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Human Rights and the Global Marketplace: Economic, Social and Cultural Dimensions

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BOOK REVIEWS

Jeanne M. Woods & Hope Lewis, *Human Rights and the Global Marketplace: Economic, Social and Cultural Dimensions* (Ardsley, NY, Transnational Publishers 2005); ISBN 1571052747; 959 pp.

The human rights community has waited a long time for *Human Rights and the Global Marketplace*, which explicates—and vindicates—long-neglected economic, social and cultural rights.¹ It provides a thorough and rigorous introduction to their theoretical foundations, a gripping and scholarly account of their historical development, and an illuminating up-to-the-minute guide to their practi-

cal applications throughout the world. It is a stunning achievement.

There have, of course, been precursors, and Professors Jeanne M. Woods and Hope Lewis introduce a new generation of human rights lawyers to the groundbreaking work of Louis Henkin,² Abjörn Eide,³ Philip Alston, and Henry Steiner,⁴ as well as rising stars like Antony Anghie,⁵ Karen Engle,⁶ and Makau wa Mutua.⁷ But this book could not have been written until the dust had settled from the end of the Cold War and it would not be so urgently needed had it appeared before what the authors aptly characterize as the turmoil of globalization. *Human Rights and the Global Marketplace*, in short, is the right book at the right time.⁸

1. The indivisibility of the two Covenants, their necessary interdependence, and the fallacy of asserting the primacy of either, is now well-established in international law, at least in theory. See Indivisibility and Interdependence of Economic, Social, Cultural, Civil and Political Rights, adopted Dec. 15, 1989, G.A. Res. 44/130, U.N. GAOR, 44th Sess., Supp. No. 49, ¶ 209, U.N. Doc. A/RES/44/130 (1989). For a concise discussion of the shift in international priorities represented by this resolution, see Peter Meyer, *THE INTERNATIONAL BILL: A BRIEF HISTORY*, in *THE INTERNATIONAL BILL OF HUMAN RIGHTS* xxiii, xxxv (Paul Williams ed., 1981). See also Louis Henkin, Preface, in *HUMAN RIGHTS: An Agenda for the Next Century* (Louis Henkin & John Lawrence 1994). ("It is necessary to reaffirm what should never have been questioned—that human rights are indivisible and interdependent.").
2. JEANNE M. WOODS & HOPE LEWIS, *HUMAN RIGHTS AND THE GLOBAL MARKETPLACE: ECONOMIC, SOCIAL AND CULTURAL DIMENSIONS* 101(2005); See also LOUIS HENKIN, GERALD L. NEUMAN, DIANE F. ORENTLICHER & DAVID W. LEEBRON, *HUMAN RIGHTS* (1999).
3. *HUMAN RIGHTS AND THE GLOBAL MARKETPLACE*, *supra* note 2, at 158; Other noteworthy works include: MATTHEW C.R. CRAVEN, *THE INTERNATIONAL COVENANT ON ECONOMIC AND SOCIAL RIGHTS: A PERSPECTIVE ON ITS DEVELOPMENT* (1995); *THE IMPLEMENTATION OF ECONOMIC, SOCIAL & CULTURAL RIGHTS: NATIONAL, INTERNATIONAL AND COMPARATIVE PERSPECTIVES* (Franz Matscher ed., 1991).
4. *HUMAN RIGHTS AND THE GLOBAL MARKETPLACE*, *supra* note 2, at 102; See also HENRY J. STEINER & PHILIP ALSTON, *INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS* (2d ed. 2000).
5. *HUMAN RIGHTS AND THE GLOBAL MARKETPLACE*, *supra* note 2, at 357.
6. *Id.* at 149.
7. *Id.* at 124.
8. See also EMMA COLEMAN JORDAN & ANGELA P. HARRIS, *ECONOMIC JUSTICE: RACE, GENDER, IDENTITY AND ECONOMICS* (2005) (addressing similar issues through a more domestic lens).

Even as globalization has brought unprecedented prosperity to some, it has brought unprecedented impoverishment to many. The polarization between the richest and the poorest is enormous, and growing. The Preface notes the tension between resistance to rights and the selective neoliberal embrace of some rights and asks whether post-World War II frameworks can in fact respond to twenty-first century realities. Even if economic, social and cultural rights are requisite to the enjoyment of any rights, how can they be assured for the most vulnerable? *Human Rights and the Global Marketplace* provides a powerful set of analytic tools for justifying, understanding, and realizing these rights. This review describes the scope and organization of the project, noting some of the highlights and the daunting problems that remain.

The book is divided into four free-standing but complementary parts: *I. Discursive Themes*, *II. International Instruments and Their Implementation*, *III. Power, Politics, and Poverty: Structural Challenges to the Realization of Economic, Social and Cultural Rights*, and *IV. Comparative Approaches*. As the authors helpfully illustrate in their Preface, this modular structure offers instructors a broad range of options. Once the foundational material of the first part is grasped, the instructor can proceed to any of the other parts, depending on the objectives of the course. Drawing on politics, economics, history, philosophy, and law, each part carefully builds on the reader's knowledge, making an otherwise overwhelming range of material manageable. The result is a volume that serves

both as a student-friendly introduction to a complex and unfamiliar area of the law, and as an invaluable resource for scholars with a working knowledge of economic rights in general seeking a more recondite grasp of a particular right or application.

Part I introduces the major themes of the volume and serves as a compelling introduction to human rights, accessible to undergraduates but equally rewarding for more sophisticated graduate and law students. Chapter 1, *Global Narratives/Global Realities*, begins with a collection of unforgettable stories, vividly illustrating the effects of the denial of economic rights.⁹ As philosopher Richard Rorty observes, such stories drive human rights by enabling the reader to emphasize with those denied them.¹⁰ They teach compassion.

Lewis and Woods are demanding teachers, however, and these stories and data are also intended to stimulate rigorous analysis and challenge feel-good assumptions. The materials in Chapter 1 begin with three provocative questions: (1) Why should any of these issues rise to the level of a human rights concern?; (2) If the problems described are human rights violations, who are the respective rights-holders and duty-holders and what remedies would be appropriate?; and (3) How would you rank the issues in comparison to classic violations of civil and political rights, for example, reports of torture of political prisoners?¹¹ The authors suggest that students revisit these questions as they "continue [their] journey through the book."¹² If students are engaged by these materials, and they should be, these

9. This very effective method of introduction is also used in STEINER & ALSTON, *supra* note 4, at 3–17 (beginning with a series of "global snapshots").

10. Richard Rorty, *Human Rights, Rationality, and Sentimentality*, in *ON HUMAN RIGHTS* 111, 128 (Stephen Shute & Susan Hurley eds., 1993).

11. HUMAN RIGHTS AND THE GLOBAL MARKETPLACE, *supra* note 2, at 3.

12. *Id.*

questions may well engage them for life. As other human rights texts have shown, a human rights perspective can transform students' understanding of the world. This book is both more ambitious and more subversive, however, because its human rights framework puts economic rights at the very center of the analysis. It not only transforms students into human rights advocates, but transforms our basic understanding of human rights. It is a deeply original and galvanizing work.

The stories are remarkable for their scope, from the persecution of raped women in Pakistan (imprisoned or worse) to the "education guarantee" program in India, under which any village which asks for teachers and books to combat illiteracy gets them. An excerpt describes the "mindless cheering" of anti-globalization protesters in Cancun, oblivious to the impact of the disruption of the WTO talks on the poorest countries. These are rich, dense, and challenging materials. But the authors push students even further, raising questions that require a bit more research and considerably more thought: "Who are the primary beneficiaries of agriculture subsidies, the family farmer or agribusiness?" Students are encouraged to support their responses by the excellent directory of web resources at the end of Chapter 1.

Chapter 2, *Theoretical Paradigms*, is one of the longest chapters and one of the most rewarding. The underlying theory of human rights is often a hard-sell to idealistic students, for whom the urgency of human rights is self-evident.

The poignant stories set out in Chapter 1 are likely to make them even more impatient to get on with the nuts-and-bolts, the legal mechanisms that will eliminate injustice and assure the human rights that the students do not question. But if theory was ever a luxury,¹³ it is not a luxury now.

Human rights are increasingly challenged as a western imposition—"free market democracy" is viewed by many as neocolonialism. There is growing skepticism toward Western claims to moral authority.¹⁴ Anyone who promotes human rights, accordingly, needs a solid understanding of the justifications for doing so. *Human Rights and the Global Marketplace* begins with the normative antecedents of economic rights. Many have noted the influence of religious norms on human rights;¹⁵ Woods and Lewis include not only the familiar Judeo-Christian and Muslim sources, but Buddhist beliefs about religious giving and African spiritual traditions as well.

Religion focuses on the moral obligation of the individual to provide charity. "Rights" are neither directed to individuals (or civil society), nor are they appeals for charity. Rather, they are legally cognizable claims against the State. What is a State? Where does it come from? What is the source of its authority and legitimacy? What are its obligations to its people and how are these obligations fulfilled? These are profound questions, and Aristotle, Kant, and Locke remain instructive. The excerpts here, however, are not the familiar paens to civil and

13. I agree with Catherine Mackinnon that it is not. Catherine Mackinnon, *Theory is Not a Luxury*, in *RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW* (Dorinda G. Dallmeyer ed., 1993).

14. As former Secretary of State Colin Powell recently observed, for example, the President's proposal for the interrogation of suspected terrorists would encourage other nations to question the "moral basis of our fight against terrorism." *Fallout* Sept. 10-16, N.Y. TIMES, 17 Sept. 2006, at 2.

