes a diversity of ways in which youth have be-
come involved in military activity. Though some were physi-
cally coerced into joining the army, others joined for a variety
of reasons; as one young man explained, he "chose to be an
abuser, not abused." The young people also reported vastly
different experiences of conflict. Some emerged severely trau-
matized after being forced to commit horrific acts, but others
expressed positive feelings that came from being part of a
group and taking on a new, powerful identity. One young wo-
man especially reveled in being considered the equal of her
male companions and the sense of pride she felt in carrying a
weapon, which she described as a "jewel." Clearly, the exper-
iences of child soldiers are not uniform. Nor are the repercus-
sions of those experiences for individuals and communities
identical.

Several contributors to the volume address how youth are
marginalized in post-conflict society and the problems this can
produce. Wessells and Jonah discuss the many difficulties fac-
ing former soldiers upon their return to civilian life, including
the distrust of the communities to which they return, the lack
of employment opportunities, the inability to transition be-
tween military and civilian identities, and the attendant loss of
power and status. These frustrations make it much more likely
that former soldiers will take up arms again and rejoin the
conflict. The authors discuss various innovative strategies for
reintegrating former youth soldiers back into communities, in-
cluding civic works projects where former combatants and
non-combatants work together to rebuild infrastructure de-
stroyed by the war. Another important strategy is the use of
traditional cleansing rituals whereby women who have been
used as sex slaves and men who have committed atrocities are
made pure. These rituals also reinforce previous social behav-
iors such as respect for elders and cultural traditions and help
strengthen community ties that were badly damaged in the

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conflict. Nevertheless, the authors insist that former youth soldiers cannot be fully returned to their former subordinated roles in society. If they are to avoid returning to violence, they need to have a voice in the decisions that will affect their lives. Similarly, Marc Sommers finds, in his study of Rwandan youth, that one of the major frustrations facing them is their complete political powerlessness. These youth have no voice in how aid money would be spent, nor do they have control of their employment or where they will live. Stuck in the countryside, with little chance of obtaining an education and arguing over a rapidly diminishing quantity of farmable land, young people feel hopeless about their future prospects. Though the government has attempted to establish youth cooperatives to encourage development, Sommers found these cooperatives largely without resources. Sommers posits that these hopeless conditions helped contribute to the 1994 genocide and worries that the large mass of dissatisfied and desperate youth could be turned to violence again.

Another important theme running through the volume is the acknowledgement of the tension between the pull of tradition and the desire for a fresh start. On the one hand, it can be important to reestablish a society to its pre-conflict state, including reinstating the respect of youth for their elders and for social institutions. On the other hand, these very institutions are sometimes responsible for creating and perpetuating conflict, and youth need to actively question and even reject them in order to create peace. In Sanford's study, a former soldier and ethnic Maya describes his confusion on returning to his family home only to find that his parents and grandparents could no longer discipline him. Having held a position of power in an institution associated with terrorizing their people, he was no longer one of them, and he felt this loss terribly.

Carolyn Nordstrom's study of war orphans in Angola presents a different picture: of children completely rejecting the corrupt adult world. These young children, who build their communities in city storm drains, have completely turned away from the greed and violence of the society around them. They live in peaceful cooperative groups that operate like small families, sharing everything equally. In a moving episode, Nordstrom tells of a child who was murdered by the police and of the efforts of his friends to seek justice for his death and to raise money to hold a funeral for him. Despite growing

up in a war-torn country and never having a model of peace to which to aspire, these orphans—considered the scum of the sewers by other Angolans—have somehow managed to create and realize their own vision of peace. Similarly, as reported by Jeff Helsing and his collaborators, young people in Bosnia were instrumental in creating a peace organization that encouraged Muslim Bosniak and Croat youth to work and socialize together, despite considerable resistance from adults (including teachers, politicians, parents, and community leaders). In McEvoy-Levy's research on young people in Northern Ireland, youth tended to replicate the hatred and fear expressed by their parents. But they also challenged adult authority to control a conflict in which they viewed themselves as key players. Young women who regularly participated in barricades and riots in Belfast felt their opinions were completely ignored by politicians attempting to control the peace process and bragged that they knew more than the adults about what was actually happening on the front lines of the conflict. Though these young women were seeking to perpetuate conflict rather than end it, perhaps if they had a greater voice in shaping the policies of their government they would be more willing to question the rigid thought patterns of their elders and seek other solutions.

The book concludes with a discussion of the role of narrative in helping participants understand and process violence. Narrative can lead to the demonization or humanization of the other side. Sami Adwan and Dan Bar-On participated in a project where Palestinian and Israeli teachers worked together to create a textbook in which Palestinian and Israeli versions of the same historical events were presented side by side. These teachers, when attempting to present these parallel narratives, encountered strenuous resistance from their students: Israeli students called the Palestinian narrative propaganda and lies; Palestinian students, on reading about the Holocaust, asked why they had to be punished for the suffering of the Jews. Despite this almost universal rejection of the other side's narrative, the students were nevertheless exposed to the idea that their narrative could similarly be deconstructed. And some students on both sides did come away with a deeper understanding of the malleability of history to serve political ends. While narrative can be political, it can also be personal. Jessica Senehi and Sean Byrne write about the power of story-

telling to help young people heal after traumatic conflict. They point out that through the construction of a narrative, individuals can come to understand what happened to them in context and can integrate the experience into the fabric of their lives. They also demonstrate that youths, in deciding which stories to tell and how to tell them, are exercising a degree of agency that they may not have had while participating in the conflict itself. By controlling how they remember and share their experiences, they can also help control the extent to which their conflict experience will shape their lives.

Taken together, the essays in the volume contain a powerful message for social scientists, policymakers, teachers, and community leaders. The authors make a compelling case that young people have tremendous potential to make or break a peace, but their experiences, motivations, and opinions are often stereotyped, misunderstood, or outright ignored. As a result, youth are an important subject of study for those who want to understand conflict and post-conflict situations and a critical constituency to consider in designing and implementing a strong and enduring peace.

Global Biopiracy: Patents, Plants, and Indigenous Knowledge, by Ikechi Mgbeoji. Ithaca, New York: Cornell University Press, 2006. Pp. 222. $22.95 (paperback).

Jason Adler

"Global biopiracy," a term coined on behalf of developing countries labeled with the equally charged wrong of "intellectual piracy," describes the appropriation of biological resources and knowledge without remuneration. In particular, the term has come to apply to the ongoing appropriation of traditional knowledge of the uses of plants (TKUP) from the developing South by the industrialized North. In *Global Biopiracy: Patents, Plants, and Indigenous Knowledge*, Ikechi Mgbeoji explores the political, economic, and sociocultural factors that have facilitated global biopiracy. Through an analysis of the systemic effects on this phenomenon of a Eurocentric patent system, international agricultural research institutions, and a degrading attitude toward the contributions of women and farmers, Mgbeoji endeavors to contribute a comprehensive ex-

planation of the foundations of biopiracy to the debate over the legal ownership of plant resources.

The book begins with an examination of the development of the patent system and the global regime on plants. As an example of the use of the patent system to appropriate TKUP, Mgbeoji details the use of patents by a Texas-based company in 1997 to acquire the rights to certain basmati rice grains developed by farmers in the Greater Punjab region of India and Pakistan. In order to better understand instances of biopiracy such as this, Mgbeoji explains, it is necessary to study the roots of the patent system. Mgbeoji makes clear that the issue of biopiracy is not entirely legal—it is spurred on in part by "a social structure of inbuilt primordial prejudices and biases against non-western cultures and non-western epistemological frameworks." The idea of the patent first arose in Italy, and it is a centrally European concept. Several different theories justifying the use of patents have evolved, but none are completely defensible. Regardless, the migration of Europeans, the adoption of the patent system by non-European nations, and the forces of external political pressure on nations disinterested in the system have combined to universalize the use of patents. Despite this geographic universality, however, the normative underpinnings are essentially local. For this reason, as the influence of industry on the evolution of patent law grew, so too did the ideological split between the North and the South. While the less developed South would be hindered by a strong patent regime because it would need to comply with the multiple foreign patents in place, the industrialized North would benefit from rigid protection of its position of power.

