

## REVIEWS

**Coles, Kimberley. 2007. *Democratic Designs: International intervention and electoral practices in post-war Bosnia-Herzegovina*. Ann Arbor: University of Michigan Press. ISBN: 978-0-472-06985-9. 320 pgs. 31 figures, 6 tables. \$26.95.**

One of the central paradoxes of recent international interventions from Iraq to East Timor is that they have seemingly tried to foster a form of rule that is, at its very heart, supposed to be the product of self-determination. How can a type of government based on the 'will of the people' be imposed from the outside? Kimberley Coles's book is an empirically rich and analytically sophisticated account of the attempts by international representatives to produce democratic elections in Bosnia-Herzegovina. In many places around the world democracy is seen as a panacea, offering a way out of violence and hatred. As such it is often treated as if it comes in a universal template. Democracy, it seems, is a matter of the implementation of the right technical practices that can be replicated in all places, at all

times. Anthropologists have historically been very suspicious of such claims to universal salience, and the promises of democracy are no exception. However, Coles takes these claims of technical neutrality seriously and asks what precisely are the international communities doing when they try and reproduce something called democracy in places like Bosnia. In doing so she avoids implicitly normative and teleological questions such as 'is democracy working', arguing that they assume that we know what the goals and objectives of democratisation are and abstract the processes of democracy from concrete political struggles. Elections do not just happen, but have to be made. Coles therefore focuses on the cultural and political practise of democracy making and asks how is it that elections work?

Where as anthropologists have often treated elections as a form of ritual, Coles draws her comparisons from science. The analogy is made not with, say, the Catholic mass, but the scientific laboratory. Democracy is treated as a technology of knowledge production. Democracy promotion is not just a matter of promoting values, but the technical practices that make democracy possible, such as identity documents, ballot papers and instruction manuals. The human and non-human both play an important role here, as voter registration cards, for example, make it possible to act as a voter. Coles therefore seeks not to ask whether elections are free and

fair but how freedom and fairness can be made measurable. Crucially however, democracy as technique is not a neutral processes, but inherently political. The content and form of elections is far from self-evident. The promotion of governance as a technical process allows its naturalisation, meaning that inherently political decisions are often treated as apolitical and beyond debate. Above all, it is the promotion of democracy as technique that mediates the tension between democracy promotion as intervention and democracy promotion as local accountability. Throughout the book the 'international community' is treated not as a singular entity, but an internally divided social and political construct. Yet, Coles is also keen to tease out the particularities of international interventions through an emphasis on the quotidian and the small scale social practices through which those acting in the name of the 'international community' seek to privilege their forms of knowledge.

The thoughtful and sensitive ethnography is based on the author's extensive experience as an election monitor with the Organisation for Security and Cooperation in Europe. The book holds a concern with techniques and documents that is shared by a great deal of the recent anthropology of expertise. However, whilst much of this work presents a picture of knowledge practices as suspiciously neat and precise, Coles's work is particularly strong in capturing the confusions, tensions and messiness of many international interventions. As such, although objects play an important role in the

analysis we get a clear sense of the motivations, desires and frustrations of the people charged with promoting democracy. This is complemented, when necessary, by a clear and revealing analysis of the wider political and historical context. The book is written in a clear and accessible style, yet contains important and original theoretical insights, and will be useful both for undergraduate teaching and researchers. There are clear comparative lessons to be drawn from Coles's book, that stretch far beyond Bosnia and even the processes of democracy promotion and international intervention, to include any field of technical governance, ranging from the rule of law to economic restructuring.

Tobias Kelly  
*University of Edinburgh, UK*

**Goodale, Mark and Sally Engle Merry (2007) *The Practice of Human Rights: Tracking Law Between the Global and the Local*. Cambridge: Cambridge University Press. ISBN: 978-0-521-68378-4, xii + 384 pp, \$39.99**