15. HENKIN ET AL., *supra* note 2; STEINER & ALSTON, *supra* note 4.

political rights but are culled from their less well known works. Thus, Woods and Lewis situate economic rights in the human rights canon even as they transform our understanding of it. The authors also draw on a wealth of comparative traditions, including the Soviet Constitution of 1936 and the Mexican Constitution. The excerpts from the Papal Encyclicals demonstrate the long-term but often forgotten commitment of the Catholic Church to vulnerable populations.¹⁶

Economic rights have been criticized, of course, by the left as well as the right.¹⁷ The sampling here is sharp and focused, from the American Anthropological Society's challenge to the premise of universalism back in 1947 to the cogent feminist, post-colonial, and critical race critiques.¹⁸ This chapter alone could serve as a text for an intellectually rewarding seminar.

Part I introduces students to the basic elements of economic rights and provides a vocabulary with which to constructively analyze them. It also introduces students to the fundamental legal, political, economic, philosophical, and religious precepts that animate the discourse and bring it to life. Some of these will be familiar to human rights teachers but a great deal of it is new. Lewis and Woods draw on a truly global range of sources and perspectives in part because they are addressing economic and social rights that have long been neglected and also

because their vision of "human rights" is more global, less Western, than that of an earlier generation of human rights scholars.

They also bring a fresh perspective to familiar materials. *The Paquete Habana*, for example, is presented as an economic rights case.¹⁹ Many American international law texts cite this 1900 Supreme Court case for the proposition that "International law is part of our law."²⁰ Lewis and Woods use it to show universal support for the proposition that fishermen had a right to earn a living.

Part II, *International Instruments and Implementation*, is the doctrinal core of the subject and often the focal point of a human rights text or course. The authors provide a concise but thorough introduction to the basic principles and textual sources of international human rights, beginning with the explicit reference to economic, social and cultural rights in Article 55 of the UN Charter.²¹ Like the other human rights instruments cited, the Charter is not set out in a separate supplement or appendix, but incorporated in the main text. This encourages students to read the actual instruments. While students do not have the complete text at hand, US students are likely to have ready access to the internet and the authors helpfully provide addresses.

Students sometimes find human rights treaties abstract. Wood and Lewis address this with a simple exercise requiring them

16. RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW, *supra* note 2, at 64–67.

17. "Rights", according to Karl Marx, are basically a liberal conception, and in fundamental opposition to "species-being", or human solidarity. KARL MARX, ON THE JEWISH QUESTION (1843).

18. RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW, *supra* note 2, at 77.

19. *Id.* at 67.

20. JORDON J. PAUST, JOAN M. FITZPATRICK & JON M. VAN DYKE, INTERNATIONAL LAW AND LITIGATION IN THE U.S. 84 (2000), MARK JANIS & JOHN NOYES, INTERNATIONAL LAW 92 (3d ed. 2006), LORI DAMROSCH ET AL., INTERNATIONAL LAW 63 (4th ed. 2001.)

21. U.N. CHARTER art. 55, signed 26 June 1945, 59 Stat. 1031, T.S. No. 993, 3 Bevans 1153 (entered into force 24 Oct. 1945).

to apply the articles of the Covenant to a specific, concrete subject; i.e., whether there is in fact a "right to water." Some of the questions set out in the text also suggest fruitful paper topics: "What are the philosophical foundations of the ICESCR? Compare the right and principles elaborated in the Covenant to the philosophical, religious, and political principles described in Chapter 2."²² Questions like these can be the basis for a thoughtful class discussion or for a deeper inquiry in the form of a research paper.

The authors demystify economic rights law by explaining the processes through which it is formed. They explain that the Limberg Principles, for example, grew out of a meeting convened in 1986 by international law experts from the International Commission of Jurists, the Urban Morgan Institute, and the University of Limberg to consider the nature and scope of the obligations imposed under the Covenant. The results were updated by another group of human rights experts who met in the Netherlands in 1997. The resulting Maastricht Guidelines, published in 2000, demonstrate the growing importance of economic rights.²³ They observe, for example, that the gap between the rich and the poor has doubled since 1970, with the poorest fifth receiving 1.4 percent of global income and the richest fifth 85 percent.²⁴ Excerpts from the Guidelines, along with the Committee's Comment on *The Nature of State Parties Obligations* clarify the meaning of "violations," which may be passive as well as active, and give students an opportunity to compare and contrast first generation rights regarding

the duties to respect, protect, and fulfill. The authors also provide a brief overview describing the work of the Committee.

Again, they bring the subject to life with a practical problem, affordable housing in the Dominican Republic. By providing the facts (through the Committee's *Concluding Observations on the Dominican Republic's Report*, and also drawing on "detailed and precise information" from NGOs) and the standards (distilled from the Reporting Guidelines as well as the Committee's General Comment No. 4 (1991), *The Right to Adequate Housing*), Lewis and Wood offer an exercise in hands-on problem-solving, especially well-suited to collaborative work: "You have been asked to submit proposals to the President . . . on how the government can (1) respect (2) protect and (3) fulfill the right to housing."²⁵ Students are reminded to "address the specific problems raised in the Observations, and include both legislative and programmatic initiatives for resolving them," while taking into account the General Comment.

Woods and Lewis also draw on some surprising sources. To illustrate the responsible acknowledgment of the ongoing costs of slavery, for example, they provide excerpts from a speech by President George W. Bush on Gorée Island, Senegal in 2003, "My nation's journey toward justice has not been easy and it is not over. The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter experience of other times."²⁶ It is a quiet, heart-stopping moment. Such jewels are

22. RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW, *supra* note 2, at 188.

23. *The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, 20 HUM. RTS. Q. 691 (1998).

24. *Id.* at 194–95.

25. *Id.* at 205.

26. *Id.* at 214–15.

strewn liberally throughout this volume. Thus, despite the divisive rhetoric of the Cold War,²⁷ the authors avoid polemics.

Instead, they focus on constructive engagement with a range of potential constituencies. In addition to the Covenant and its regional counterparts, the authors include relevant portions of the Race Convention, the Women's Convention, and the Children's Convention, showing that economic and social rights are crucial for each and highlighting the relationship between the denial of economic rights and broad forms of political and social subordination. Students will learn that economic rights are also the focus of multiple ILO Conventions. They will come to understand how these varied instruments, drafted over decades and over continents, together constitute a strong and flexible network, albeit a network too often ignored.

The reasons for this are explored in Part III, *Power, Politics, and Poverty: Structural Challengers*. As Professor Alston suggests in a recent article, the UN Millennium Development Goals and human rights share many objectives, yet remain for the most part distinct and uncoordinated projects.²⁸ The same might be said of human rights and development in general. This is not only inefficient, but may well be counterproductive. Chapter 5, *Human Development and Human*

Rights, squarely situates development in the context of human rights and human rights in the context of development. This chapter introduces the International Financial Institutions (IFIs) established after World War II, focusing on the World Bank and the International Monetary Fund, and explains how they have evolved to reflect and shape a post-colonial world.²⁹ The post-Cold War "Washington Consensus" relies on private markets, rather than "State-led development", to promote economic growth which will benefit everyone. Studies by the U.N. High Commissioner for Human Rights, however, suggest that the Washington Consensus in fact exacerbates poverty, especially for the most vulnerable. Structural Adjustment Programs (SAPs), for example, designed to ensure fiscal responsibility for spendthrift States, have slashed social safety nets for those who need them most.³⁰ In a typical thought-provoking twist, the authors present a case study of "underdevelopment in poor communities", not in the global South, but in the United States.

Chapter 6, *Self-Determination, Culture and Rights* deals with some of the most difficult material in the human rights canon, the conquest of indigenous peoples, and the complicity of the international law of "discovery" in the process.³¹ This chapter details the violation of the most

27. As Philip Alston noted in an influential article on the ICESCR, "many Americans . . . think of it as a . . . 'Covenant on Uneconomic Socialist and collective 'Rights'.'" Philip Alston, *U.S. Ratification of the Covenant on Economic, Social and Cultural Rights: The Need for an Entirely New Strategy*, 84 AM. J. INT'L L. 365, 366 (1990).

28. Philip Alston, *Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals*, 27 HUM. RTS. Q. 755 (2005).

29. See generally Antony Anghie, *Finding the Peripheries: Sovereignty and Colonialism in Nineteenth Century International Law*, 40 HARV. INT'L L. J. 1 (1999).

30. See, e.g., JOSEPH E. STIGLITZ, *GLOBALIZATION AND ITS DISCONTENTS* 18 (2002) (explaining how SAPs have left countries like Bolivia worse off).

31. The role of law in the appropriation of indigenous land is widely acknowledged. Native Americans' land, for example, was reduced from 138 million acres to 48 million acres. RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW, *supra* note 2, at 469.

basic human rights over decades and the ongoing repercussions. It traces the right to self-determination from eighteenth and nineteenth century revolutions in Europe to the enshrinement in the UN Charter of the right of cohesive national groups to autonomy. The authors explore the right in the two concrete contexts: indigenous peoples and the rights of people living under foreign occupation. Lively excerpts from the recent work of Benedict Kingsbury and James Anaya make the complicated, tortured history all too vivid.³² As Kingsbury notes, the "most powerful argument for a distinctive legal category. . . of indigenous peoples is wrongful deprivation, above all, of land, territory, self-government, means of livelihood, language and identity. The appeal is thus to history and culture."³³ This chapter shows how international human rights law has been used both to deny and to protect cultural rights.³⁴

In *The "Exotic Other"—Gender, Culture and Religious Traditions*, the authors consider the tension between individual and collective rights in a controversial context, whether Muslim women and girls can be forbidden—or forced—to wear the veil.³⁵ As accounts of women murdered by both sides prove, this may be a matter of life or death. Elaine Sciolino suggests that there are two overlapping conflicts within contemporary Islam, the first between traditional Islam and modernity, and the second between the individual and the State. As the well-

known human rights scholar Abdullah An Na'im explains: "[C]ompliance with human rights standards cannot be achieved in a principled and sustainable manner except through the internal dynamics of the culture concerned."³⁶

The section concludes with a role play on the equally inflammatory issue of female circumcision, or female genital mutilation (FGM). By including "representatives of traditional practitioners" as well as both indigenous and American NGOs, the authors insist that readers take into account the prospects for uncircumcised women in certain traditional cultures.