Upon laying down this foundation, Mgbeoji turns to other institutional mechanisms through which appropriation occurs. While the patent system is the most significant mechanism for biopiracy, several other international institutions work to similar effect. These include International Agricultural Research Centres (IARCs), which serve to move plant life from the developing countries in the South to gene banks in the North. The prevalence of IARCs increased in the 1940s, when a United States initiative designed to improve wheat and corn led to the implementation of IARCs throughout the South. The mass collection of plant germplasm that ensued occurred without payment or acknowledgement to the contributors. In

addition to the fact that the North incurred free benefits from this process, the developing countries from which the germplasm was transferred were left completely devoid of access to the germplasm they had developed. These transfers were justified in part by the notion that plants are part of the common heritage of mankind (CHM), or "global commons." However, Mgbeoji argues that even if the tenuous conclusion that CHM is a part of customary international law is accepted, it is inapplicable in the case of plant resources. The Food and Agricultural Organization of the United Nations (FAO) has since addressed the issue of plant resource control by bringing IARCs under its reach and preventing recipients of germplasm through IARCs from seeking intellectual property rights in the germplasm. However, the impact of the FAO's actions on the biopiracy of TKUP is not clear.

Mgbeoji devotes the next chapter to patent regimes in particular, with a thorough analysis of how the concept of patentability enables the appropriation of plants and TKUP. He begins by explaining that the patent system is fundamentally biased toward Western cultural supremacy. He then lays out the requirements for patentability, as established by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs): (1) that the article is an invention, (2) that the article is novel, (3) that the novelty involve an inventive step, and (4) that the novel invention be "capable of industrial application." These criteria, as well as the requirement of specification, are molded by the inherent biases of the patent system as well as external pressures from corporate interests.

While the criterion of novelty would seem to preclude patenting plants that have been used for years by indigenous peoples, the standard has become relatively state-centric, requiring novelty only within the country evaluating the patent application. The requirement that the invention represent an "inventive step" and the closely related condition of "utility of invention" have been considerably weakened by demanding only difference as opposed to superiority for plant patents. As a result, making minor cosmetic alterations has become a common practice of patent applicants. This creates an extremely beneficial regime for merchandisers, even though evidence has shown that traditional farmers, primarily women, make far more significant contributions to the development of these plants than the industries that patent them. The industrial ap-

plicability requirement typically is satisfied when the invention can be replicated in order to be used in industry. However, the requirement is not easily transferred to plants, as they are sometimes impracticable to reproduce. Some Northern courts have overcome this obstacle by relaxing the requirement, stripping it of any real effect. Similarly, the requirement of specification of the invention has essentially been nullified in the United States; the Plant Patent Act declares that no patent will be invalidated by a failure to satisfy the specification requirement.

Mgbeoji considers potential solutions to the flaws of the patent system, including the proposal that the patent system be amended to allow for defensive patents. The creation of a simple and inexpensive communal patent system that provides traditional communities with easy access to property rights would allow them to protect their innovations. There are certainly issues with this approach, such as resistance from traditional communities to the "commodification" of their innovations. Mgbeoji maintains that while this concern is legitimate, it is exaggerated and may actually be caused by confusion with the current international patent system. There may also be concerns about the cost of developing a communal patent system. However, the primary source of expense in maintaining a patent system is keeping a large group of patent examiners. Reducing the number of patent examiners on hand would go far to lessen these costs.

Mgbeoji concludes by offering several recommendations for future discourse on eliminating biopiracy. He argues that a serious reevaluation of the patentability of plants and TKUP and the elements of the patent system itself is necessary. Gene-rich nations may need to act defensively throughout this process of reconsideration, by acting in regional frameworks to prevent access to biological resources by countries known for appropriation. Most importantly, however, Mgbeoji notes that the cultural boundaries between the North and the South must be eradicated. *Global Biopiracy*, by thoroughly examining the factors that cause and permit biopiracy, provides a legitimate starting point for this process.

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US Intervention in British Guiana: A Cold War Story, by Stephen
    G. Rabe. Chapel Hill: The University of North Carolina
    Press, 2005. Pp. 240. $19.95 (paperback).

RAMIN AFSHAR-MOHAJER

For most Americans, the Cold War brings to mind a mas-
sive clash between two powerhouse nations, the gnawing fear
of a nuclear arms showdown, and the eventual victory of "good
versus evil" with the fall of the Soviet Union. More historically-
minded Americans might also recall major events such as the
Cuban Missile Crisis, and some might remember CIA involve-
ment in removing popular leaders with alleged communist ties
in Iran or Guatemala. Covert United States intervention in
British Guiana during the 1950s and 1960s, on the other hand,
is a fascinating and significant facet of the Cold War story that
has not found its way into American historical memory.
Before reading Stephen G. Rabe's *U.S. Intervention in British
Guiana: A Cold War Story*, I knew nothing about the topic, and
asking fellow students revealed the same complete lack of
knowledge. According to Rabe, this gaping hole in our mem-
ory is the result of continued CIA secrecy and "remarkably
thin" scholarship on the subject.

Rabe proclaims that the primary purpose of his book is to
tell this largely untold story. In the first published account of
the intervention, he hopes to give the Guianese people "the
complete and accurate historical record of their nation's fate
during the Cold War" that he feels they deserve and to "bring
some balance to the history of the Cold War," by demonstrat-
ing that nations like Guiana "paid a terrible price for the Cold
War victory of the United States." Rabe's book offers the troub-
ling and eye-opening account of how U.S. officials, at points in
conjunction with the United Kingdom and the AFL-CIO,
secretly incited violence, racial tension, and instability in Brit-
ish Guiana to strip power from its tremendously popular In-
dian leader, alleged communist sympathizer Cheddi Jagan.
These actions led to the despotic twenty-year reign of Forbes
Burnham, a black leader who the United States supported to
replace Jagan and whose tyranny and poor leadership abilities
left Guiana in a woeful social and economic position from
which it has been unable to fully recover.

Rabe structures the book effectively, offering an introduction and conclusion and five substantive chapters dedicated to different time periods; these substantive chapters provide historical accounts of developments during the time period and illuminating commentary on these developments. In the introductory chapter, Rabe summarizes the essential facts of contemporary Guiana, "a unique but troubled land" that is majority Indian and minority black and that is plagued by extreme poverty, a difficult climate, and serious health and economic development issues. He also summarizes his general historical arguments, discusses the sparse literature on the topic, mentions the CIA's continuing failure to confirm or deny involvement in the intervention, and explains that the story is ripe for modern forms of historiographical analysis given its race and gender elements.

Chapters One and Two provide the essential historical background to the U.S. intervention, the crux of the book. Chapter One, entitled "British Guiana, 1831-1953," begins with more information about the climate and geography of Guiana and then provides a brief synopsis of the distressing history of the nation, including its colonial rule under the Dutch and then the British and decades of slavery and indentured servitude. Rabe also introduces us to the important characters of his account, Cheddi Jagan and Forbes Burnham, and describes how Winston Churchill's United Kingdom, citing largely ungrounded communism concerns, moved in to suspend Guiana's new constitution five months after the victory of Jagan and Burnham's People's Progressive Party (PPP) in the 1953 elections. In Chapter Two, "Imperial Adjustments, 1953-1960," Rabe describes British efforts, with U.S. approval but minimal U.S. involvement, to destroy the allegedly communist PPP. Rabe argues that the U.S.-U.K. alignment on British Guiana was destroyed by the Suez Crisis of 1956 and the Cuban Revolution of 1959; after these events, the United Kingdom wanted to dismantle its empire and thus grant Guiana its independence, while the United States became severely paranoid with respect to the communist threat and wanted to do whatever it could to prevent "another Cuba."

