

Michael Goodhart (ed.), *Human Rights: Politics & Practice*. Oxford University Press, 2009, 455 pages, Soft-cover, Price not listed.

Excellent edited by Michael Goodhart, *Human Rights: Politics & Practice* is an in depth discussion of the nature, implementation, and future of human rights. As a textbook, the 455-page publication is composed in a manner that is both accessible and comprehensive.

In all, the book is divided into two sections with twenty chapters, as well as appendices, which contain human rights documents, an extensive glossary, index and an online component for students. The chapters are usefully laced with graphs, charts and illustrations. In the introduction, Goodhart addresses the importance of the study of human rights and, as quoted below, enjoins the reader to consider the following rights-related events:

...an authoritarian government silences a critical independent media; rural villagers and the urban poor endure sickness caused by the lack of clean water; criminal networks traffic women and girls for sex; transnational corporations shift manufacturing jobs to low wage countries with lax labor standards; gay men and women organize to win the right to marry and found families; refugees fleeing tribal or religious violence are denied asylum in nearby wealthy countries; suspected terrorists are captured and detained without trial or review; reformers organize resistance to a repressive military regime; a bombing campaign halts attacks on local populations by ethnic militias; a campaign eliminates school fees and makes education available for all (p. 2).

The relevant point in the preceding excerpt, which we very much appreciate, is that human rights are a component of the vast issues facing the world today. As a two-part essential reading, the first component looks at the politics of human rights as well as the theory, and methodology behind the rights. The second portion addresses the practice of human rights and looks at examples of rights in action or, as it were, a lack of action. Through examination of case studies, a group of scholars have expertly investigated how human rights theory has been put into practice. Goodhart, as the editor, makes it clear that none of the authors were held to a set definition. Yet, through each author's essay, readers get a comprehensive menagerie of human rights issues, some of which may not necessarily be familiar to an average reader.

Chapter one, authored by Anthony J. Langlois, provides the historical framework for human rights. There Langlois has argued that the natural law concepts of rights became "vulnerable" during the Enlightenment because natural law was tied directly to the Church (p. 15). Also, readers would learn that the idea of natural law came under attack from each end of the thought spectrum and, as a result, the idea of rights of man would lay low until WWII. After the reported atrocities committed by the Third Reich and Imperial Japan, the international community sought to make sure that such barbarism would never happen again. This catastrophe led to the Universal Declaration of Human Rights (UDHR) document being signed by the United Nations in 1948. Furthermore, the author notes that while the name may contain "Universal," there was no agreed upon justification for the set of rights with different parties claiming justification based on human dignity, common needs, and equality, just to name a few (p. 15). He also noted in the chapter that the UDHR document, upon its publication, has faced criticism from those, who see rights in a relativistic manner, with universality not being an option, and

that the UDHR seen as a manifestation of western imperialism. Through this useful essay, Langlois has left his readers with the sense that human rights have developed greatly within the last century, but at the same time, we have not arrived at the point that the UDHR is truly universal; this idea of progress without an immediate endgame is present throughout the text.

In chapter two, Rhona K. M. Smith has provided readers with a scholarly avenue through which the current climate of human rights in international law thrives. For example, readers have generally been made aware that the most common form of international law dealing with human rights is the treaty. However, when faced with the prospect of violating an explicitly-written agreement entered into willingly, countries will often act in their national interest at the expense of agreed upon rights. This is a problem of enforcement when international disputes are involved. The author does accept the importance of the UN and its "comprehensive system of bodies," but looks to the nations themselves for enforcement (p. 41).

In chapter three, Todd Landman has offered his readers a breakdown of just how we can measure human rights. His insistence is that if we were to enforce rights, we must be able to identify them in a measurable fashion, else we would not be able to tell when they have been met or denied. With precision, the author has underscored that there are four main methods, in which we measure human rights: that events-based measurement simply counts the number of violations in a given country; standards-based measurement "grades" a nation on a scale so that nations can be compared to each other, and that Freedom House issuing "freedom" scores to nations would be an example of this version; survey-based measurement focuses on the people within a nation to collect their perceptions on the rights they have, as well as an understanding of the experiences they have gone through.

Above all, Landman pointed out that socio-economic and administrative statistics can be used to measure certain aspects of human rights, such as the Quality of Life Index. The author has appreciatively noted that these methods are all flawed because there is a bias in the creation of the indicators, which we measure (pp. 56-7). While measurement is not yet as precise as it needs to be, the foundation is there for scientists to make the measurements better over time.

In chapter four, co-authors Tim Dunne and Marianne Hanson delved into how human rights impact the field of international relations. For the realists, national interest wins out over an international human rights policy formulation when the rights conflict with the interest (p. 62). Liberals view human rights as an extension of inalienable rights, which nations have a duty to protect, and failing to do so will put their sovereignty in jeopardy (p. 63). The spread of human rights is tied directly to the spread of democracy, and unless international regimes and institutions are strong, states will violate rights if their interests are at risk. Constructionists argue that human rights should be the standard for legitimate statehood, and that transnational organizations must play their role in opening lanes of communication between different groups, thus building the identity of the states into that of rights protecting states (pp. 62-3). Making a straightforward choice between values and the state is not the norm; rather the choice is between "irreconcilable moral values" (p. 72).