Part IV, *Comparative Approaches*, is for the activists, those who tore through the earlier readings on theory and doctrine looking for practice tips. This Part focuses on judicial enforcement at the domestic level, where human rights are most likely to be implemented. It also includes a section on the growing economic rights jurisprudence of the European Court of Human Rights (ECHR), suggesting that implementation on a regional level may also be possible, at least in Europe.

This Part outlines four quite distinct approaches: India's directive principles, South Africa's Constitution, the "blending of [public and private] categories" by the ECHR, and the use of state constitutions in the United States. These illustrate the range of legal mechanisms already developed and may well inspire creative approaches likely to lead to more. At

32. *Id.* at 456.

33. *Id.* at 457.

34. The authors again bring home the important lessons that human rights issues are not "out there" but right here in the United States by citing the US Supreme Court decision in *Meyer v. State of Nebraska*, which struck down a Nebraskan statute barring the teaching of German to a ten year old, illustrate the recognition of cultural rights. *Id.* at 548.

35. *Id.* at 579.

36. *Id.* at 603.

the same time, the authors are careful to situate each approach in the particular historical and political context in which it emerged. In India, for example, social action litigation (SAL) since the 1980s, and a receptive Indian Supreme Court, have transformed the role of the judiciary in promoting social and economic rights. Through "epistolary jurisdiction", letters written on behalf of disadvantaged groups become judicially cognizable "writ petitions." Courts address these concerns through a range of measures, from appointing socio-legal commissions to investigate the alleged violations, to compensating and rehabilitating victims and monitoring environmental pollution. But the authors' respect for the groundbreaking work of the Indian Supreme Court does not keep them from criticizing its reluctance to intervene "when [the state's] vision of economic development threatens life, land, and sustainable livelihoods."³⁷ They interrogate conventional human rights assumptions of progress and universalism, similarly, even as they question whether certain forms of "scholarly debate [might] serve to alienate women as opposed to promoting global understanding and advancing important women's rights issues."³⁸

South Africa offers an instructive counterpoint to the Indian experience. After a brief historical introduction to South African history, including its brutal legacy of apartheid, the authors set out the legal text of what has been widely lauded as the most progressive Constitution in the world. They urge students to compare and contrast the South African and Indian Constitutions and to compare

the South African Bill of Rights with the Economic Covenant. This demands a close reading and mastery of doctrine. The cases that follow, including a well-edited excerpt from *Grootboom*, show students what is at stake and why their effort is worth it.³⁹

The chapter on the Council of Europe, focusing on the jurisprudence of the ECHR, explains the historical dichotomy between private law, which addresses disputes between individuals, and public law, which addresses disputes between individuals and the State. In Europe, "civil rights" refer to those contract rights which are the concern of private law, while "public rights" refer to the rights set out in statutes, which are the concern of public law. Through a series of carefully-edited decisions, this chapter shows how these categories have become interwoven. The ECHR has increasingly protected economic and social rights through procedural, process-type guarantees, from its 1986 refusal to consider health insurance a public right in the Netherlands⁴⁰ to the 1993 decision in which it held that Italy violated its citizen's "public" procedural rights by failing to decide its application for welfare benefits for six years.⁴¹ Both cases relied on the right to a fair trial under Article 6 of the European Convention on Human Rights. Holding that Article 6 applied even where the underlying dispute involved civil (private) rights, the ECHR offered another avenue for relief in a broad range of matters, from clean drinking water to legal aid. The ECHR has also found a "positive dimension" in Article 8 of the Convention, which provides in pertinent part that, "Everyone

37. *Id.* at 701.

38. *Id.* at 684.

39. *Id.* at 743.

40. *Id.* at 786.

41. *Id.* at 793.

has a right to respect for his private and family life."⁴² In *López Ostra v. Spain* the ECHR held that "severe environmental pollution" could serve as the basis for a claim under Article 8.⁴³

Chapter Ten, *The United States of America: Federal Rejection, State Protection*, concludes the volume by bringing it all back home. In the chapters on India, South Africa, and Europe, the authors made the strange familiar; here, they make the familiar strange. They begin with the original US Constitution and its protection of "property rights"—including rights in human property, or slaves. They show through the familiar line of Supreme Court cases, from *Dandridge* to *Harris v. Macrae*, the steadfast refusal to find economic rights in the Constitution.⁴⁴ Rather, the Court insists on what many criticize as an illusory distinction between "negative" and "positive" rights.⁴⁵

This does not mean that the United States does not need economic rights. Although "considered as a group, and compared to the rest of the world, the US is quite well off,"⁴⁶ but in fact, millions of US citizens are in fact deprived of the most basic economic rights, from the 71.7 million without health insurance to the 19.8 percent of US children living

in poverty.⁴⁷ The authors cite Professor Henkin for the proposition that the US has not kept pace with other Western democracies, including France, Germany, and the United Kingdom, which have all developed well beyond the "minimum welfare state."⁴⁸ The data becomes even more sobering when Amartya Sen shifts the focus to "capability poverty." Mortality rates for African Americans fall behind Indians in Kerala and African American men "fall well behind the immensely poorer men of China" as well.⁴⁹

The United States backwardness on the federal level is somewhat assuaged by what the authors portray as encouraging developments on the state level. They helpfully set out economic rights guarantees in fourteen state constitutions and excerpts from state courts which have found affirmative economic rights even in the absence of unambiguous textual authority. They conclude on a hopeful note, referring to the "vibrant and grass roots and civil society movement" for economic rights, in which both authors have played important roles.

This volume, however, is undoubtedly their most important contribution to date. It is not only a rich and rewarding immersion in economic rights, but an invitation

42. *Id.* at 808.

43. *Id.* at 812.

44. For a cogent account of these suits, see Burt Neuborne, *State Constitutions and the Evolution of Positive Rights*, 20 RUTGERS L.J. 881, 886–93 (1989) (tracing the attempt to use the Federal Constitution to authorize judicially enforceable rights). See also Mary E. Becker, *Politics, Differences and Economic Rights*, U. CHI. LEGAL F. 169, 190 (1989) (suggesting that "some entirely new standard of review for economic legislation" could correct the enduring economic and political problems of women). For a persuasive argument that the political process has not worked for the poor, see Stephen Loffredo, *Poverty, Democracy and Constitutional Law*, 141 U. PA. L. REV. 1277, 1309 (1993).

45. As shown in Justice Brennan's eloquent dissent in *DeShaney v. Winnebago County*, Woods & Lewis, *supra* note 2, at 842. However the Court has not always been unanimous on the issue. *DeShaney* is well-known to US constitutional and family law teachers, and it has been cited in at least one other human rights text. STEINER & ALSTON, *supra* note 4.

46. RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW, *supra* note 2, at 865.

47. *Id.* at 865–67.

48. *Id.* at 867.

49. *Id.* at 867–68.

to join in the practical work of building a culture of economic rights. It offers a vast amount of material, nuanced and comprehensive, pragmatic and useful. Neither the text, nor any course based on any of its constituent parts, will be easy. Rather, it is difficult, demanding, complicated, and often frustrating work—like the struggle for economic rights itself. Like that struggle, however, it is absolutely necessary for anyone seeking to further human rights.

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***"Honour": Crimes, Paradigms, and Violence against Women* (Lynn Welchman & Sara Hossain eds., London: Zed Books; Melbourne: Spinifex, 2005), 384 pp. ISBN: 1-84277-626-6.**

"Honour": Crimes, Paradigms, and Violence against Women is the outcome of a five year project undertaken by the Centre of Islamic and Middle Eastern Laws (CIMEL) and The International Centre for the Legal Protection of Human Rights (INTERIGHTS) on the "Strategies to Address Crimes of Honour" project. As part of the broader project, CIMEL and INTERIGHTS have also established an online bibliography on "crimes of honour" consisting of an annotated bibliography and case summaries.¹ The project, which began in 1999, aims to provide, for the first time,

a comprehensive analysis of "crimes of honor." To this end, *"Honour": Crimes, Paradigms, and Violence against Women* explores the factors that create, facilitate, and perpetuate these crimes and, in doing so, seeks to address a lacuna in legal scholarship and community understanding about the nature and extent of crimes of honor.

"Honour": Crimes, Paradigms, and Violence against Women also seeks to develop culturally sensitive strategies to address and combat this practice. Together, the authors in this volume address five main themes, namely: (1) the meaning of crimes of honor; (2) patriarchy and its role in perpetuating and sustaining crimes of honor; (3) the operation of parallel legal systems and their relationship with crimes of honor; (4) the existence of crimes of honor in the global context; and (5) strategies for reform.

I. CRIMES OF HONOR

Crimes of honor are defined by CIMEL and INTERIGHTS, for the purpose of this Project, to encompass:

[A] variety of manifestations of violence against women, including "honour killings," assault, confinement or imprisonment, and interference with choice in marriage, where the publicly articulated "justification" is attributed to a social order claimed to require the preservation of a concept of "honour" vested in male (family and/or conjugal) control over women and specifically women's sexual conduct: actual, suspected or potential.²

Welchman and Hossain caution, however, that "[t]he definition of 'crimes of honour' is by no means straightforward,"³

1. See, available at <http://www.soas.ac.uk/honourcrimes>.

2. "HONOUR": CRIMES, PARADIGMS, AND VIOLENCE AGAINST WOMEN 4 (Lynn Welchman & Sara Hossain eds. (2005).