Chapter Three describes the massive U.S. covert intervention in Guiana, which began in full force with the President Kennedy. Rabe explains that "in the name of anti-communism, the Kennedy administration took extraordinary mea-

sures to deny the people of British Guiana the right to national self-determination." Such measures included "inciting murder, arson, [and] bombings," meeting with and supporting Burnham (who had at this point split from Jagan and the PPP to form his own rival party), and aiding and abetting riots and workers' strikes. According to Rabe, these U.S. actions were all taken as part of a strategy to "generate chaos in the colony to force the [British] government to delay British Guiana's independence," and the supposed communist ties that justified these measures were based largely on speculation and hearsay. Chapter Four, entitled "Proportional Representation, 1963-1964," describes how the U.S. finally removed Jagan from power by pressuring Britain to institute a proportional voting scheme that would virtually guarantee Burnham's victory in the 1964 election. The chapter also discusses how the Kennedy Administration, acting through the AFL-CIO, organized and funded a large-scale, racially-charged, violent strike in 1963 that eventually led to historic economic lows. Moreover, at the same time that he was championing civil rights in the United States, President Lyndon Johnson continued in Kennedy's path with such covert acts and the support of the racist and tyrannical Burnham. Finally, Chapter Five describes the dictatorial reign of the U.S.-backed Burnham. Burnham severely persecuted the Indian minority, incited racial hatred, bankrupted the nation with his corruption and lavish personal spending, and left the nation in a miserable condition at the end of his twenty-year reign. Rabe argues that the United States knew about and ignored Burnham's abuses of power and terrible leadership in light of "Cold War imperatives." He even offers evidence of the United States aiding Burnham in rigging elections to keep himself in power. In his Conclusion, Rabe summarizes the U.S. actions and argues that in the case of Guiana, the U.S. went "too far in its Cold War zeal."

Rabe's account is comprehensive, compelling, and well-written. At points, the book can become repetitive as it dryly lists event after event. For the most part, however, Rabe does an effective job of interweaving his account of the historical events with helpful analysis and discussion of intriguing patterns; this combination of history and commentary provides for a more compelling read than is available in most historical accounts. Another minor critique is that the book could as a whole be slightly more balanced in its analysis. It is clear from

Rabe's introduction that his perspective is favorable to Jagan and critical of the United States, as Rabe aims to present an element of the "other side" of the U.S. triumph over communism. The book's treatment of Jagan is fairly balanced: While he does glamorize Jagan, Rabe also points out certain negative facets of his leadership abilities and acknowledges his ties to communism and Marxism. However, with respect to the United States, Rabe paints most U.S. actions in an extremely negative light without giving sufficient consideration to the pressing threat of communism at the time. While United States officials clearly made many mistakes in British Guiana, one can understand to a certain extent why their fear of communism was so strong. In this light, U.S. concerns regarding Jagan were perhaps not as absurd at the time as they seem in hindsight and as Rabe depicts them to be.

Rabe's book is significant not only in helping fill in the historical record, but also because the story he tells offers intriguing parallels to current American counter-terrorism policy. A major theme running throughout the book is the way in which U.S. officials were driven by such powerful anti-communism that they were willing to sacrifice important ideals such as democracy and anti-colonialism in the name of fighting communism and protecting U.S. security. Similarly, the passage of the USA-PATRIOT ACT, the presence of extraordinary renditions, and the creation of C.I.A. "black sites" around the world suggest that the current U.S. government is willing to compromise certain fundamental values and rights in the name of fighting terrorism and protecting U.S. security. Moreover, Rabe's account of how U.S. officials were willing to make important decisions on shaky evidence and their steadfast dedication to their plans despite foreign disapproval have obvious parallels in our current war on terror. Finally, President Kennedy's rabid fear of "another Cuba" echoes in current rhetoric about preventing "another 9-11."

Overall, Stephen G. Rabe's *U.S. Intervention in British Guiana: A Cold War Story* is an intriguing, powerful, and easy-to-read book that should appeal to those with an interest in the Cold War, U.S. foreign relations, or race issues. It tells a compelling and illuminating story that is shockingly absent from American historical consciousness and that provides important lessons with respect to current American foreign policy.

Differential Treatment in International Environmental Law, by
    Lavanya Rajamani. Oxford, United Kingdom: Oxford
    University Press, 2006. Pp. xx, 281. $110.00 (hardcover).

BRYANT WALKER SMITH

If developing and industrial countries are separated by a
vast gulf, differential treatment is the bridge that links them.
And when that global gulf becomes polluted, differential treat-
ment is the means to cleaning it up. Differential treatment,
argues Lavanya Rajamani, is the "essence of the compact be-
tween industrial and developing countries with respect to in-
ternational environmental protection."

The dichotomy between developing and industrial coun-
tries defines Rajamani's book precisely because it defines inter-
national environmental law. Her thesis is that differential
treatment, properly conceived and applied, can be effective as
well as equitable in addressing the disparity between develop-
ing and industrial countries. Her argument is supported
through a meticulously researched and structured book that is
as compelling as a novel and as organized as a spreadsheet.

Rajamani begins with a survey of differential treatment
throughout international law, which introduces a second di-
chotomy: treatment favoring industrial countries versus treat-
ment favoring developing countries. The law of international
arms control and disarmament illustrates the latter: The Non-
Proliferation of Nuclear Weapons Treaty of 1968 imposes an
obligation not to acquire nuclear weapons—but only on those
parties that had not already acquired them. International in-
stitutional law likewise tends to cement existing power,
whether through membership (United Nations Security Coun-
cil), decisionmaking (veto power within the Security Council),
or enforcement (the inapplicability of the International Mone-
tary Fund's austerity policies to the United States, despite that
country's high debt burden). More broadly, international law
as a whole reflects, facilitates, and reinforces the favorable
treatment that industrial countries have accorded themselves
since the colonial era.

Nonetheless, like the developing countries themselves,
Rajamani is forced to fight within the system into which she
was born, and she devotes the remainder of the book to those
instances where that system has given room for differential

treatment favoring developing countries. The effort by those countries to create a New International Economic Order (NIEO) inspired demands for differential treatment in many other areas of the law, and the overlapping domains of international economic, human rights, and environmental law today reflect some such treatment.

Rajamani focuses on the thirty years of "new generation international environmental agreements," the multilateral treaties from the UN Conference on the Human Environment of 1972 (Stockholm Conference) through the World Summit on Sustainable Development of 2002. These treaties each grapple with the dissonance between developing and industrial countries, which Rajamani describes through her third and most striking dichotomy: culpability/entitlement versus consideration/capacity.

Developing countries adopt the premise of culpability/entitlement, arguing that they are entitled to favorable treatment because their industrial counterparts are culpable for most damage to the global environment. By contrast, industrial countries adopt the premise of consideration/capacity, acknowledging that they have a greater capacity to address environmental damage and advancing this alone as the basis for any consideration they choose to show toward developing countries. The consideration/capacity premise is immensely useful for industrial countries, expunging their colonial and environmental histories while preserving those same legacies. Rather than pursue the mitigation that their own "polluter pays" principle would compel, these countries proclaim a morality and humanity utterly detached from the history of their own making.

This dissonance has produced a fourth dichotomy, which is captured by a single familiar term: common but differentiated responsibility (CBDR). As a dichotomy, CBDR nonetheless supplies the doctrinal basis for differential treatment in international environmental law. Five fundamental environmental treaties with "near-universal participation" reflect some conception of this differential treatment: the Vienna Convention and its Montreal Protocol, the Convention on Biological Diversity, the Framework Convention on Climate Change (FCCC), and the Convention to Combat Desertification. The emerging vision is twofold. First, developing countries undertake commitments that are characterized by flexibility and

backed by assistance from industrial countries. Second, effective participation and implementation by developing countries is conditioned on the fulfillment of commitments by industrial countries.