The Practice of Human Rights: Tracking Law Between the Global and the Local—a collection edited by the prolific and influential anthropologists of human rights, Mark Goodale and Sally Engle Merry—explores the myriad ways in which social actors (individuals, institutions, states, and international

agencies) “talk about, advocate for, criticize, study, legally enact, [and] vernacularize . . . the idea of human rights” (24). Favoring a “discursive approach” to human rights—one that “decentres international human rights law” (8)—the contributors in this volume expose the diversity and ambiguity that permeates the multiple meanings of human rights. The ethnographic studies in the book depict the practice of human rights as rife with contradictions and uncertainties. However, the contributors do not wish to impugn universal human rights as a coherent legal or ethical framework or to indict the institutions responsible for protecting, ensuring, and nurturing human rights and the individuals charged with “translat[ing] documents into social situations and situations into human rights violations” (41). Rather, the contributors’ examination of the discourse of human rights—a discourse “positioned between global centers of human rights norms and laws and the local contexts which resist, appropriate or transform them” (345)—helps to reconceptualise human rights and could well serve to catalyze and create avenues for greater human rights protection and enforcement.

Much like human rights discourse itself, this is a dynamic book—one that can serve many purposes for a wide audience. The eight chapters and four critical commentaries draw heavily on anthropological forms of knowledge, yet contain enough interdisciplinary flavour to appeal to scholars in conflict studies, religious

studies, sociology, international studies, and international law. Those new to legal anthropology will appreciate Richard Ashby Wilson’s helpful review of the emergence of the anthropology of human rights from legal anthropology (and might consider reading his chapter, which concludes the volume, first). Those familiar with this history should find inspiration in the dialogue that the authors hope to advance regarding human rights discourse, in particular, and transnational processes, more broadly. More importantly, although perhaps unintentionally, the book supplies law students, lawyers, and judges with cogent examples of “the blindness of black letter law to socio-cultural context” (357), as well as helpful illustrations of how “the dominant legal approaches to human rights place their emphasis on the practice of statist institutions from the local to global levels” and the official texts that accompany such institutions “to the exclusion of everyday practices or other forms of non-official conduct” (281).

The volume is divided into four themes in the practice of human rights (“violence,” “power,” “vulnerability,” and “ambivalence”) with each theme containing an introductory commentary and two chapters. Putting aside the fact that violence and vulnerability as conceptual categories and real phenomena implicate power, thus raising the question of the meaning and significance of separating the themes of violence and power or vulnerability and power, a number

of the chapters seem only peripherally related to their theme or possess greater affinity with a chapter other than their pair. For example, Leve's (chapter 2) conception of the "double-binds" confronted by Nepali Buddhists arguably holds more in common with Wastell's (chapter 8) analysis of the new constitution for the African kingdom of Swaziland and the meaning of Swaziness than it does with Goldstein's (chapter 1) exploration of violence in Bolivia and the tensions between human rights and the "right to security." Indeed, I found Leve's discussion of "epistemic violence" either too attenuated or too truncated to occupy one of the two slots in the violence theme, yet felt it resonated quite nicely with theme of ambivalence where Wastell resides.

Jackson's (chapter 5) examination of the tensions for indigenous Colombians between human rights (regarded as residing in individuals) and collective rights (referred to as a "rights of culture") contains hints of the "double-binds" articulated by Leve. Both Jackson and Warren (chapter 6), who investigates the UN anti-trafficking protocol, engage questions of vulnerability—the theme under which they appear. But they also address violence—and potentially more so than Leve. Goodale's own chapter (chapter 3) on social resistance is clearly an articulation of power relations, but the fact that it contemplates neoliberalism in Bolivia begs for closer proximity to Goldstein. Goldstein's chapter, in turn, while appropriately situated within the theme of violence, presents compelling arguments regarding the

power of the state and the ambivalence of barrio residents with respect to "community justice." While chapters are supposed to speak to more than just their respective pairs, one may feel that the range of dialogue is inhibited by the classification.

Although the range of ethnographic studies is quite diverse (Bolivia, Burma/Myanmar, Columbia, Mexico, Nepal, and Swaziland), if part of the goal of the volume is to further the debate of "what human rights are" and to better understand the spatial dimensions of transnational human rights practices, then it might seem helpful to include chapters on China, Israel's relationship with Palestinians, the social and legal aspects of life in the Parisian banlieue of Clichy-sous-Bois, or Australia's recently terminated policy of jailing all asylum seekers while their claims are processed. Without engaging in "tiresome definitional debates or gatekeeping" (350) or exacerbating the sloppiness that Wilson claims to have occurred as a result of scholars applying the label of "human rights" to discuss anything involving humanity regardless of its link to legal sanctions or human rights charters (350), I would contend that a more searching discussion of the practice of human rights needs to entail an assessment of issues in and emanating from the elephant in the room—the United States. This might consist of the maltreatment of prisoners in military jails (mentioned only in passing by a couple of the contributors), the maltreatment of prisoners in U.S. federal and state jails and prisons, more generally, as

well as examples beyond just Dale's (chapter 7) discussion of Unocal, where domestic and transnational corporations engage in violations of human rights. But perhaps this is fruit for a subsequent edition or second volume to *The Practice of Human Rights*.