3. *Id.*

conceding that its meaning is inherently problematic. They suggest, for example, that the terminology employed is imprecise, and susceptible to "exoticization," particularly in the West⁴—a theme explored by Purna Sen in her chapter, "'Crimes of Honour,' Value and Meaning."⁵ Welchman and Hossain also caution that the use of the phrase "crimes of honor" lends support to the idea that honor is intricately tied to women and women's behavior, noting that it "seems to imply that women 'embody' the honour of males."⁶ The acceptance of this language is also problematic, they argue, insofar as it adopts the meaning articulated by its perpetrator and masks the "real motivation" behind the violation of women's rights.⁷

In addition to these issues, several authors (see, for example, Welchman and Hossain, Connors, and Sen) also discuss the problematic relationship between crimes of honor and crimes of passion, including the stereotypical association of honor with Islamic law and the East, and passion with the West.⁸ While acknowledging the difficulties associated with defining the phrase "crimes of honor," Welchman and Hossain, along with the other authors in this volume, ultimately seek to locate their discussion of crimes of honor within an understanding of violence against women and in the broader framework of international human rights law.

Although the meaning and use of the phrase "crimes of honor" are clearly contested within the international hu-

man rights movement, the concept of honor remains central to any definition of this phrase. Collectively, the authors demonstrate how the concept of honor has been employed with a view not only to regulating women's sexuality and sexual behavior, but also other types of behavior deemed to challenge male power and control.⁹ Touma-Sliman, for example, recalls that while the majority of crimes of honor she studied concerned sexual relations outside marriage, there remained "a significant number of cases where this was not the case, supporting the notion that, over the years, the meaning of 'honour' has expanded to include any behaviour by a woman not approved by family members, such as challenging male authority and taking responsibility for her own life."¹⁰

Research undertaken by the Centre for Egyptian Women's Legal Assistance (CEWLA) supports a broad interpretation of honor:

A judgement that a woman has behaved badly does not necessarily involve some sexual deed on her part; laughing too loud in a public street or enjoying talking to a male stranger might be enough for a judgement that a woman has compromised her good reputation (*'ard*), bringing punishment for her and shame for her family.¹¹

Warraich's discussion on honor killings and the law in Pakistan also demonstrates a shift from the use of honor to regulate women's sexuality and sexual behavior to a complete subordination of women. He notes, for example, that:

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4. *Id.*
 5. *Id.*
 6. *Id.* at 6.
 7. *Id.* at 8.
 8. *Id.* at 13.
 9. *Id.* at 5.
 10. *Id.* at 186.
 11. *Id.* at 140.

Traditionally, "honour killings" were committed or claimed to be committed upon discovering a woman family member indulging in extramarital sex, but over the years the claimed justifications have widened to include women's expression of autonomy, for example, exercising choice in marriage or a decision to seek divorce. Additionally, allegations of engaging in "dishonourable" acts/behaviour have also become tools for extortion, settling family feuds or exacting revenge upon an opponent.¹²

In light of the problematic use of the phrase crimes of honor, "*Honour: Crimes, Paradigms, and Violence against Women*" encourages readers to be informed by *local* understandings of this phenomenon. Chapters such as Sen's "'Crimes of Honour,' Value and Meaning," and An-Na'im's "The Role of 'Community Discourse' in Combating 'Crimes of Honour': Preliminary Assessment and Prospect," for example, explore different strategies on how best to engage with protagonists at this level (see "Strategies for Reform" below).

II. PATRIARCHY¹³

While the various authors recognize and emphasize that culture and religion are often employed to excuse or justify violations of women's rights, they advise readers against the present tendency to

identify crimes of honor with the East or as a purely Islamic phenomenon. By demonstrating that crimes of honor are common to all religions, cultures, and societies,¹⁴ "*Honour: Crimes, Paradigms, and Violence against Women*" demonstrates to readers that crimes of honor are not specific to a particular religion, culture, or geographical area, but rather are principally derived from and sustained in *patriarchy* and the privileging of male power and sexuality. As Hoyek *et al.* note, "[t]he connection made between the concept of honour and women's bodies, as a source of shame, is at the heart of patriarchal culture."¹⁵ Where concepts of honor are seen to reside in the bodies of women, "[f]rameworks of 'honour', and its corollary 'shame', operate to control, direct and regulate women's sexuality and freedom of movement by male members of the family."¹⁶ To this extent, crimes of honor can be said to reinforce patriarchal hierarchies within society under an assumption of masculine superiority and feminine inferiority.

Through its detailed consideration of patriarchy, "*Honour: Crimes, Paradigms, and Violence against Women*" demonstrates how the concept of honor is invoked by a wide variety of societies in multifaceted and elaborate ways to control and subordinate women's sexuality in particular, and women in general. Authors, such as Bettiga-Boukerbout,

12. *Id.* at 79.

13. On patriarchy, see for example, GERDA LERNER, *THE CREATION OF PATRIARCHY* (1986); Janet Rifkin, *Toward a Theory of Law and Patriarchy* 3 HARV. WOMEN'S L.J. 83 (1980); REBECCA J. COOK & LISA M. KELLY, POLYGYNY AND CANADA'S OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW: A REPORT FOR THE DEPARTMENT OF JUSTICE 10-14 (forthcoming 2006), available at <http://justice.gc.ca/>; Manar Hasan, *The Politics of Honor: Patriarchy, the State and the Murder of Women in the Name of Family Honour*, 21 J. ISRAELI HIST. 1 (2002).

14. See, e.g., the chapters by Bettiga-Boukerbout, Pimentel *et al.*, Siddiqui, and Bredel, "*HONOUR: CRIMES, PARADIGMS, AND VIOLENCE AGAINST WOMEN*," *supra* note 2.

15. *Id.* at 134.

16. *Id.* at xi.

consider how patriarchal values are invoked and endorsed by various religious institutions. Bettiga-Boukerbout, for instance, recounts the history of crimes of honor in Italy and considers the significant influence that the Catholic Church has had imposing its patriarchal views that underscore the use of violence against women in Italian society. Others, including Pimentel *et al*, Warraich and Chakravarti, consider how patriarchal values have come to be entrenched in the law—both in terms of its substantive content and continued application. Pimentel *et al*, for example, consider the defense of crimes of honor to be based “on arguments that link the law to a patriarchal moral framework.”¹⁷ Consequently, they engage in an examination of “the deeply rooted institutionalized gender discrimination present in the interpretation and application of law on crimes of violence against women,”¹⁸ and discuss how national laws in Latin America condone crimes of honor by granting impunity to offenders and by relying on discriminatory stereotypes, prejudices, and attitudes towards women.

Other chapters in the volume focus on the social construction of patriarchal attitudes and prejudices against women. Hoyek *et al*, for example, write that:

Criminal behaviour in “crimes of honour” is not motivated by emotional factors alone; rather, this emotional reaction is learned and acquired. The killer learns the motivations, the justification, and the crime in such a situation is an expression of the force of certain values, a consequence of the standards and patterns of behaviour and the rules and norms that the individual has

acquired through the social process of upbringing. These values and patterns prepare him as a person for the commission of this type of crime, justified within the socio-cultural context in which he lives.¹⁹

Shalhoub-Kevorkian, in her chapter “Researching Women’s Victimization in Palestine: A Socio-Legal Analysis,” also considers the role patriarchy plays in facilitating “the creation of cultural frameworks that internalise and strengthen the inferior status of women.”²⁰ In particular, Shalhoub-Kevorkian emphasizes the role family plays in regulating women’s inferior status. She notes, for example, that “[f]emale vulnerability is aggravated by the patriarchal power structure of Arab families, which not only justifies inequality between men and women but also increases the ability of male family members to further control, misuse and abuse women.”²¹

III. PARALLEL LEGAL SYSTEMS

A central theme to emerge from “*Honour*”: *Crimes, Paradigms, and Violence against Women* is the operation of parallel legal systems and their relationship with crimes of honor. This theme is a particular focus of Shalhoub-Kevorkian’s and Begikhani’s chapters, while each of the country-specific chapters analyze how state legal systems endorse, accommodate, or challenge crimes of honor as a practice which discriminates against women. Shalhoub-Kevorkian suggests that, in Palestine, it is the informal customary system and not the formal legal

17. *Id.* at 260.

18. *Id.* at 248.

19. *Id.* at 132.

20. *Id.* at 167.

21. *Id.* at 164.

system that dictates responses to crimes of honor. She considers collaboration between criminal justice personnel and tribal leaders, and how the formal legal and informal tribal systems of justice have collaborated with regard to gender related issues to discriminate and further oppress women.²² Given her findings, Shalhoub-Kevorkian argues that effective responses to crimes of honor require an examination of both legal systems. She notes, however, that "[a]s yet, no studies have discussed the connection between the two systems of law enforcement, and how the existence of the two has affected their mutual evolution."²³

Like Shalhoub-Kevorkian, Begikhani's chapter "Honour-Based Violence among the Kurds: The Case of Iraqi Kurdistan" also discusses the relationship between parallel legal systems and crimes of honor. Begikhani describes the role of Kurdish tribal law with respect to crimes of honor. In particular, Begikhani concentrates her discussion on the role of *komelayeti*, that is, "a structure run by elderly, religious, political and tribal representatives that assumes the responsibility for hearing disputes, passing judgement and enforcing sanctions and solutions. It is a tribally based procedure used to achieve reconciliation (*mesreti* or *solih*) between families or groups in conflict."²⁴ She notes that "[p]erhaps most importantly, the route to a more positive transformation is presented with deeply entrenched obstacles, forged within the heritage of tribal social structure (most graphically expressed in the reliance

upon the *komelayeti*)."²⁵ Begikhani's discussion also considers the problematic nature of women's previous involvement in discriminatory tribal practices and its impact on current reform efforts.