Sonia Cardenas, in chapter five, looked at how human rights emerge in comparative politics. She contends that we can compare the rights practices of different countries;

and further we *should* do so in order to better understand how to spread human rights (p. 78). We must learn about the nature of the state in question before we can attempt to push them towards human rights, because implementation is not the same for each state (p. 82). The author further contended that to change the rights practices of a state, the international norms must be embedded at the domestic level (p. 86). This is done through assisting social groups in mobilization, and through putting international pressure on the government itself (p. 86). Then, through changing the state institutions' approach to rights, and by giving the citizenry a voice, change can be achieved over time. In a similar vein, Damien Short looks at how sociological and anthropological studies deal with human rights in chapter six. The author argues that while both fields were initially skeptical of human rights, they have now adopted a constructionist viewpoint that fits in with the comparative approach (p. 106). Only through understanding the motives and goals of the actors involved at the individual level can we understand the practice of human rights (p. 106).

The final chapter of the first section is David Chandler's take on how human rights can be, as well as has been, misused by various countries to further their own interests. Because human rights claims are made against governments, and most often in response to government policies, the demands challenge the existing framework (p. 113). Chandler has noted, however, that there has been an existence of a "capacity gap" in this process because the right holder often lacks the capacity to remedy the wrong, and is therefore reliant on an external agent to enforce the rights. The author notes that during the Cold War, human rights claims became highly politicized, with both sides going into countries which gave them a strategic advantage, doing so under the pretenses of remedying human rights violations (p. 115). He also usefully illustrated how human rights claims have completely changed the face of war in that otherwise illegitimate wars can be "justified" under the guise of protecting rights violations (p. 120). The author argued, as well, that because of the power held in the West when it comes to "policing" the world for rights violations, the potential of these nations to exploit human rights claims for wartime gains is not to be ignored.

Chapter eight, as part of the second section, was penned by Christian Davenport; it looked at the relationship between democracy and repression. There, the author has refuted the theory that there is a linear relationship between democratization and repression. Instead of a linear relationship, the author sees the relationship as U-shaped. The hypothesis is indeed clear: that the more aspects of democracy that are present, the lower the presence of repression; these aspects include party diversity, checks and balances, and veto powers (p. 134). The author argues that the traditional nation-level analysis of repression is misguided; he points to the example of segregation in America, where the repression varied between states, thus requiring a more detailed level of analysis.

In chapter nine, Marlies Glasius has examined the global civil society and its relationship with human rights. The author has very well defined this society as "the sphere of ideas, values, institutions, organizations, networks, and individuals located between the family, the state, and the market and operating beyond the confines of national societies, politics, and economies" (p. 149). Furthermore, the contributor points to the International Criminal Court as a prime example of a civil society, which has risen above the traditional international boundaries (p. 157). When it performs its supranational function of scrutinizing a nation, it is a much more difficult call to ignore – a lesson learned by the

USA with the incident in Abu Ghraib, Iraq (p. 160). The author has ended the chapter by noting how the global civil society is different from other international actors: that it operates on the logic of persuasion through exposure (p. 160).

Functionally, chapters ten and eleven are intertwined, in that they both deal with economic development. Here, Sakiko Fukuda-Parr has discussed human rights and development in chapter ten, while David L. Richards and Ronald D. Gelleny looked at economic globalization and human rights in chapter eleven. Fukuda-Parr offered a discussion of the two main theories of development relating to rights: the right to development (RTD), and the human rights-based approach to development (HRBA). RTD holds that poor countries have a right to develop into countries which will meet human rights standards, and rich countries have an obligation to help them; while HRBA focuses on the people rather than the state and holds that they have the right to develop as a nation so that they can realize their individual rights (p. 165). Richards and Gelleny look at the relationship in reverse, arguing that having rights will lead to development. Through their case study, they find that the more political and civil rights a developing nation has, the more likely they are to receive direct foreign investment in domestic industry (p. 196).

Both chapters twelve and thirteen deal with horrific acts of human rights violations, sexual trafficking and the exploitation of children. Andrea M. Bertone presents the chapter on sexual trafficking, and looks at how the USA has become the "sheriff" for the world when it comes to trafficking. The author observes that having American organizations operating in foreign countries has been a point of contention for other nations (p. 216) as such acts violate Article 2, paragraph 4 of the UN Charter that forbids the interference in the domestic affairs of member nations. Similar problems arise in the attempt to create a universal standard for the welfare of children. Vanessa Pupavac takes us through the attempted protection of children in chapter thirteen. Even though only two nations (the USA and Somalia) have not signed on to the UN Convention on the Rights of Children (1989), the author has argued that the standards for child welfare are still not universal. The author notes that for non-industrialized nations, it is impossible to hold them to the industrialized child-rearing standards when they do not have the material conditions to do so (p. 236). Unless the material gap is bridged, we cannot expect those nations to abandon the practices that keep them afloat.