Avi Brisman  
*Emory University, USA*

**Lazarus-Black, Mindie. 2007.**  
*Everyday Harm: Domestic Violence, Court Rites, and Cultures of Reconciliation.*  
**Champaign, IL: University of Illinois Press. ISBN: 978-0-252-07408-0. 264 pp. \$22.00.**

Violence against women within the context of the family is a problem that continues to plague women of varying class, race/color, nationality, and ethnic backgrounds, as well as differing sexual preferences. How state agencies respond to this violence in an attempt to protect more vulnerable members of the population by establishing laws that hold abusers accountable and provide those abused with the right to seek recourse through the courts is the subject of this in-depth analysis of the operation of courts that handle domestic violence cases in Trinidad. The Domestic Violence Act passed in Trinidad in 1991 is the first in the English-speaking Caribbean crafted specifically to

address domestic complaints and to protect heterosexual victims of violence from current and former spouses, current and former de facto spouses, as well as from other family members. For the first time these acts of physical and/or emotional violence are separated from other types of violence in terms of how they are handled by police officers and other officers of the court. Complainants can, for the first time, secure protection orders through the courts against their abusers. The Act does not protect gay and lesbian couples because of the criminalization of homosexuality. *Everyday Harm* describes the effect of multilayered negotiations among officers of the court to include magistrates, probation officers, and police officers, the defendants and their counsel, and the complainants and their lawyers which fail to adequately resolve domestic violence cases resulting everyday harm to complainants. Lazarus-Black is concerned with examining the fissures among how new policy is imagined, what happens when it is implemented, and how people utilize the law in ways not envisioned by the lawmakers. In an effort to understand what happens in the spaces between how the law is envisioned and how it operates in the lives of complainants Lazarus-Black examines how "court rites, time, and cultures of reconciliation" combine to disadvantage some who access the system.

Using data gleaned from interviews as well as court records Lazarus-Black seeks to understand

the circumstances in which a person might file for a protection order, what process ensues in the courts, and finally how is the case adjudicated, and whether the complainants feel that justice has been served. In the course of this project she discovered that there are several places along this chain where complainants drop their cases and in an effort to explain this phenomenon examines “court rites,” which include intimidation, humiliation, and objectification, as a crucial site where cases are terminated, perhaps prematurely. Court rites are a set of practices that are normalized by legal practitioners which serve to both construct and reproduce classed and gendered hierarchies both within and outside the courts. Lazarus-Black identifies and reveals these practices as well as demonstrates how they empower some complainants and disenfranchise others as they negotiate domestic violence courts

“Time” is another link in the chain where Lazarus-Black discovered that complainants drop out of the system. She notes that “time is sometimes an instrument of power and sometimes a strategy to thwart power” (2007: 120). In order to explain how “legal” time often creates substantial hardships for complainants in the processing of their claims she examines how the use or misuse of time by various actors, the applicants, the courthouse, and the police, for instance, functions to deter or delay the adjudication of claims. By carefully applying the time framework Lazarus-Black is able to discern specifically at what point and how time is used to obstruct

complainant’s efforts to seek justice through the courts.

As is true elsewhere, victims of domestic violence in Trinidad are often encouraged to settle their “family” matters in private rather than resort to the public arena of the courts for assistance. Lazarus-Black attributes this to the “culture of reconciliation” in Trinidad where “...ideas about family, gender, and work...intersect to keep men and women from court in Trinidad...” (2007: 140). Ideas about how private and public are constituted and which elements ought to be considered as part of each category form the basis of her argument about the operation of the culture of reconciliation. She painstakingly uncovers the familial and gendered assumptions among her interviewees that enable the naturalization of the culture of reconciliation and how this affects the outcomes of protection orders filed. In order to understand the role of court rites and time in the resolution of domestic violence cases it is crucial to explore the social contexts within which these occur. Lazarus-Black’s discussion about cultures of reconciliation examines how the complexities of daily practices may not only alter the outcome of requests for protection orders but also affect which cases are even brought before the court.