As demonstrated by Shalhoub-Kevorkian and Begikhani in their respective chapters, parallel legal systems have had a definite impact on the creation, facilitation, and perpetuation of crimes of honor. In light of the evidence put forward in these and other chapters in this volume, Shalhoub-Kevorkian quite rightly signals the need for further research into the connection between formal systems of law and informal tribal law, including how the two systems operate to entrench discrimination against women. More broadly, "*Honor: Crimes, Paradigms, and Violence against Women*" underscores the value of critically engaging with the various—cultural, religious, and traditional—systems upon which proponents of crimes of honor seek to legitimate their practice. In doing so, "*Honor: Crimes, Paradigms, and Violence against Women*" encourages readers to view such systems not as homogeneous or static constructs that intrinsically discriminate against women, but rather as plural and internally diverse systems, capable of change and reconstruction.

Legal commentators, such as Celestine Nyamu²⁶ and Madhavi Sunder²⁷, also champion the need for critical engagement with parallel legal systems. Nyamu, for example, writes that "[i]n order to respond effectively to deficiencies of gender hierarchy based on culture, proponents

22. *Id.* at 166–67, 172.

23. *Id.* at 166.

24. *Id.* at 219.

25. *Id.* at 226.

26. Celestine Nyamu, *How Should Human Rights And Development Respond To Cultural Legitimization Of Gender Hierarchy In Developing Countries*, 41 HARV. INT'L L.J. 381 (2000).

27. Madhavi Sunder, *Piercing The Veil*, 112 YALE L.J. 1399 (2003).

of gender equality . . . must understand the ways in which formal legal institutions, culture and customary practices interact."²⁸ Rights activists, she argues, must acknowledge "the flexibility and variation of custom in order to challenge the arguments that deploy culture as a justification for gender inequalities."²⁹ On this basis, Nyamu calls on activist to "appropriate positive openings presented by cultural and religious traditions, instead of dismissing culture as a negative influence."³⁰ In the same way, Sunder seeks to demonstrate how women's rights activists in various Muslim societies have critically engaged with discriminatory cultural and religious practices, without relinquishing their religious or cultural identities.

IV. GLOBAL CONTEXT

In an attempt to highlight the significance of contextualizing crimes of honor, several authors in this volume demonstrate how "colonial heritage and contemporary global power structures (military, political, economic and other) necessarily complicate strategies of response to violence against women."³¹

Sen, for example, traces the impact of colonialism on present efforts to reform crimes of honor, noting that colonial discourses continue to "shape and complicate the possibilities not only for international alliances but also for the safety and reception of indigenous voices that contest crimes of honor."³² She writes:

There are voices in post-colonial states that have consistently and clearly fought violence against women, including crimes of honor, in their own societies. But the history of the nature of colonial interventions on gender provides great ammunition to detractors in their condemnation of women's rights activists as Western influenced, untrue to their cultural traditions and the unwitting or naïve agents of a post-colonial project. The post-September 11 climate has strengthened these tendencies, as a polarisation of the West against the rest has played directly into such binary models that divide absolutely.³³

Emphasizing the need to understand the particular historical context when questioning practices such as crimes of honor, Sen rejects the Western Orientalist gaze that has linked Islam intrinsically with crimes of honor and, instead, argues that those alliances that are forged outside a colonial frame of reference will be the most effective in the struggle against crimes of honor.

Authors such as Begikhani, Shalhoub-Kevorkian, and Touma-Sliman direct their attention to the impact of military hostilities and national/community instability with respect to efforts to reform crimes of honor. Touma-Sliman, for instance, considers how the struggle against 'crimes of honor' faded from the public debate following renewed political and military hostilities in Israel—hostilities that have seen "the women's social agenda" rendered almost invisible in the face of the national political agenda.³⁴ Begikhani further develops Touma-Sliman's discus-

28. Nyamu, *supra* note 26, at 382.

29. *Id.*

30. *Id.*

31. "HONOUR": CRIMES, PARADIGMS, AND VIOLENCE AGAINST WOMEN, *supra* note 2, at 17.

32. *Id.* at 43.

33. *Id.* at 52.

34. *Id.* at 197.

sion, writing that: "it is not difficult to appreciate that a fertile breeding ground has been created for the growth of elements committed to tradition and supposed religious orthodoxy, in particular groups operating as Islamic fundamentalists."³⁵ Chapters such as these highlight a major challenge for women's rights activists moving forward, namely, how to maintain an effective struggle against crimes of honor in the face of periods of military hostility and national/community instability.

V. STRATEGIES FOR REFORM

Having rendered visible the connections between culture, religion, law, and patriarchy, *"Honor": Crimes, Paradigms, and Violence against Women* argues that it is necessary to develop strategies for reform that challenge and transform patriarchal viewpoints sustaining and perpetuating crimes of honor and, more broadly, violence against women. Herein lies the greatest challenge for women's rights activists. The task of challenging and transforming patriarchy is neither straightforward nor uncomplicated. At the very least, challenging patriarchal practices and attitudes, which for time immemorial have safeguarded male power and superiority, is likely to illicit backlash from ardent proponents of patriarchy. This does not mean, however, that activists should not engage with these issues. On the contrary, the entrenched nature of patriarchy in all societies intensifies the urgency for reform efforts. While *"Honor": Crimes, Paradigms, and Violence against Women* recognizes the need to engage with patriarchy, this is but the first step in the process of reform. Activists must

now develop specific strategies on how best to engage with the issues identified in this volume.

Central to *"Honor": Crimes, Paradigms, and Violence against Women* is its focus on developing culturally sensitive strategies to address and combat crimes of honor in a globalized world. With this in mind, the authors in this volume take a holistic approach to the issue of crimes of honor, engaging with the above themes from a variety of perspectives—cultural, community, judicial, political, and economic.

As discussed above, Sen seeks to engage with the issue of culture, emphasizing the need to understand the particular historical context when challenging discriminatory cultural practices. She argues that Western activists need to recognize that violence exists everywhere, including the West, and that failure to recognize divergent views within a particular culture is ultimately counterproductive to efforts to eliminate crimes of honor. Dismissing absolutist rejection of culture by outside forces as the driving force behind these crimes, Sen explores a range of potential alliances that might best aid the struggle against crimes of honor. To this end, Sen suggests that those alliances that allow for both specificity and commonality within a structure, and alliances to be forged outside a colonial frame of reference will be most effective. In short, a culturally sensitive methodology is required within which deference is paid to local activists working from inside their own culture. While other activists have an important role to play in nourishing, supporting, and providing ideas and solidarity, Sen argues that the primary focus in the struggle against crimes of honor should remain with local voices.

35. *Id.* at 221.

An-Na'im continues and further explores Sen's discussion on the importance of locating challenges to crimes of honor within internal dialogue or, what he calls, "community discourse." An-Na'im argues, for example, that while there is a definite role for different types of advocacy work, such advocacy must necessarily include actors located within the local community engaged in internal discourse. He suggests that such an approach is necessary in order to transform family and community attitudes regarding crimes of honor as well as institutional responses to this phenomenon. While An-Na'im supports a human rights approach to combating crimes of honor, he argues that such an approach absent community discourse will be ineffective in challenging these acts of violence. An-Na'im suggests that the benefit of locating strategies to combat crimes of honor in community discourse is "respect for the moral autonomy of individuals and families, and the self-determination of their communities."³⁶ He notes as follows:

Unless one subscribes to the patronising and authoritarian view that people should simply be coerced into "doing what is good for them," it is necessary to gain their co-operation and support through an internal discourse within the community around cultural norms and institutions associated with these crimes. This is not to imply that one should postpone protecting women against "crimes of honor," as I emphasise that practical measures should be taken immediately to safeguard the physical safety of women and hold perpetrators of "crimes of honor" legally accountable. Rather, the question is one of long-term strategy—in addition to, not instead of, all that can be done immediately.³⁷

In a similar way, the chapter authored by Reem Abu Hassan and Lynn Welchman focuses on the interplay between local and international attention directed toward crimes of honor. The authors begin by recognizing the important role that international attention can play in campaigns such as the present one:

This international attention can be supportive and can assist local strategies of response by giving a global context to the work and avoiding the impression that this is a particularly 'Jordanian problem' through placing the issue where it belongs, in the global framework of violence against women.³⁸

Hassan and Welchman, however, also explore the problematic nature of mis-conceived strategies such as "when—as is sometimes the case—links are made, inadvertently or deliberately, with Islam, or with some monolithic notion of 'Arab culture' or 'Jordanian culture.'"³⁹

In her chapter entitled "There is no 'Honor' in Domestic Violence, Only Shame!," Hannana Siddiqui advocates the use of "mature multiculturalism" to address crimes of honor in the United Kingdom. Discussing the problematic nature of multiculturalism and arguments based in cultural relativism, Siddiqui notes that:

[I]t was no surprise to us that these men felt so free to make such horrific threats and comments on camera with impunity and pointed to how multicultural assumptions had prevented the police from acting. Such assumptions include the view that it is intolerant, or even racist, for a majority community to interfere in minority cultures. Thus, respecting cultural difference means allowing the minority community

36. *Id.* at 65.

37. *Id.*

38. *Id.* at 199.

39. *Id.*

to govern or police itself. It also seems to mean that any intervention is determined in consultation and agreement with self-styled community and religious leaders, who are seen as gatekeepers and who, historically, have represented the most powerful patriarchal and conservative forces in the community. Multiculturalism, which aims to promote racial harmony *between* communities, fails to address problems *within* communities, such as oppressive practices against women and other less powerful groups. The leaders rarely challenge the status quo, and the state colludes with them to deny protection to women within the community for the sake of maintaining good community or race relations.⁴⁰

On this basis, Siddiqui suggests that an approach relying on mature multiculturalism is required "that neither denies equal protection to women from minority communities nor contributes to the essentializing and "othering" of minority communities."⁴¹ In short, what is required is the bridging of the space between race and gender: "demanding black and minority women's rights without trampling on the rights of black and minority communities."⁴² Siddiqui also cautions against reactionary approaches, such as the adoption of tighter immigration controls, which, she argues, can adversely impact on both minority and women's rights.