Rajamani summarizes this vision, and its underlying premises, as "CBDR = Capacity + Contribution (Historical + Current + Future) − Differential Treatment in Favor of Developing Countries + Leadership of Industrial Countries." She then identifies three yardsticks against which to measure the use of differential treatment. First, the treatment must be consistent with each object and purpose of the relevant treaty. Second, the treatment must reflect differences across specific predetermined categories; indiscriminate deployment of the term "developing country" does not adequately capture these differences. Third, the treatment must continue only so long as those motivating differences continue to exist.

The climate regime, encompassing the FCCC and its Kyoto Protocol, embodies the principle of CBDR more than any other regime and supplies the climax to Rajamani's book. This regime surpasses even the Montreal Protocol as the trailblazer of differentiation: Whereas the Montreal Protocol treats developing countries differently in their attainment of its central obligations, the climate regime subjects these central obligations to differential treatment. In short, developing countries are exempt. Furthermore, the climate regime might be said to reflect the culpability/entitlement premise of developing countries more than the consideration/capacity premise of industrial countries. The preamble to the FCCC acknowledges the historical and present role of industrial countries in the emission of greenhouse gases and recognizes the need for "immediate action" on their part, while article three of the FCCC gives operational force to the principle of CBDR.

The response to this differentiation has been a push by industrial countries for "meaningful participation" on the part of developing countries. Rajamani first traces the history of this demand in general and of the U.S. position in particular. The United States insisted on "meaningful participation" of developing countries as late as the sixth annual conference of the parties (COP-6) in 2000 and ostensibly rejected the Kyoto Protocol in 2001 partly because that protocol exempts developing countries from targets. At COP-8, however, the United States criticized the suggestion of targets on developing coun-

tries, instead emphasizing the importance of economic growth in these countries. Nonetheless, the "meaningful participation" of developing countries has persisted as the central, and often crippling, issue of the climate dialogue.

Rajamani approaches this issue with the same analytical care with which she considers her other dichotomies. Through appeals to equity, economics, and law, developing and industrial countries argue about how the contribution to climate change should be measured and to whom, when, and on what basis responsibility for that contribution should be allocated. Proponents of meaningful participation argue that exempting developing countries—particularly the large emitters—gives these countries an unfair competitive advantage. Developing countries respond that there is a difference between emissions necessary for survival (such as the release of methane in the cultivation of rice) and emissions incidental to luxury, sometimes expressed through comparison of per capita emissions. Furthermore, they argue that the "polluter pays" principle places present responsibility on the historical emitters of greenhouse gases.

Industrial countries argue that the exemption of developing countries renders the climate regime ineffective in that emissions reductions in industrial countries will be offset by emissions increases in developing countries and inefficient in that industrial countries will undertake reductions that would be more cost effective if undertaken in developing countries. Some developing countries respond that their participation in an emissions trading system would merely enable industrial countries to avoid expensive domestic reductions and would accordingly impose this burden on the developing countries once their cheap reductions had been exploited fully.

As an "ethical anchor," the principle of CBDR suggests several broad guidelines for structuring a resolution to this issue. First, the obligations that developing countries eventually assume may be different in character and extent than the obligations assumed by industrial countries. Second, developing countries should craft obligations with deliberation and on the basis of per capita emissions and per capita GDP. Third, the FCCC, rather than the Kyoto Protocol, should provide the avenue for the inclusion of developing countries.

Rajamani does not shrink the gulf between developing and industrial countries, but she expertly maps it by tracing its contours and tracking its storms. As climate negotiators attempt to bridge that gulf, they would be wise to consult the legal map that Rajamani offers. Much more than a mere survey, however, this book is also a story. By narrating the cause of developing countries from the NIEO through CBDR, Rajamani gives differential treatment a spirit as well as a structure. Differential treatment in favor of developing countries emerges as both a principle and a principled imperative.

Transitional Justice in the 21st Century: Beyond Truth Versus Justice,
     edited by Naomi Roht-Arriaza and Javier Mariezcurrena.
     Cambridge, England: Cambridge University Press, 2006.
     Pp. 358. $80.00 (hardcover).

PRASHANTH MURALI

As countries throughout the world continue to emerge from civil conflict or repressive regimes, the discourse surrounding the provision of justice and redress for past wrongs has become more complex. With the increased involvement of the global community, the increased sophistication of legal thought and its attendant institutions (both domestically and internationally), the rise of international human rights, and the growing complexity of political situations in various countries, the answers to the question of what to do in times of transition have been very hotly debated.

Such is the premise on which the authors of *Transitional Justice in the 21st Century* base their collection of case study essays. To the contributors, the 1990s were a decade in which the merits of the conceptions of "truth" and "justice" were contested, both in academic circles and in practice. On the one hand, some argued that it was more important to get the truth out into the open because only by having victims' stories heard could true reconciliation and a prevention of similar crimes in the future occur. Moreover, the quest for justice could have the dangerous potential of pitting people of the same country against each other in vindictive battles that would only exacerbate the conflict from which the country was trying to emerge. On the other hand, proponents of justice argued from a more retributive framework that the only way to win the fight against

impunity is to bring perpetrators of human rights violations and worse crimes to justice under law.

By the end of the twentieth century, a consensus had emerged that neither approach would be successful on its own. Rather, a combination of legal institutions on different levels and encompassing different philosophies would be the only way to successfully address past wrongs. Through a series of essays analyzing and describing the transitional justice efforts of ten countries, the authors show a variety of different combinations of legal institutions that have experienced both relative success and failure in an attempt to show the complexity of factors that countries emerging from strife and the international community must take into account. Such a comparative analysis of transitional justice measures has become both timely and relevant, especially with the creation of the International Criminal Court and its greater involvement in the affairs of several nations.

In the Introduction, one of the editors, Naomi Roht-Arriaza, a Professor of Law at University of California—Hastings, sets the stage by questioning the currently-used definition of transitional justice, that is, a "conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes." That definition, she maintains, is problematic in that it implies a defined period of flux, fails to indicate what a state is transitioning *to*, and does not adequately account for the fact that repressive governments themselves can be the ones to institute transitional measures. In other words, it is too vague to satisfactorily encompass the myriad political situations that exist in the world.

This being said, there is a danger that broadening the definition of transitional justice too much might render it meaningless, and the contributors to the book confine themselves to the fundamental principles of truth and justice, ideas that so often are at loggerheads during times of transition. The essays, then, comprise analyses of only a few methods and techniques in the transitional justice toolbox, namely prosecutions and criminal investigations, truth commissions, vetting or cleansing of security forces, and formal reparations programs.

The book is divided into two thematic parts. The first part is comprised of six essays that look at the different ways

countries have sought to address truth and justice issues at the same time. These attempts include the creation of various institutions that provide a platform for victims to have their stories heard, mechanisms for prosecution of human rights offenders, and a means for recommendations to prevent future strife to be put forth.

Two of the essays in this part focus on Sierra Leone, one by a former member of the Truth and Reconciliation Commission and the other by a former staff member of the Special Court of Sierra Leone. Each provides a brief historical background of the conflict that plagued the country and then an analysis of the transitional justice mechanisms currently in place. Sierra Leone provides a unique arena of transitional justice whose relevance to other post-conflict justice situations cannot be underestimated. Experts have often presented the concepts of justice and truth as alternatives, stressing that they are largely mutually exclusive; however, Schabas argues that the instances pointed out to show the incompatibility of the two concepts are, in the case of Sierra Leone, exceptions to an otherwise relatively "serene relationship," and that the country is a prime example of how the two can exist synergistically.

The second essay on Sierra Leone argues, on the other hand, that despite the preliminary successes of both the Truth and Reconciliation Commission and the Special Court, true transition from the evils of war can only occur through long-term and sustained commitments by the local authorities along with help from the international community.