This timely work pays careful attention to the complexities inherent in the operation of domestic violence courts as well as the impact of the cultural milieu in which they operate. This detailed analysis of how these categories work both in and against the best interests of some complainants and how they work in ways not

envisioned by the legislators who passed the act is an integrated attempt to understand what would best serve the needs of those victimized by familial violence. The combination of fine-grained legal description and ethnography sets the benchmark for quantitative and qualitative approaches to Caribbean legal anthropology.

Lisa Anderson-Levy  
*University of Minnesota, USA*

**Pouligny, Beatrice. 2006. *Peace Operations Seen from Below: UN Missions and Local People*. USA: Kumarian Press. ISBN: 978 1 56549 224 0 276 295 pp. \$27.50.**

Beatrice Pouligny's study investigates peacekeeping missions from the 'bottom up' approach to contribute significantly to the literature on peacekeeping operations. Pouligny's study explores the relationships that develop in the field between local populations and peacekeepers, offering an extensive coverage of the relations between the UN staff and local actors in societies emerging from war. Incorporating local perspectives from a varied countries including Cambodia, Somalia, Haiti, El Salvador, Bosnia and Herzegovina, Sierra Leone, her work speaks to the relationship between 'outsiders' (peacekeepers) and 'insiders' (locals) in ways applicable to both academics and

those working in broader projects such as UN policy makers, peacekeeping staff in the field. This book is a comparative analysis of global peace industry through an innovative and personal/political approach. Pouligny offers important insights into post-Cold War expansion of peacekeeping operations and the interactions of UN peacekeeping personnel, the UN, the NGOs and scholars with local populations. As she notes, the aim of the study is "to take seriously how individuals and groups that I met understood and explained, subjectively and empirically, their interaction with the United Nations mission" (preface).

Pouligny's accounts of the 'ordinary' lives touch on many issues that mark post-conflict societies, demonstrating how the rebuilding of war-torn society lies in the hands of local people. Her analyses of ordinary people and how they react to UN interventions illuminates the stories of the often neglected and invisible in the peace-building processes. She also highlights cultural misunderstandings and different expectations from peace operations by local population and peacekeepers. As she comments, while some peacekeepers found it hard to understand why local populations "never greeted them with acclamations" (155) local communities like some in Afghanistan complained that their "expectations have not been met" (164). Pouligny tries to reconcile these two groups by offering different explanations for these

misunderstandings and eventual disappointments. In Chapter 4, she offers a historical examination of relations “with the outside world” (156) as well as understandings of the idea of intervention in local terms (180) which demonstrate the views local populations have about the international community. She considers that while ‘intervention’ is clothed in ideas of impartiality and neutrality, local people and political actors view it subjectively. The intervention, in whatever form it occurs, has implications for the political, social and economic foundations of the host country. Thus, Pouligny points out that subjective interpretations of intervention must be considered because local actors will respond and react in accordance with what they think are the “preferences of the mission” (182). In her rich case studies, she demonstrates that local actors are constrained in efforts to use their native experiences and knowledge in the reconstruction of a society that is just emerging from a devastating conflict. Such a feeling is shared by local NGOs who often consider that the UN agencies relate to them merely as sources of useful information. Further, opinions, suggestions or solutions that local actors might propose for the future country’s peace politics are ignored and neglected (234). Pouligny is critical of the UN work and even at moments cynical. She criticises the UN for “proposing new framework from outside” (238) on the basis that the international community believes that the local population is incapable of proposing one of its own. However, she cautions that imposing democracy in post-war

countries is problematic in view of the fact that democracy suffers from too many meanings which may not have the same significance or relevance in all post-conflict countries. Thus, Pouligny argues that it is crucial to understand conditions on which peace can be built in a given society and to take into account what happens in the “interstices of societies” (267). Overall, *Peace Operations Seen from Below UN: Missions and local People* is insightful and seeks to engage both the UN and local actors, provoking them to work together towards better understanding of each others’ needs and hopes. At the same time, Pouligny’s analysis of the ‘ordinary’ lives of both local people and the UN staff calls political elites to take into account these realities when making peace policies.