Although the authors agree that we need to engage with these issues, fundamental questions regarding the specifics of such action require further development. Challenging entrenched patriarchal hierarchies within society and the privileging of male power and sexuality, and their manifestations of 'honor', is difficult at best—and, as the above discussion shows, has the potential to illicit backlash

from ardent proponents of this practice. It is therefore evident, as *"Honor": Crimes, Paradigms, and Violence against Women* demonstrates, that law-based strategies alone will be insufficient to tackle the problem of crimes of honor." Moving forward there is a real need to engage more closely with other disciplines including, sociology and anthropology, to name but two examples, and to ensure that strategies aimed at combating "crimes of honor have the necessary level of community resonance and reflect genuine cross-cultural legitimacy. While it would be inexcusable to defer to discriminatory cultural practices on the grounds of protecting multiculturalism, strategies aimed at reforming crimes of honor must proceed with the necessary amount of cultural sensitivity—to do otherwise would be to hark back to the days of absolutist dogma and colonial imperialism, an approach which would certainly be counter-productive to the advancement of women's rights with respect to crimes of honor in particular and violence against women more generally.

VI. CONCLUSION

"Honor": Crimes, Paradigms, and Violence against Women represents a significant contribution to legal scholarship addressing the interrelationship between women, culture, religion, and the law generally, and crimes of honor specifically. The editors, Lynn Welchman and Sara Hossain, are to be celebrated for bringing together an excellent and diverse group of scholars that enrich our understanding of the factual context of

40. *Id.* at 270–71.

41. *Id.* at 15.

42. *Id.* at 279.

crimes relating to honor, to their historical origins, and to the cultural and religious values that perpetuate them. The book is not only important for understanding crimes relating to honor, but also more generally on how criminal law is used to stigmatize and stereotype women into subordinate positions.

The book focuses directly on the inter-relationships of law, culture, and religion and how they define women's identities and limit their status in societies. It confronts us with the complex questions of how to address these inter-relationships and fosters cross-cultural and intra-cultural dialogues, while being sensitive to the particularities of women's lives and experiences. By exposing the many different ways in which law stigmatizes women's behaviors, and thus subordinating them, it will enable future scholars and activists to develop laws, policies, and discourses that reinforce women's agency and rights. Perhaps most importantly, the book helps to break the silences about crimes relating to honor, and in so doing fosters debate and understanding of fears of censure in the name of honor in other walks of life.

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Kimberly Nance, *Can Literature Promote Justice? Trauma Narrative and Social Action in Latin American Testimonio* (Nashville: Vanderbilt University Press, 2006); ISBN 0826515231 (cloth : alk. paper) 082651524X (pbk. : alk. paper), 212 pp.

Kimberly Nance begins her study of Latin American *testimonio* by pointing out that although the genre retains an association with the margin politically, as literature it is widely recognized as distinct and influential.¹ Nance sets out to explore what this influence means and where the congruence of the literary and the political lies. Her study can also serve as a useful introduction to the genre, with an appendix that provides a narrative history. Nance addresses the contradiction between *testimonio*'s self-proclaimed intent to bring about political change, its insistence on the instrumental use of literature, and its avoidance in most cases of deliberative rhetoric.

Deliberative rhetoric is the rhetoric of persuasion. *Testimonio*, Nance argues, is most frequently cast in either forensic or epideictic language. Forensic rhetoric, she explains, seeks to judge whether certain actions in the past were just or not. Epideictic rhetoric accords praise or blame. Both forensic and epideictic forms of speech, therefore, stress the documentary, backward glance of *testimonio*. The hardship accounted for in

1. KIMBERLY A. NANCE, *CAN LITERATURE PROMOTE JUSTICE? TRAUMA NARRATIVE AND SOCIAL ACTION IN LATIN AMERICAN TESTIMONIO* (2006).

most *testimonio* stands as accusation against the system or individual, but does little rhetorically to persuade them to change. However, when *testimonio* is written in the deliberative, persuasive mode, Nance argues, it is characterized by uncertainty and ambiguity. Those writing in the deliberative mode are often victims of torture who feel overwhelmed by their experience and, although they are looking for solutions, are uncertain of what future direction to take.² In her discussion of torture and language, Nance evokes Elaine Scarry's *Body in Pain* to show that although there might be an expectation by the reader of "heroic invulnerability" in the narrative of torture, the deliberative account of *testimonio* usually shows a subject struggling to hold it together.³ The difference from forensic and epideictic writing is clear, therefore. Forensic and epideictic rhetoric "offer transcendence—a language of clarity, straightforwardness, certainty."⁴ In the deliberative mode, *testimonio* becomes a "genre without a strategy," a phrase posed by Nance as a question that becomes the title of her first chapter. It seeks to persuade of the truth of the victim's experience, although the breakdown of self that is part of the experience of torture makes the narrative of it uncertain and difficult.

In assessing the political effectiveness of *testimonio*, Nance poses the

question from the point of view of the genre's presumed audience. Who do the authors of *testimonio* address? This is a defensive question that reveals a sense of embarrassment, perhaps best articulated by Ariel Dorfman's mockery of the "armchair reader" that Nance refers to.⁵ Comfortable middle class readers consume *testimonio* yet in the process aestheticize it instead of turning to action. Nance explores the reasons for a reader's resistance through Jean-Francois Lyotard's concept of the "testimonial contract," which she explains as "the relationship between reader and witness that must exist if testimony is to result in social action."⁶ Nance follows Lyotard's discussion of the many ways in which the contract can fail because of the reader's refusal to read the text as prescribed. From the point of view of literary studies, this is a curious expectation. It has become commonplace in literary theory that readers are powerful shapers of the text.⁷ Nance is on surer ground when she makes the distinction between an imagined addressee (often someone the text accuses directly) and actual readers, who are then put in the position of "spectator" of the performance of this accusation.⁸ The reader as "spectator" is another common trope in literary theory perhaps best exemplified in the theories of realism which rely on the metaphor of visual recognition as understanding.⁹

2. *Id.* at 45.

3. *Id.* at 39–40; see ELAINE SCARRY, *THE BODY IN PAIN: THE MAKING AND UNMAKING OF THE WORLD* (1985).

4. NANCE, *supra* note 1, at 45.

5. *Id.* at 51–52.

6. *Id.* at 48.

7. Reader-centered criticism is shaped by "reader-response" theory. For a range of such theory see *READER-RESPONSE CRITICISM: FROM FORMALISM TO POST-STRUCTURALISM* (Jane P. Tompkins ed., 1980).

8. NANCE, *supra* note 1, at 53.

9. A good example of such a theory of realism is NANCY ARMSTRONG, *FICTION IN THE AGE OF PHOTOGRAPHY: THE LEGACY OF BRITISH REALISM* (1999).

Nance takes a different theoretical approach when she turns to the Russian critic Mikhail Bakhtin for a model of how to read narratives of suffering. Her analysis begins with this passage from Bakhtin's less widely read, early essay "Author and Hero in Aesthetic Activity:"

Let us say that there is a human being before me who is suffering. . . . I must experience—come to see and know—what *he* experiences; I must put myself in *his* place and coincide with him, as it were. . . . But in any event my projection of myself into him must be followed by a *return* into myself, a *return* to my own place outside the suffering person, for only from this place can the other be rendered meaningful ethically, cognitively, or aesthetically. If this return into myself did not actually take place, the pathological phenomenon of experiencing another's suffering as one's own would result—an infection with the other's suffering, and nothing more.¹⁰

Nance stresses in her argument Bakhtin's insistence on the return to the self. After the empathetic identification with the suffering represented in the text, it is important for the reader to return and reevaluate himself. Without such a return, the reader has merely been "infected" and hence, we can assume from Bakhtin's own language, paralyzed. The empathy with suffering, Bakhtin lets it be understood, creates the expectation of something more happening. What this might be is the question Nance asks of *testimonio*. Although the question is at first addressed in terms of literature's instrumentality—the reader's ability to intervene in the situation described by the *testimonio*—in the latter part of her book Nance increasingly turns the question

back to the reader's own intimate situation which might be quite distant from the situation of the testimonial speaker.

For Nance, the return to the self must come in the form of a self-critique, and it is here that she locates *testimonio's* greatest potential for social change. In what is the heart of her argument, she suggests that for *testimonio* to be politically effective it must be read differently. Nance states this most forcefully in her conclusion where she calls for a "testimonial criticism" that is neither the celebratory and uncritical reception of *testimonio* that was prevalent in the early years, nor the overly critical treatment that the genre has received recently in a period of disillusion with its promise. Nance defines *testimonio* as a "social project" joining speaker, writer, and reader in "a solidarity founded not on ecstatic fusion but instead on considered, contingent, concrete, and undramatic actions in everyday life."¹¹ Nance draws from Gary Saul Morson and Caryl Emerson, the preeminent Bakhtin scholars, and calls this approach a "prosaics"—the stress being on the pun between prose writing and the quotidian.¹² Her reliance on this notion of "prosaics" reveals a desire to divorce *testimonio* from sensationalism and to relocate it in the space of the everyday. Such a gesture is possible because Nance shifts the emphasis to some significant degree away from the experiences described in the texts and to the experience of reading.

Appealing though this turn in her argument may be, it is striking how far it takes her from the book's beginning where, in her attention to rhetorical

10. Quoted in NANCE, *supra* note 1, at 62–63, emphasis in Bakhtin's original. The ellipses are placed by Nance.

11. *Id.* at 158.