A third essay, by Eduardo Gonzalez Cueva, details the history of the Peruvian Truth and Reconciliation Commission (CVR), which was established after more than two decades of armed insurgency by the Maoist Shining Path and the smaller Tupac Amaru Revolutionary Movement. These two groups caused Peru to be in a virtual state of emergency for more than twenty years. Here the case for harmony between the CVR and the Prosecutor General's office, the institution in charge with the criminal side of transitional justice, is weaker than in Sierra Leone. Despite the conceptual and strategic advantages of the Commission, tensions existed between the two offices consisting of issues such as the appropriateness of conducting specific case investigations, the question of primacy of jurisdiction, and the attendant issues surrounding information sharing. Nevertheless, Cueva argues that despite the weak-

nesses and shortcomings of the CVR, it acted with a zeal for justice that unfortunately came up short against the inherent weakness of the Peruvian state and the general unwillingness of the Prosecutor's Office to prosecute crimes.

The second part of the book focuses on the interplay between the different levels of justice (local, national, and international), with the general trend being the increasing significance of local and national mechanisms of justice as concerns about local traditions and conceptions of justice become more important.

In Timor Leste, for example, Patrick Burgess examines that country's innovative approach to reconciliation, the Commission for Reception, Truth and Reconciliation (CAVR). The CAVR is a thoroughly grassroots approach, providing a space for perpetrators and victims to devise a solution for reconciliation and reintegration into the communities. The idea behind this was to allow the East Timorese to demonstrate to the international community and themselves that they had the capacity to address these issues as well as to provide a cheaper, ostensibly more efficient process for reconciliation. However, while significant strides have been made toward healing, the Timorese have been unable to bring the worst perpetrators to justice; this is due to the inability of the national government to put into place effective legal institutions.

Probably the most well known example of the co-existence of local and international levels of justice is in Rwanda, as Timothy Longman's essay demonstrates. The International Criminal Tribunal for Rwanda (ICTR) was set up soon after the 1994 genocide; however, despite some success, significant problems inhere in the ICTR and, in fact, the national Rwandan criminal justice system. Both are based on Western legal traditions, and many feel that the process has been hijacked by international political concerns that have little to do with the genocide itself. As an alternative judicial response, the government of Rwanda turned to a traditional dispute resolution mechanism, the *gacaca*. Longman concludes in his essay that though there are some concerns over the logistics of the *gacaca*, there is nothing inherent in the process that goes against the protection of human rights; moreover, it seems to be an altogether adequate expression of Rwanda's right to establish judicial institutions consistent with that country's own country and tradition.

Other essays in this section include essays on Iraq and Afghanistan, as well as essays on Chad and Argentina. Each bring to light the challenges of and potential for overlapping levels of justice to end domestic impunity.

Transitional Justice in the 21st Century is an illuminating world tour of various transitional justice efforts over the last ten to fifteen years. Each essay provides enough historical context to understand the origins of both the conflict and the resulting legal institutions that arose to address the end of the conflict. Furthermore, though the introduction speaks about the theoretical debate in academic circles around transitional justice issues, thankfully these essays remain firmly grounded in fact and reality.

The Impact of Human Rights Law on Armed Forces, by Peter Rowe. New York, New York: Cambridge University Press, 2006. Pp. xi, 259. $95.00 (hardcover), $45.00 (paperback).

ORAN EBEL

In the sixty years since the conclusion of World War II, armed forces have been deployed in situations in which the goals were far removed from those which define traditional state-versus-state warfare. At the same time, the proliferation of international human rights instruments reflects emerging international norms of state behavior that can constrain the actions armies may take. In *The Impact of Human Rights Law on Armed Forces*, Peter Rowe attempts a comprehensive mapping of the landscape where armed forces and human rights law (and norms) interact in the twenty-first century.

Rowe attempts to carve out a space for human rights law in situations of armed conflict—legal ground traditionally dominated by international humanitarian law. He distinguishes the two bodies of law along lines of rights enforcement: Human rights law grants the individual the power to vindicate positive rights against a state, whereas international humanitarian law creates legal obligations for states that are more difficult, if not impossible, for individuals to enforce. Rowe uses the example of prisoner-of-war status under the Geneva Conventions—states are obliged to grant prisoners of war certain rights under international law, but an individual soldier would find it extremely difficult to hold a state to this obli-

gation through legal means. Additionally, international humanitarian law primarily aims to hold individuals accountable for transgressions, while human rights law provides for states' liability to individuals whose rights have been infringed. The two bodies of law may converge, Rowe argues, in situations of armed conflict where international humanitarian obligations may be enforced against a state using relevant human rights treaties.

Rowe also warns against permitting human rights law to unduly usurp the central role that international humanitarian law plays in regulating warfare. Rather, he asserts that the two bodies of law are complimentary and should not be overextended to situations where they were not envisioned to apply. International humanitarian law has been successfully applied in past conflicts, constraining actors through both the pull of its normative claims and threat of its punitive teeth. Although he does not articulate it explicitly, Rowe seems to fear that an overextension of human rights law could undermine the common normative goals it shares with international humanitarian law.

The book is divided in half thematically, with the first three chapters devoted to discussing the human rights of soldiers serving in the armed forces. Rowe identifies several dynamics unique to armed forces that constrain the application of human rights law. First, the interests of individual soldiers are necessarily subordinated to that of the armed forces in general, lest the needs of the part jeopardize the purpose of the whole. Second, the hierarchical structure of most armed forces precludes the completely equal treatment of soldiers of different ranks. Equal treatment of all under the law is, however, fundamental to most human rights law. Rowe also makes an intriguing distinction between conscript and volunteer soldiers that international humanitarian does not, and argues that belligerent states might be required under human rights law to alter their conduct of war against a force made up of unwilling conscripts rather than volunteers. He also presents the idea that voluntary military service might constitute a waiver of certain rights (say, freedom of expression). Rowe does acknowledge the wide array of legal and practical barriers that prevent a soldier from enforcing provisions of human rights treaties against his own state.

Rowe discusses the human rights of soldiers by identifying various rights and presenting hypothetical situations in which a state may violate them. Some situations seem more far-fetched and thus less probative of real-world interactions between human rights law and armed forces. For example, Rowe considers a soldier's confinement in barracks for an inordinate amount of time with no legitimate military purpose as an impermissible deprivation of liberty. While a plausible scenario, this contributes significantly less to the book than other discussions, such as how the right to privacy conflicts with rules governing sexual relationships in the armed forces, especially those between soldiers of differing ranks. Rowe does base many of his factual scenarios on actual cases, but some discussion of the frequency or gravity of rights violations would give the reader some needed perspective. This format recurs in later chapters and, though a useful tool, creates difficulties for maintaining a narrative flow.

Two chapters are devoted to military discipline and the use of military courts against soldiers and civilians, a salient issue owing to the legal controversies over the United States' prosecution of its war on terror. Applying human rights law to the context of the disciplinary processes of armed forces, Rowe generally concludes that military courts which are sufficiently independent and impartial from a human rights standpoint would overcome any treaty-based actions available to a soldier. This also seems the prime factor in Rowe's unsurprising aversion to the U.S. policy of trying unlawful enemy combatants by military commissions. Rowe does, however, concede that military courts could be sufficiently impartial to try civilians for crimes related to terrorism or other offenses.

The last three chapters address the more conventional application of human rights law to international armed conflict, non-international armed conflict (and civil disorders), and the deployment of multinational forces on the territory of another state. Rowe reiterates his belief that human rights law has some application during armed conflict but aptly points out that soldiers are more likely to be familiar with international humanitarian law. Applied to armed conflicts since the early twentieth century, international humanitarian law, through the Geneva Conventions and other instruments, is part of military training the world over. As Rowe points out, some countries may be less willing to ratify human rights instruments that

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apply during armed conflict, as the risk of violating human rights is more pronounced during times of conflict. Rowe also points out a vital distinction between the two bodies of law—human rights instruments often provide for derogation in certain circumstances, which could assuage the concerns of states who would not want to be held to the same human rights standards in peace and war.