Olivera Simic  
*University of Melbourne,*  
*Australia*

**Good, Anthony. 2007.**  
***Anthropology and Expertise***  
***in the Asylum Courts.*** New  
York: Cavendish. ISBN 978-1-  
904385-55-4 xxv + 299 pp.

Although social scientists have been involved in the legal process of most multicultural societies for over a century, little is known of the modalities of their endeavour or of the expectations and constraints of the legal processes’ role in society. Indeed, most anthropologists and socio-legal scientists who act as experts in the legal process must

learn to navigate the ethics of their own discipline and the formalism of law. Anthony Good addresses this struggle by taking upon himself the ambitious task of picturing first-hand data on anthropological expertise within process of asylum. In doing so, Good offers an original analysis of the praxis of anthropological expertise and provides an unprecedented theoretical reference for the controversial collaboration between anthropologists and lawyers.

Good's study presents the reader with the opportunity of a progressive immersion into the details of the legal process. The first chapters recount general views about asylum as a 'social and political problem'. They tackle the theoretical stakes of the collaboration between 'anthropologists and lawyers' and enumerates the specific methodological choices of 'studying asylum'. In the subsequent chapters, Good offers an anthropological perspective on both asylum legislation and the legal process of 'claiming asylum'. The second half of the book provides insights into the experience of providing 'expert evidence' for law courts, with particular attention to the role of interpreters, the assessment of credibility and weighing of expert evidence in the 'process of reaching decisions'. Good concludes with Latourian considerations about the (deceptive) role of the experts as 'scientists [who] apparently become temporary judges of last instance' (p. 264).

The eleven chapters are sandwiched between a prologue and a postscript whose engaged styles contrast with the predominantly measured tone of Good throughout the book, a difference in tone which leads the reader to reflection on the constraints of academic knowledge and confirms the intention of the author who, notwithstanding his neutral stance, avoids grounding his study on the mainstream principle 'that people's movement should be restricted by the boundaries of nation states' (p. 5). Good pragmatically sees his involvement in the legal process in terms of 'lesser evil' (p. 259) and with the view of ensuring vital support to the victims of the violation of human rights (p. 265). By grounding the book on first-hand material, the analysis of legal expertise displays the variety of praxis, and elucidates why a plurality of expertise, even if concordant, can damage the claimant -- how an expert can address borderline competencies and how specific wordings and forms can undermine anthropological expertise.

The book gains cohesion from the ethnomethodological perspective. Such a theoretical cut, recognizable from the beginning but fully explicit in the lengthy conclusive reference to Latour, adds some complexity to the already multifaceted and often hidden process of asylum. Good takes the time to delineate the conceptual tools for apprehending the realm of law from the perspective of legal anthropology by elucidating the differences in how

lawyers and anthropologists think; lawyers adhere to a positivistic notion of facts and evidence, while anthropologist weigh the very nature of facts (p. 34). Good also examines the reconstruction, in anthropological terms, of the asylum legislation and of the legal process (chapters 4 and 5). Not unlike other socio-legal scientists, Good illustrates the challenges of talking about law in terms which are extraneous to the discipline itself, a point that becomes further evident with the author's conclusive comments on the notion of justice and injustice as one of the outcomes of the asylum claims.

Throughout the book, Good shows that intensive ethnographic fieldwork can be carried out within one's own society, where the role of the expert is not that of the insider but one of the outsider, and where participant observation involves the co-production of a specialised communication in the form of legal documents. As such, the questions Good generates in this study thus appeals both to lawyers and anthropologists, but most of all to socio-legal scientists who want to overcome the rigid juxtaposition of the two specialised domains of law and social science in order to develop much-needed multidisciplinary research. As a lecturer on legal anthropology and human rights, I found this book an excellent teaching support and recommend it widely for teaching purposes, as it offers valuable guidelines for students of law and of social sciences who are likely to be in the future professionally involved with socio-legal expertise about

which they are still only seldom taught.

Livia Holden  
*Griffith University, Brisbane and  
Freie Universität, Berlin*