12. GARY SAUL MORSON & CARYL EMERSON, *MIKHAIL BAKHTIN: CREATION OF A PROSAICS* (1990).

devices, she stressed the genre's own appeal to the exceptional. Early in the book, Nance seemed to be arguing that *testimonio*—telling the story of an ordinary person subjected to extraordinary stress—elicits an extraordinary moment of enunciation: The testimony itself. In its epideictic and forensic modes, *testimonio* cries out in the certainty and clarity of its anger. In the deliberative mode, it moves us through its depiction of the fragility of the subject. To remain along the grain of Nance's argument, it is the reader's job then to integrate these extraordinary narratives into the quotidian. It is indeed the very quotidian safety of the reading experience that she wants to radicalize.

As I have shown, Nance is able to make this turn in her argument by relying on the passage from Bakhtin that I quoted above. In the original, the passage is much more extensive, running a full two pages of text.¹³ Indeed, Nance's use of ellipses here function somewhat inappropriately to glean from Bakhtin's own language a summary of his points. What is lost in the process is Bakhtin's emphasis on the spectator. In this passage, Bakhtin argues that the spectator is in fuller possession of the suffering than the sufferer himself because he is able to view the sufferer as he suffers. Even if the person suffering were placed in front of a mirror he would not know what to do with the spectacle of his own suffering.¹⁴ Bakhtin argues that "the person suffering does not experience the fullness of his own outward expressedness in being; he experiences this expressedness only

partially, and then in the language of his inner sensations of himself. He does not see the agonizing tension of his own muscles."¹⁵ The spectator's witness, therefore, burdens him with a kind of excess ("the excess of [his] own seeing") that he needs to shape into aesthetic form.¹⁶ I have gotten this far into Bakhtin's provocative text to illustrate that Nance's emphasis on a self-critical, introspective turn might be misplaced. Bakhtin's argument in this early work is about how you write suffering, not how you read it. The return to the self is that which enables the spectator to turn into the author.

The reliance on rhetorical analysis makes Nance's study different from others, like the work of John Beverley, which appeals to a similar audience of literary critics and which has focused mostly on the cultural impact of *testimonio*. Beverley has argued that *testimonio* largely fails as a political instrument. Nance instead claims that Beverley expects too much too soon and that the verdict is still out on what impact *testimonio* might have on the political scene.¹⁷ Addressing the genre's rhetorical features, Nance claims, can help us identify why its political impact is not measurable in conventional terms. The weakness of its deliberative rhetoric in comparison to the certainty of its forensic and epideictic modes offers one explanation. Yet she also adds that the uncertainty exhibited in the deliberative mode may indicate a different, more complex engagement, what she calls "the constancy of critique."¹⁸ This self-questioning, the subject's repeated doubling

13. M.M. Bakhtin, *Author and Hero in Aesthetic Activity (ca.1920–1923)*, in *ART AND ANSWERABILITY: EARLY PHILOSOPHICAL ESSAYS BY M.M. BAKHTIN* 25–26 (Vadim Liapunov, trans., Michael Holquist & Vadim Liapunov eds., 1990).

14. *Id.* at 26.

15. *Id.* at 25.

16. *Id.*

17. NANCE, *supra* note 1, at 14.

18. *Id.* at 34.

over to re-examine changing perceptions of particular experiences—establishes a more analytical practice of testimony which may have a longer and more lasting impact than the shock effect of accusation, Nance claims. Nance points out that readers of *testimonio* have hesitated to take a close look at the textual features of the genre in fear that any analysis which points out its status as representation, and hence its artificiality, will erode its potential political influence as an authentic account.¹⁹ And it is precisely this kind of close textual analysis that Nance advocates and performs herself in readings of examples from a number of texts by Rigoberta Menchu, Alicia Partnoy, Esteban Montejo, Carolina Maria de Jesus, and others.

Although Nance mentions “just world theory” and her title alludes to justice, this is not a well developed aspect of her book. By coming back to the theme of justice explicitly at the end and linking it to her advocacy of a prosaics of *testimonio*, Nance could have clarified how justice fits into her argument. Furthermore, although rich in its theoretical allusions, the book does not engage other canons of testimony (the holocaust, for example) in any sustained way. The lack of a comparative dimension limits the book’s ability to make larger claims about testimony.

Eleni Coundouriotis

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***Repression and Mobilization* (Christian Davenport, Hank Johnston, & Carol Mueller eds., University of Minnesota Press, 2005), ISBN 0816644268 (pb : alk. paper) 081664425X (hc : alk. paper), 258 pp.**

Political events after September 11 make *Repression and Mobilization* a timely and prophetic book. “Repression” and “mobilization,” scientific euphemisms perhaps, refer to the way researchers study violent interactions at a collective level that compromise legitimacy and evoke the pathos of “contentious politics.” Revolutions, strikes, ethnic conflicts, and social movements are examples. The essays in the collection follow from a conference at the University of Maryland in the summer of 2001 and are edited by Christian Davenport, Hank Johnston, and Carol Mueller. Charles Davenport thoughtfully introduces the book’s essays in the introduction, and in the last two chapters Charles Tilly and Mark Lickbach provide a theoretical overview of the collection.

The authors demonstrate a tight loyalty to the rigors of an empirical epistemology. While studying their subject, they wrestle reflectively with methodological issues in research and the processes of empirical investigation. The book is ab-

19. *Id.* at 29. She singles out George Yudice and Doris Sommer’s work in particular as being too reverential.

stract because of an excessive concern for positivistic legitimacy and a shunning of theoretically general accounts. Charles Tilly, for instance, insists, "coherent explanations are possible—but not in the form of general laws."¹ The codings, typologies, descriptions, and explanations throughout the book are indeed logical and coherent, but they remain somehow unsatisfactory. Tilly says again, "[This research project] does *not*, however, call for summing of whole classes of episodes (e.g., revolutions, strikes, ethnic conflicts, and social movements) in pursuit of their common properties. It aims at explaining change and variation, not at discovering uniformity."²

Repression and mobilization are two poles in a confounding dichotomy, a paradox locked in a tit for tat logic that appears to researchers to be causal. Repression involves the efforts of authorities (often violent) to inhibit and suppress activity by potential or actual opponents. Mobilization involves a group's polling of resources with respect to shared interests and political action in a given direction. As the authors explain, repression can shape mobilization and mobilization repression. Tilly indicates that it is necessary for social researchers to do more to transform this dichotomy into a fruitful dialectic, albeit with a disheartening qualification: "But those interactions do not conform to covering laws; at the most general level, for example, repression sometimes flattens resistance, but sometimes magnifies it. How and why?"³ The statement is discouraging. What is needed to explain how and why repres-

sion sometimes flattens resistance and sometimes magnifies resistance is also taken off the table. Can researchers, without reference to general laws, answer the pressing question that Tilly raises? I think not. A consequence of September 11 is hopefully not an amnesia within social science of the concepts of legitimacy and social order.

The authors are sophisticated on the methodological and epistemological issues, but they are less so on the theoretical ones. The writing of Theda Skocpol helps depict the problem, albeit in a negative way. In *States and Social Revolutions* Skocpol makes the following statement: "not only does an organizational, realist perspective on the state entail differences from Marxist approaches, it also contrasts with non-Marxist approaches that treat the *legitimacy* of political authorities as an important explanatory concept."⁴ Skocpol's approach toward the study of the state contrasts with not only Marxist approaches but also non-Marxist approaches. Skocpol's approach does not treat the legitimacy of political authorities as an important explanatory concept, which is what non-Marxist approaches such as Max Weber's do. Skocpol goes on to explain the reasoning behind her realistic approach: "If state organizations cope with whatever tasks they already claim smoothly and efficiently, legitimacy—either in the sense of moral approval or in the probably much more usual sense of sheer acceptance of the status quo—will probably be accorded to the state's form and rulers by most groups in society."⁵ Notice that concepts

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1. REPRESSION AND MOBILIZATION 211 (Christian Davenport, Hank Johnston, & Carol Mueller eds., 2005).
 2. *Id.* at 212.
 3. *Id.* at 218.
 4. THEDA SKOCPOL, *STATES AND SOCIAL REVOLUTIONS: A COMPARATIVE ANALYSIS OF FRANCE, RUSSIA, AND CHINA* 31 (1979).
 5. *Id.* at 31–32.

such as rational-legal authority, traditional authority, or charismatic authority are of no importance to this analysis of the nexus between repression and mobilization. Normative moral orientations such as human rights are also irrelevant. Skocpol then explains the upshot of the realist position: "Even after great loss of legitimacy has occurred, a state can remain quite stable—and certainly invulnerable to internal mass-based revolts—especially if its coercive organizations remain coherent and effective."⁶ Skocpol's approach displaces Weber's distinction between authority and power, and power alone becomes the singular explanatory concept.

Davenport laments this same problem in his introduction, "Unfortunately, this normative emphasis on the preservation of human life and freedom of expression has not been linked to . . . the implications of the repression-mobilization nexus for social science."⁷ In his concluding chapter Tilly singles out Davenport and resists Davenport's "distant hope" that, "once we clear away conceptual and empirical debris," we will begin to see how repression and mobilization "conform to general laws."⁸

The task at this point is to suggest how general laws do inform research on repression and mobilization such that this dichotomy becomes a dialectic and the question of how and why repression sometimes suppresses mobilization and sometimes magnifies it is answered. Here is one suggestion that stresses legitimacy as an important explanatory concept: How does a government control the governed? One way in which a govern-

ment controls the governed, as Skocpol explains, is through the use of force and fraud. If, though, all that a government does is control the governed, no matter how efficiently and effectively, it is not truly a government. Such a government only resorts to increasingly sophisticated forms of force and fraud, and this is the road to hell. The government itself is out of control.⁹

A government is also obliged to control itself. What, though, obliges a government to control itself? With rational-legal authority, there is one way to oblige a government to control itself, namely, when the government gives priority to human rights. Giving priority to human rights is tantamount to a government controlling itself. The commitment to human rights obliges a government to control itself as it controls the governed. Indeed, a commitment to human rights wins the consent of the governed to be governed. Thus, the best, most efficient, and so, ultimately, most rational way for a government to control the governed is for the government to respect human rights. Why? By respecting human rights a government wins the consent of the governed to be controlled by what also controls the government.