Rowe highlights the difficulty in applying human rights law to armed conflict through his discussion of the right to life. For example, the 1950 European Convention on Human Rights permits the deprivation of life as long as the amount of force used was no more than absolutely necessary, and was used to defend a person from unlawful violence. It would be unrealistic to try to hold belligerent states to a legal standard of only using the amount of force absolutely necessary to achieve their objectives. Furthermore, as Rowe points out, combat between soldiers of belligerent states does not constitute "unlawful violence" under international humanitarian law, so the applicability of this right would be tenuous at best. Alternately, a state could violate the right to life of its own soldiers in extreme circumstances (by sending them on a suicidal attack for no military purpose) although there are great difficulties in discerning this type of scenario. Moreover, if it were possible for a soldier to bring such a claim, armed forces might have to compensate by using other, more destructive methods (i.e. aerial bombardment of civilian areas) to avoid transgressing the human rights of its own soldiers. Many difficulties stand in the way of applying these rights in the context of international armed conflict.

Human rights law may play a more important role in non-international armed conflict, Rowe suggests, due to the greater likelihood of civilian involvement. Furthermore, the normative goals of human rights instruments are more likely to be realized in this context since military law, national law, human rights law, and humanitarian law may all apply to the conflict. There is an additional problem of discerning the point at which civil disorder becomes armed conflict and thus susceptible to the application of international humanitarian law. Rowe points out that adherence to human rights law could occur owing to pressure from the international community, or if the rebel group aspired to legitimacy on par with the sovereign government.

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The closest Rowe comes to a central thesis is the articulated hope that this book will show human rights law to be complementary rather than detrimental to the mission of armed forces through controlling the actions of soldiers and thereby improving discipline. The lack of a thesis gives the book a meandering feel. Rowe's precatory statement about the possible disciplinary application of human rights law is compelling, and he presumably envisions its implementation proceeding along the same lines as the Geneva Conventions as they became fundamental to the conduct of armed forces in the twentieth century. Although Rowe does not explicitly make the connection, the successful inculcation of human rights norms among twenty-first century soldiers could alleviate the difficulties of the military and legal situations into which states deploy their armed forces today. However, the implementation of human rights law and realization of its norms is a decision made by civilian authorities, not the boots on the ground.

The Global Cold War, by Odd Arne Westad. New York, New York: Cambridge University Press, 2005. Pp. xiv, 407. $35.00 (hardcover).

GENEVIEVE BEYEA

The Global Cold War, a sweeping account of superpower interventions in the Third World (a now-outdated term that the author uses because, he explains, it is "chronologically well-attuned . . . to the topic covered") from 1945 to 1989, joins the ranks of Odd Arne Westad's already impressive collection of works on contemporary international history. Billed as a "presentist" history, this authoritative reevaluation of twentieth century international politics seeks to explain the lasting effects of Soviet and American Cold War policy on the world today. Westad offers a compelling argument in support of his thesis that the United States and the Soviet Union were driven to intervene in the Third World during the Cold War by the ideologies inherent in their politics and their differing conceptions of what it meant to be a successor to European modernity. To Westad, the most important aspects of the Cold War were not the bipolar struggles for military power and strategic influence, but rather the effect Soviet and American in-

terventionism had on the social and political development of the Third World. This is the basis for his secondary thesis that most Cold War interventions have had long-lasting and disastrous effects for the countries that were their targets.

Westad carefully builds his case for the role of ideology in Cold War interventionism, dedicating his first three chapters to examining the development of American foreign policy, Soviet ideology, and the rise of anti-colonial movements in the Third World. In the first chapter, Westad characterizes the United States as an interventionist power since its inception as a nation. Like the British Empire before it, U.S. foreign policy was based on territorial expansion. Westad further highlights two inherent features of American society that help to explain U.S. interventionism in the Third World during the Cold War: First, American emphasis on the individual has made it a profoundly anti-collectivist society. Free market capitalism as a logical extension of the virtues of liberty and individualism also set the United States on a path inherently at odds with Marxist thought. Second, the American faith in its own universality as a model for progress stemmed directly from its founding on the "scientific principles" of the Enlightenment. The resulting emphasis on science, rationalism, and modernity informed American attitudes towards "traditional" cultures.

Just as the United States can be seen as inheriting the foreign policy of the British Empire, so the Bolsheviks in 1917 were heirs to the expansionist Russian Empire. Also like the American state, the Soviet Union was founded upon a universal ideology that was supposed to provide a model of modernization for the betterment of humankind. In the second chapter of his book, Westad details the origins of Soviet discourse on the Third World. The Bolsheviks inherited a profoundly multicultural empire that had long been subject to a "modernizing" policy of Russification. Lenin's brand of Marxism had no patience for nationalism or religion, however. Under his leadership, minorities were to be reincorporated into the empire as part of the Soviet project, and indeed the primary purpose of the Soviet revolution was to prepare the ground for other revolutions around the world.

The end of World War I marked not only the birth of the Soviet Union but also the beginning of the end for European imperialism in Africa and Asia. Noting the distinct origins of

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the decolonization process and the superpower conflict in spite of their conjunction in time, Westad nonetheless emphasizes that one cannot be understood without the other: "The forming of anti-colonial revolutionary movements and of Third World states is inextricably linked to the Cold War." In his third chapter, Westad details the rise of Third World anti-colonial movements, beginning with a brief summary of the tragic toll of the colonial wars in terms of death and destruction, and also in terms of the supplanting of colonized peoples' cultures with the worldviews of the colonizers. The Great War signified a crisis in the colonial system, undermining any faith colonized peoples may have had in European superiority. Westad outlines two general approaches to the burgeoning resistance movement: Marxism and nativism. Marxism, of course, was inspired by the Soviet model. Nativism was a second alternative to European imperialist rule, "based on concepts of identity or nation." Westad points out that few resistance movements wholly embraced one approach over the other, and individual leaders borrowed freely from both U.S. and Soviet ideology, such as the Vietnamese Marxist revolutionary Ho Chi Minh who quoted the American Declaration of Independence when he declared Vietnam independent from France in 1945.

As well as detailing the ideological underpinnings of the anti-colonial movement, Westad's third chapter addresses his secondary thesis on the effects of intervention in the Third World. The models of development presented by the two superpowers that emerged from the ashes of World War II seemingly offered a road to modernity for new nations. However, Third World leaders still found themselves economically dependent on the West. This state of affairs made the Third World ripe for superpower involvement, which was often actively courted by leaders of the new states. However, Westad argues that the "availability of powerful outside backers later became a key element of instability within Third World states," helping to create "lasting rebellions and insurgencies after decolonization." This sub-thesis is further developed throughout the rest of the book as Westad masterfully outlines specific key interventions in the Third World by the two superpowers.

Chapters Four and Five focus on the interrelationship between the growing success of the anti-colonial resistance movements and U.S. interventionism, in more or less chronological

order. In this section, Westad seeks to explain why the U.S. intervened so frequently in the Third World during the Cold War. Of course, Washington's anti-Communist agenda was part of the equation, but Westad also highlights the exceptional interventionist capabilities of the nation, in terms of economic and military power as well as ideology. He argues that American intervention in the Third World began slowly, initially as a *defense* to Communist or left-wing movements, in fulfillment of what Washington saw as its responsibility for a global capitalist system. Though many new nations in the years immediately following World War II looked to the U.S. for direction even while it was preoccupied with Europe and the Marshall Plan, U.S. enthusiasm for their independence was "tempered by its fear of Communism." Westad argues that early postwar American policies thus contributed to the extreme inequality that has since existed between the developed capitalist states and the Third World.

In the sixth and seventh chapters of his book, Westad describes key cases of interventionism in Africa that support both his emphasis on ideology as a driver of interventionism as well as his secondary thesis on the disastrous effects of that interventionism. He argues that superpower attention would not have turned to Southern Africa had it not been for the Marxist tendencies of many of the resistance movements. As a result, when fighting cropped up in nearly every country south of the Sahara in the 1960s and 1970s, the warring sides were often backed in some manner by one or both of the superpowers. Then in 1978, the Soviet Union intervened in Ethiopia in support of a Marxist-inspired revolution. In response, the United States indirectly supported Ethiopian archenemy Somalia, and the escalating interventionism had "apocalyptic consequences" for the people of the Horn of Africa: years of crippling famine in Ethiopia, and ongoing violent anarchy in Somalia.