In chapter fourteen, Gil Loescher has usefully offered a discussion of the problems surrounding rights given to those who are victims of forced migration. In fact, under the traditional definition of "refugee," only those who cross borders to seek protection can claim refugee status. However, the author has rejected this definition and, instead, classified anyone, who has been uprooted because of persecution or violence as a refugee (p. 248).

Paul Havemann, in chapter fifteen, focused on the rights of indigenous peoples. It is shown how international human rights law has classified indigenous peoples as a population, whose occupation of the territory in question predates the majority of a nation's current population (p. 262). The author did go as far back as the 1648 Treaty of Westphalia to find the justification for countries' treatment of indigenous peoples, as the Westphalian system would preclude the indigenous peoples from claiming their own territory (p. 262). The problem is that the states in the UN decide what indigenous peoples to recognize. As the prevailing theme of national/self interest rears its head again, the flaw is obvious: if a state wants to repress the indigenous people, they simply do not have to recognize them and thus the UN protocol does not apply.

In chapter sixteen, Scott Straus looked at how the 1948 Genocide Convention has failed to prevent and punish those culpable of genocide. The author has argued that the UN was slow to act on the Rwandan genocide due to the potential for having a situation similar to Somalia on their hands (p. 290). Unfortunately, the UN was seen as having acted even worse in its reported response to the Darfur genocide. Aside from the fact that China would not support the use of a military force, due in part to their oil interests, national interest once again won over clear human rights violations. Indeed, a UN commission, two years after the alleged genocide began, could not find sufficient evidence to classify the atrocities as genocide (p. 293). Therefore, the author has classified the UN Genocide Convention as “weak and ineffective,” notwithstanding attempts by scholars to address the imbroglio (p. 294).

In chapter seventeen, William F. Schultz has taken on the issue of torture, and the moral relativism of it has been a key legal issue in the USA since 9/11. As a result, the justification for torture is a straight cost-benefit analysis, often set in the “ticking bomb” example: if a suspect knows of the location of a ticking bomb that will kill many people, it is okay to harm the suspect in order to save lives (p. 309). However, the author has presented a compromise solution here: torturing to stop the ticking bomb, but punishing the torturer (p. 309). The author bypasses the legalese argument of “what exactly is torture” by noting that international law outlaws cruel, inhuman, and degrading behavior (p. 312). Instead of this debate, the focus is instead on how to end torture. The solution is that the torturer must be convinced that they can and will be punished for their acts (p. 312).

Then, in chapter eighteen, John Barry and Kerri Woods have explained how sustainability and climate change are linked to human rights. However, readers have learned that one of the problems with this relationship is that environmental politics has humans owing a duty to the earth, while human rights give humans the privileged spot on the top of the duty totem-pole (p. 323). Further, human rights tend to be thought of in the individual sense, while environmental issues are a collective issue (p. 323). The difference between the environment and other human rights issues is that human rights are not a solution to the problem; rather they are an issue that develops due to the problem of climate change (p. 330).

In chapter nineteen, Alan J. Kuperman looked at the impact of humanitarian intervention. The author has argued that military intervention should not be the primary tool, as it can take up to a month to implement and, during that time, civilians can suffer, possibly even worse than before the intervention was announced, as was the case in Kosovo (p. 340). Toward that end, his proposal has been that humanitarians should expand their focus to non-military forms of aid that can help avoid further civilian suffering (p. 341). The author has further shown that his own research has underscored a moral hazard for intervention, meaning that in certain instances giving aid can actually increase the violence against civilians. Through a case study of Bosnia, he has shown that the humanitarian aid perpetuated the war, which would eventually lead to the deaths of forty-thousand civilians (p. 350). The author’s solution focuses on using more precise methods of intervention such as distributing supplies in refugee camps which are policed to keep rebels out (p. 350).

In chapter twenty, Joanna R. Quinn discussed transitional justice, which is the decision of how to rebuild societies after suffering human rights violations, and how to punish the perpetrators. Readers learn from the chapter that there are three main types of transitional

justice currently in use: retributive, restorative, and reparative. Utilizing the case study of Uganda, the author has shown that the three avenues of justice failed in that instance, with no real justice coming out of the process (p. 367). She does not dismiss the theories; however, she proposes that over time the theories can help form a larger body of justice. Unfortunately, the test of this concept will not come until the occurrence of the next violation of human rights.

As the editor of this very useful volume, Goodhart has utilized the concluding chapter to take a close look at three topics: defending human rights, expanding human rights, and achieving human rights (pp. 374-376). For example, when looking at how to achieve universal human rights, he has very ably discussed two main areas: strengthening institutions, and democratizing international human rights. In his opinion, we must strengthen institutions so that they have enough power to actually protect human rights and act as deterrents (p. 376).

Overall, through the composition and layout of the text, Editor Goodhart and his contributors have made a rather complicated topic fluidly accessible, making the book a must read for undergraduate and graduate students. It should also be invaluable to human rights practitioners.

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