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6. *Id.* at 32.

7. REPRESSION AND MOBILIZATION, *supra* note 1, at xii–xiii.

8. *Id.* at 211.

9. SKOCPOL, *supra* note 4, at 31–32.

Carolyn Nordstrom, *Shadows of War: Violence, Power and International Profiteering in the Twenty-First Century* (Berkeley: University of California Press, 2004), 293 pp. with index, ISBN 0520239776 (cloth) 0520242416 (pbk.).

Countless dispatches, novels and memoirs reveal the personal experience of war to be deeply chaotic. And yet the political analysis of war remains deceptively clear, describing struggles between states and defined interests, all neatly ordered through statistics and maps. In an ambitious and provocative work, Carolyn Nordstrom sets out to bridge this divide by tracking warfare ethnographically on the ground. Following conflict across places like Mozambique, Sri Lanka, and Angola, she finds not only the small stories of splintered lives, but also an elusive, uncharted landscape of connections they share in common. Nordstrom further suggests that much of what actually transpires in contemporary war zones happens in what she calls the "shadows"—a zone beginning at the edge of official state order and extending into the heart of legal darkness. Our accounts of international events, centered on formal campaigns, policy initiatives, economic sectors, aid organizations, and the like, are at best incomplete. Neither war nor peace registers fully in public records.

The book contains five parts, further divided into seventeen chapters, all arranged to sequentially explore themes of war, extra-state activities, and problems of peace. In addition, there is a short postscript addressing Iraq. Throughout, the author interweaves anecdotes, quotations from her interlocutors, analysis, and photographs of people and artifacts found in war zones. The overall assemblage is

richly detailed, open-ended, and hardly linear in the conventional sense of academic argument. Yet it is also fully engaging and surprisingly easy to read, all the more so since the work's structure lends itself to intermittent engagements and allows for easy re-entry. Thus *Shadows of War* is the rare sort of academic text that does lend itself to actual teaching, not to mention engagements with a wider audience who care less about specific debates in literature than about having an inkling of what might actually be going on in the world. I recently included excerpts of it in a large undergraduate course, and was impressed by the number of students who found it revelatory.

Nordstrom begins the introductory section by noting that "war" is an impossible word, encompassing widely varying forms of human experience. Moreover, she suggests, extra-state activities remain invisible when the focus remains on political conflict. Social science is methodologically hamstrung when it comes to accounting for activities that happen between places among actors who take up multiple roles. Her solution is to emphasize ethnography, the anthropological tradition of direct, experiential investigation. But hers is an undisciplined, opportunistic form of scholarship, one that can "follow the question" without stopping at either geographic or conceptual borders. At the same time she stresses the need to protect sources, and allow some silences to remain. Only through such an approach, she suggests, and the acceptance of the partial, incomplete knowledge it can provide, can we begin to glimpse the range of extra-state activities related to warfare.

Nordstrom then recounts a conversation between several iconic inhabitants of war zones: a doctor, a journalist, a merchant and an nongovernmental (NGO) staffer. Knowing and war-weary, they

sketch the landscape of their existence. They have every reason and opportunity to leave it, and yet nonetheless continue to remain on the job out of a larger loyalty to community. Why, Nordstrom wonders through the following chapter, does much of the content of such war conversations leach out of larger accounts of war? Why do accounts of events like riots ignore specific stories in favor of generalized images of violation? She suggests there are a number of uncomfortable truths that quietly vanish amid conventional narrations: that in contemporary warfare most casualties are civilian; that victims of war often suffer at the hands of military actors; that no matter who shoots or wins, certain elites profit from the opportunities that conflict brings. As well, we cling to neat moral divisions between legal and clandestine worlds, ignoring any evidence that they might readily coincide on the ground. Although everyone may know that war is a business, everyone may not realize just how much of a business it can be. International actors may be stingy when it comes to funding peace and recovery, but they can happily fuel military consumption over many years, both directly and by allowing things to happen. Morality and reality, Nordstrom reminds her readers, do not simply coincide.

The second section on war underscores the difficulty of simply fixing war in place or time. Front lines extend well beyond troop positions when conflict involves international networks and business interests, sometimes woven together and sometimes falling apart. Thus an Angolan man can be stabbed in a bathtub in Mozambique and spirited away, one probable victim who will never make a casualty roll. Conditions of violence, moreover, focus people on survival rather than planning, and can substitute any future with a passion for revenge. If so,

when can war be said to end? When a Sri Lankan military commander confides doubts about his ability to control his troops, on edge amid the shadow play of guerrilla warfare, the neat terms and units of standard military analysis appear but a thin facade. Yet few in power, Nordstrom suggests, dare to acknowledge how fragile their grasp might actually be. She quotes Nietzsche, that "the doing is everything," and follows it with the image of a child soldier who had forgotten why he was fighting. A soldier's experience, she reminds us, involves far more than combat, and ultimately warfare becomes a way of life.

In the third section Nordstrom enters the "shadows" of her title. An emergency relief plane, she discovers, can ferry aid by day and illicit goods by night. Mozambican banks can "lose" \$400 million. Moreover, the same cast of profiteers pops up in war zone after war zone across the globe. Corruption, she realizes, is at least as much an international problem as a national one, particularly when traffic in many goods, including weapons, requires flows of hard currency. States may quietly participate in many of the activities they publicly denounce, and extra-state mechanisms lie waiting for those who would avoid regulation, including informal banking networks (such as the *hawala* system) and street rates of exchange. Nordstrom stresses the importance of recognizing the ethnographic reality of this actually existing global economy; whatever ethical questions it may raise, it is clearly successful. She prefers the term "shadows" to that of illegal, since many of the actors and networks involved in this trade cross back and forth the line of the law. She suggests that extra-state phenomena are far more central to world economies than we like to acknowledge, noting a 1998 estimate that as much as 90 percent of economic

activity in Angola's economy might be informal, as well as Charles Tilly's argument about the significance of organized crime in the historical formation of European states. Following this logic, the outlines of emerging world order show more clearly in marginal war zones and trade in commodities like diamonds, than in centers of geopolitical influence and regulated markets.

The fourth section addresses peace, a condition Nordstrom also sees defined in uncertain practice across front lines rather than official accords. Once shadow networks are in place, she reminds us, they acquire their own habits and institutions, many of which can continue even after regime change. Practices born in war become "the way things are done," often by many of the same people. After presenting the autobiographical narrative of an Angolan man named Peace, suffused with the longings and frustrations of a particular life, she describes a more ambiguous state, the "time of not-war-not-peace" featuring low-intensity warfare under the fragile cover of cease fires and peace processes. War, she suggests, can often be what Michael Taussig calls a public secret; a truth everyone knows but no one speaks. Rather than definitions of war and peace, or bemoaning the absence of a state in a war zone, Nordstrom prefers to focus on lived experiences of survival. As she learned from a group of orphaned children living in a drain in Mozambique, community can be fashioned almost anywhere. Meanwhile, the UN can be spending a million dollars a day preparing the country for post conflict elections, most of the money looping back to industries and personnel from wealthier places.

In a short fifth section, Nordstrom explores the way in which informal economies serve very ordinary needs as well as profiteering. For people with few

alternate opportunities for consumption, unregulated exchange can provide them with the means of survival. By way of illustration Nordstrom points to thriving street markets for pharmaceutical drugs, some pilfered, some counterfeit and all priced far below official equivalents. In war-torn settings extra-state transactions only grow in significance, and constitute the only realistic basis for development. Why, she then asks, are we so reluctant to study the shadows? International institutions such as the UN and World Bank may recognize that official numbers only represent a fraction of economic activity in settings like Angola, but they devote little time to studying that which they are missing. Part of the problem, Nordstrom suggests, is simply lack of vocabulary, and assumptions about the centrality of the state. Part of it may stem from difficulties in quantifying activities that go unrecorded, and the reluctance of economists to engage in extensive field research. In addition to such practical and epistemological barriers, Nordstrom also adds a political one: such research might be dangerous, not only to those undertaking it, but also to the formal institutions at the center of our usual conceptions of power. She then closes the book with a portrait of the town of Kuito, in Angola, its people surviving and clinging to dignity amid ruins. A postscript addresses recent developments, noting how rarely US media actually portrays the Iraq war in terms of experience, as well as the significant emergence of Al Qaeda as an extra-state network.

In her acknowledgments, Nordstrom notes that she once attempted to write a novel about a war orphan, based on the theme that in war only fiction rings true. Although this work is not a novel, it does tread the same borderline of belief. The author makes use of scholarly references and statistics, but relies even more on the

power of compelling details to convey a deeper sense of veracity to the reader. It is to her credit that they work. At times some of the quotations may appear too exact, or the characterizations too drawn from a morality tale, but the narrative always remains compelling, rescued both by its haunting fragments of specificity and the larger truth they reveal. Alongside more standard images of shattered buildings, Nordstrom includes snapshots of signs advertising lessons in magic from "Titus the Wizard," not to mention "Good Hope Arms and Ammunition," as well as a children's home in a storm drain, and a soldier demanding his portrait at gunpoint. All carry with them an active sense of life in wartime well beyond the gross facts of conflict. Like her opening anecdote about a woman carrying a watermelon with her through riot torn Sri Lanka, they reach beyond expected images of violation, endurance, and suffering and suggest a more complex

human experience of violence. And who can argue with her larger point about the limits of knowledge beyond the frontier of law, where things certainly happen but are rarely recorded? In form as well as content, Nordstrom's work suggests that the reality of war involves fundamental uncertainty, and that to grasp it one must accept an incomplete picture. Whether or not Nordstrom always convinces, she reliably provokes in a deeply generative way. Anyone concerned with human rights amid contemporary warfare should read this book.

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