In Chapter Eight, Westad details early Cold War interventions in Iran and Afghanistan, setting the stage for the Islamist takeovers that would occur in both nations, in direct defiance of the Cold War order imposed by the superpowers. According to Westad, both the U.S. intervention in Iran and the Soviet intervention in Afghanistan failed in part because of the superpowers' inability to look at those revolutions outside the Cold War framework they themselves had created. Westad

also details some of the long-lasting effects of the superpower response to the Islamist revolutions: The Afghan war delegitimized leftist politics to many Muslim nations, who turned away from political revolution to terrorism; Cold War resentments still fuel Al Qaeda to this day. This chapter paints a frightening picture of how interventionism in the Muslim world backfired.

The final two chapters and conclusion detail Third World interventionism under U.S. President Ronald Reagan and Soviet leader Mikhail Gorbachev in the 1980s. This period marked the triumph of American capitalist ideology, caused in part by the perceived success of capitalism in parts of East Asia and the failed promise of Soviet development, as even the Soviet Union's economic growth stagnated. Interventionism became increasingly unpopular in both Soviet and American domestic politics. As a result of this domestic distaste for interventionism, President Reagan meddled secretly in Central America, with disastrous effects for the people of the region. Soviet policy in the 1980s, on the other hand, was hopelessly mired in the unpopular war in Afghanistan. At the same time, Marxist critiques of Soviet foreign policy became increasingly popular. Westad describes this shift in ideology under Gorbachev as marking the end of Soviet interventionism, preceding the end of the Soviet Union itself.

The conclusions Westad draws at the end of the book have astonishing implications for world affairs today. His focus on the ideologies of the two Cold War superpowers places their interventionist policies on a continuum with the European colonial ideology that preceded it. This, he says, is the "tragedy of Cold War history"—that because of a deep ideological conflict and the perceived stakes involved, two projects of anti-colonial origin became part of an older pattern of domination. He also notes that, at least as far as the United States is concerned, the continuum reaches into the present day. The extreme post-September 2001 interventionism of the United States is not an aberration, but a continuation of American policy during the Cold War. Indeed, its record of interventionism as portrayed by Westad is dismal. This is the real significance of Westad's far-reaching historical analysis in The Global Cold War: Without a solid understanding of Cold War interventionism, understanding—and changing—the current state of world affairs is impossible.

Democracy, Society and the Governance of Security, edited by Jennifer Wood and Benoit Dupont. New York, New York: Cambridge University Press, 2006. Pp. 291. $75.00 (hardcover).

SOPHIE WALKER

When examining the mechanisms involved in the promotion of security, Jennifer Wood and Benoit Dupont, editors of *Democracy, Society and the Governance of Society*, contend that it is no longer accurate to look to the state alone. The disintegration of the hierarchical Westphalian state system has led to the emergence of a large number of non-state actors who are now responsible for providing security to society. Examples of such actors include private contractors in security forces, or community-based security guard schemes.

Although it is widely accepted that we must look beyond the state to discover the source of security provision, there is still uncertainty as to how the different security providers interact with each other. Wood and Dupont analyze this new form of security governance in terms of the formation of networks consisting of non-state actors or "nodes." The aim of the book is to eludicate the operation, ambit, and effect of the realities of "nodal governance." In order for the nodes to be successful providers of security, they should operate within the network with the shared objective: to achieve democratic values and the common good.

The book opens with a chapter by Clifford Shearing, who examines the role of "private governments," or non-state entities. Such entities operate under the auspices of the state but must also be considered as providers of governance in their own right. These private quasi-governments "attempt to shape and influence the conduct of individuals, groups and populations" in order to enhance their profit margins. Shearing is highly critical of the neo-liberal enterprise, which argues that states "can and should maintain their position as the sole auspice of governance while devolving provision to others." If the activities of private governments are obscured from public scrutiny, regulation and accountability will become close to impossible.

In Chapter Two, Lee Johnston presents an ambitious discussion of corporate involvement in the military and

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peacekeeping. He contends that the problem with perceiving of security governance through the nodal network is that it is not possible to demonstrate the pressures that one node can bring to bear on another node. A non-state entity, may, in reality, be a site where government interest can be realized. As such, we should be wary of overemphasising the fluid and shifting alliances of security providers, whose services are sold to the highest bidder. Johnston demonstrates the need for a closer analysis of the networks that connect these nodes, in order to consider whether nodes can be considered independent, or an agent of a stronger node within the framework. It is necessary to discern these power structures within the nodal paradigm to ensure the greater accountibility of security providers to society.

In the third chapter, Peter K. Manning seizes hold of a key theme in security governance: the tendency to "selectively dramatize risk." In his comparison of the security operations surrounding the Winter Olympics of 2002 in Salt Lake City and the Democratic Conference held in Boston in July 2004, Manning looks into the reaction of security providers to uncertain risk. He found that the security providers were relying on old techniques to stave off known threats, rather than changing their practices to prepare to respond directly to the terrorist threat. Due to the failure of U.S. authorities to reconfigure policing in order to accommodate the new terrorist threat, not only does the actual risk of attack rise, but the manner in which the terrorist threat is discussed by security providers makes society feel less rather than more secure. Security providers not only fail to provide security but fail to make the individuals under their care feel more secure.

Benoit Dupont examines, in the fourth chapter, how the networks between the nodes are fraught with power struggles that disrupt their ability to provide security governance. By pointing to the different players involved in Australian policing, he outlines the conflicting aims of the nodes and the changing perceptions each node has of its own position within the organizational field. Dupont recommends further investigation of the networks through the collection of attribute and relational data on these security providers, to help unravel their interests and constraints. Only then will it be possible, he claims, for the nodes to place the common good as the central objective within governance of security.

An important means of security provision, too often overlooked, is the use of what Adam Crawford terms "club goods." These are quasi-public goods, access to which is acquired only through being a member of that club. Prime examples of "clubbing" include neighborhood watch schemes or gated communities. State policing becomes a "background asset." There is a resultant fear that club goods will pull against any movement that seeks to re-establish policing for the public good. The danger of these members-only forms of security is highlighted by Monique Marks and Andrew Goldsmith, in Chapter Five, who examine the difficulties in reforming the police in post-apartheid South Africa. The combined factors of the fragmentation of state control, residual policing, and the growth of powerful and exclusive clubs make it harder for police forces to recognize their responsibility as the primary security providers and to anchor themselves firmly in democratic values.

Flowing from the Marks and Goldsmith chapter, which illustrates the need to place the state back into the center of security provision in South Africa, Ian Loader and Neil Walker point out that not enough attention has been paid to the continuing positive contribution which the state makes to security governance. They accept that the state tends to meddle, cannot be viewed as a neutral arbiter, and frequently becomes a cultural monolith that makes life difficult for those who do not conform to the norms it encourages. On the other hand, they assert that "the security of the individual depends in some significant fashion upon the security of others and thus the very idea of private security is oxymoronic." Part of our daily monitoring of our own security is dependent upon the security of others.

In the words of Jeremy Waldron, "the value of security for human society cannot be adequately characterised in terms of its worth to any or all of the members of that society considered one by one." The effective supply of security as a social good must then flow at least at some level from the constitutive political community. Loader and Walker conclude that it is the states who have the ability to provide this constitutive framework. However, in order to do this in a non-meddlesome manner, first, there must be a higher degree of openness and second, the state must recognize that it may be preferable that ordering and cultural work occur at other sites of collec-

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tive security. It would have been helpful here for the authors to go into more detail about the nature of these other sites and about how all the nodes can re-align their acitivities in terms of common goods. This would enable us to understand how the complex networks between different nodes function and how these nodes can be encouraged to embrace a more collective regime.

Scott Burris's chapter on the impact of security on health fits in neatly with the Loader and Walker chapter. Burris examines the Zwelethemba model developed in South Africa that provided a simple code to facilitate community mediation and the work of peace committees. These committees were not questioning the role of state security provision. They filled a gap in governance at the local level by enabling communities to take a proactive role in improving their collective security.

The final chapter, by Jennifer Wood, makes significant advances in the explanatory mapping of the networks between different nodes. Wood argues that not only must one map the nodes and networks of security providers, but also the networks of *insecurity*. She also emphasizes the need to look for missing nodes. These are marginalized individuals and groups who are currently not participating in governance processes and are an important part of the insecurity network.

As David Garland succinctly states, this is a project within the "messy realm of practices and relations." This book shines a shard of light through competing sociological theories and explains first why and then how the state should be placed back in the center of the security constellation. The phrase "security constellation" is useful in shifting our understanding away from the breakdown of the traditional hierachical structure of security governance, and it enables us to explore the spheres of influence emanating from each node of governance that alters the course of the nodes surrounding it. To prevent security providers from becoming part of the network of insecurity, it is necessary to realign the nodes to ensure the achievement of democratic values and the common good are a common touchstone to all. It can be argued that this will only be achieved when the state regains its place at the center of this framework, with other nodes orbiting around this focal point.

Multinationals and Corporate Social Responsibility: Limitations and Opportunities in International Law, by Jennifer A. Zerk. Cambridge, England: Cambridge University Press, 2006. Pp. 335. $90.00 (hardcover).

TAFADZWA PASIPANODYA

In 1970, one of the most influential economists of the twentieth century, Milton Friedman, called corporate social responsibility (CSR) "a fundamentally subversive doctrine in a free society," insisting that "there is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud." In December 2006, Mother Jones magazine echoed the skepticism of some who fear CSR is more about corporate public relations than social justice: "But mostly we need politics of a more straightforward, and entirely unglamorous, variety. If you want energy companies to rearrange their portfolios so that way more money goes to renewables and way less to hydrocarbons, the best way forward is not to appeal to the CEO's conscience—it's to pass laws to push him in the right direction." Yet CSR's unrelenting growth is a testament to the support it has garnered among both the businesses that are its targets and the activists who have been at the forefront of using it to encourage corporations to be socially accountable.

The jury is still out on the ultimate impact of CSR and indeed we have yet to agree on how to simply define CSR, but Jennifer Zerk's book is an excellent exploration of the movement's history and potential from a British international lawyer's perspective. Zerk's core argument is that while international law has its limitations, it presents various opportunities to further the welfare of people and communities affected by multinationals. She asserts that these opportunities are emerging as a result of "the growing willingness of 'home states' to consider strategies to regulate the performance of multinationals beyond national borders" and "the intensification of efforts at the international level to develop global ethical standards for business."

The first part of the book offers a thorough history of CSR and an introduction to international law as it relates to CSR.

Zerk begins by addressing the reasons why people are concerned with corporations and how these reasons have evolved over time. She notes that while there have been some moral concerns about corporations for centuries, it is only recently that the term CSR has been associated with a recognizable social movement. This modern CSR movement began building momentum when inter-governmental efforts to improve trade and investment conditions for multinationals blossomed. Similar efforts to design an international framework for social and environmental regulation of multinationals generally failed. In response, the CSR movement seeks to hold multinationals "accountable towards workers, communities and consumers within a political, economic and legal framework that is skewed towards the protection of economic interests." According to Zerk, corporations have been forced to respond to the CSR movement, and that "for CSR campaigners in Western Europe and the USA, the first battle has been largely won." Thus, she asserts, the "nature of the CSR debate has now moved on—from 'why?' be socially responsible, 'to how?'"

Zerk considers the difficulty of defining "corporate social responsibility," noting that while some like to emphasize voluntary obligations over mandatory legal ones, her working definition of CSR is a business enterprise's "responsibility to operate ethically and in accordance with its legal obligations and to strive to minimise any adverse effects of its operations and activities on the environment, society and health." While the definition potentially covers a wide range of concerns, Zerk consciously focuses on treatment of workers, environmental issues, and consumer protection.

In order to substantiate her argument that the primary obstacles to effective international CSR regulations of multinationals are political rather than legal, Zerk provides a helpful analysis of international law and the place of multinationals within it. After a basic introduction to international law, she describes both direct and indirect human rights regulation of multinationals and the role of non-state actors in the development of international CSR principles for multinationals. Zerk asserts that even though it is the practice of states that is central for creating customary international law, non-state actors can and do propose new CSR norms which can become binding customary norms if they become reflected in state action.

She also discusses in detail how jurisdiction affects the future of international CSR regulation of multinationals.

The main part of the book analyzes state practice to see if it gives any indication that new norms of international law are currently under development. Part II provides an extensive examination of progress on CSR made at the national level, with a focus on the United Kingdom and the United States. She begins by considering why home states have an interest in foreign CSR standards of multinationals, and then discusses current extraterritorial regulatory techniques. She suggests that for now extraterritorial CSR initiatives are being introduced as a result of political and economic self-interest as well as ethical and moral concerns, rather than out of a sense of legal compulsion. She describes a range of different regulatory methods that home states are experimenting with, including mandatory CSR reporting, the use of incentive schemes such as linking access to government assistance with CSR performance, obligations to share information about risks and hazards, social and "eco" labels, and protection for whistleblowers.

Zerk also analyzes how private claims for personal injury and environmental harm have been used in home countries as a source of regulatory pressure on multinationals. She notes that while foreign direct liability is a nascent field, multinationals have taken this new litigation threat seriously. She surveys notable private law claim cases and describes how common law tort claims and the U.S. Alien Tort Claims Act are currently being used in home states to hold parent companies accountable for the actions of their affiliates abroad. She explains how, contrary to popular belief, the doctrine of "separate corporate personality" does not give parent companies general immunity from the consequences of its foreign subsidiaries. Primary liability, vicarious liability, secondary liability, and enterprise liability are all theories that a plaintiff can potentially use to hold a parent company liable for harm arising out of foreign affiliates' activities. She also discusses how substantive rules of parent liability such as forum non conveniens can impose challenges on foreign direct liability.

The final part of the book explores the implications of developing state practice and various international initiatives for an international body of law on CSR. She begins with a brief history of international CSR standards for multinationals,

and then discusses emerging legal principles and their potential. She also describes precedents in international CSR regulation, such as the 1997 OECD Bribery Convention, the 1999 ILO Child Labor Convention, and the 2003 Framework Convention on Tobacco Control, which could inform further CSR legal developments. While recognizing that an overarching multilateral treaty on CSR seems unlikely at present, she insists that "there is nothing in principle that would prevent this from happening, given enough commitment from states." Zerk concludes that rather than inhibiting regulatory solutions, international law offers a potentially vital response to CSR. While acknowledging international law's inherent limitations arising from its state-centeredness, Zerk believes that international developments in the CSR field demonstrate the capacity of international law to respond to new problems and novel actors.

While Zerk's book is likely to be very helpful for anyone seeking an introduction to corporate social responsibility and what it means for multinationals, their home states and international law, it is not without its shortcomings. A primary one is its reluctance to seriously consider the political concerns which, it asserts, hinder CSR regulation, despite the fact that its central theme is that the barriers to improved CSR regulation are political rather than legal. As a result, the reader is left uncertain about the nature of these political barriers and how, or if, they could be overcome. A serious discussion of these issues may have also mitigated the feeling one gets that the book is overly optimistic about the potential of an overarching international body of law on CSR. In addition, the book addresses the many skeptics of corporate social responsibility in a rather cursory manner. Zerk could have gone further in explaining the skeptical perspectives and showing evidence of real progress in the way multinationals are behaving in host countries. While considering a multitude of initiatives underway in home states, the author's general reluctance to consider the perspective of host states and the communities affected by the multinationals can leave the reader wondering whether all the changes on paper have had significant impact in reality.