

## BOOK REVIEWS

**Pitarch, Pedro, Shannon Speed and Xochitl Leyva Solano (eds.). 2008. *Human rights in the Maya region: Global politics, cultural contentions, and moral engagements*. Durham and London: Duke University Press. ISBN: 978-0-8223-4313-4, x + 377 pp, \$23.95**

Human Rights in the Maya Region is about the ways indigenous peoples understand, appropriate and engage with the nonlocal discourse of human rights, as well as about how its increased presence effects on indigenous identities and cultures. By pointing at “the ways in which human rights are situated within structures and discourses of global and state power” as well as at “the agency with which local actors, Mayan peoples, are engaging with human rights” (19), it takes a stance between universalist and cultural relativist notions on human rights. As such, it helps us to gain more insight in both the link between human rights and culture, and in the contemporary process of a changing relationship between states and indigenous people in Latin America.

All contributors to the book – among which academics, activists, and indigenous people – have sufficient regional know-how and it makes an outstanding contribution to the debate on human rights in the Maya region. The twelve essays in

the book are divided in three sections: global politics and nation-states (part 1), cultural contentions (part 2), and political engagements (part 3). It begins with an introduction by Shannon Speed and Xochitl Leyva Solano, in which they elucidate this volume’s three main, interrelated questions: “What is the relationship between globalized discourses such as human rights and local cultures? How are human rights working within the neoliberal state? In what ways do local appropriations of human rights discourse and the spaces opened by human rights discourse and its practices offer new possibilities for struggle, particularly for antiracist, anti-neoliberal, or other counter systemic struggles?” (1-2). The three sections do not coincide with the three questions (which run through all of the works to differing degrees); rather, the division of the essays is based on the emphasis and perspective of the author’s approach of these questions and in his “Final Comments”, Richard Ashby Wilson links together the essays and sections in the concluding chapter.

One conclusion one could draw after reading this volume, is – as Wilson rightly stresses – that this book does not provide clear answers to its three central questions. This is not to say that the distinct contributions, or the volume as a whole, lack sufficient knowledge or insight. On the contrary, every single essay is well argued and worth reading. Rather, the range of responses does not clearly point in one direction. As for the link between culture and rights: the

articles by, for instance, Robert Carmack (chapter 2), or Pedro Pitarch (chapter 4), teach us that Maya culture is incompatible with human rights. On the other hand, others, like Rodolfo Stavenhagen (chapter 1), show that Maya culture and human rights are “at least potentially complementary” (306). A similar statement could be made regarding the analysis of rights in the context of state power: some articles (for instance by Shannon Speed and Xochitl Leyva Solano – chapter 9) point at a strengthening of the state. Other articles, like the one from Victoria Sanford (chapter 10), illustrate a weakening of the state.

Elaborations on questions concerning the strengthening or weakening of the state lead me to the Achilles heel of the book: its comparative character – as if Chiapas in Mexico (four essays) and Guatemala (seven essays) are similar enough to make a profound comparison. A range of arguments is in favor of such a comparative analysis. As the editors argue, both areas are characterized by similar socio-economic features (large, poor indigenous populations), and political characteristics (organized indigenous struggles confronting ‘neoliberal multicultural’ national politics), and both areas share the same history (presumed Mesoamerican Mayan roots and Spanish colonization). Of course there are differences as well, but this makes a comparative exercise “even more interesting, demonstrating that global-local-state interactions are very complex and diverse, even within a geographically limited area” as the editors (7) state. Yet, when it comes to the question how to deal with human rights problems across

the Maya region, it becomes clear that Chiapas and Guatemala require different approaches, instead of a one-fits-all solution. For instance, considering the differences in recent history and therefore a dissimilar socio-political context, one might conclude that the two countries have to face different political strategies concerning legal pluralism. In the relatively strong state of Mexico, decentralization of indigenous rights may “represent a means of both pressuring the state to deliver resources to indigenous communities and of pursuing greater autonomy within these communities”, as Wilson (318-319) states. However, and as Rachel Sieder’s contribution (chapter 3) suggests, in the context of the relatively weak state of Guatemala, this strategy does not make sense, because it would only mean an extra threat to the already unstable rule of law. Despite its weaknesses, this volume still offers a great variety of perceptions on the theory and practice of rights in both Chiapas and Guatemala. This volume will prove its significance for anyone interested in the relation between human rights, culture and power in the Maya region.

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**Latour, Bruno (2010 [2002]) *The Making of Law. An Ethnography of the Conseil d'État*. Polity Press. ISBN-13: 978-0-7456-3985-7**

Bruno Latour's recently translated ethnography of the French Conseil d'État (the Council of State) might be read as homage to this prestigious Council next to the Louvre in Paris, a bureaucratic institution which still takes pride in thoroughness, hesitancy, slowness, and discussion. The French Council of State is a council of lay-men and lawyers who for shorter or longer parts of their careers function as Supreme Court in cases falling within the area of administrative law, the function of which is to protect the citizen from excessive use of power on behalf of the public sector. "To judge at the Council [...] is never merely to judge a case but always also to judge the law itself..." (Latour 2010: 103). Latour introduces us to a world in which paper inhabits a prominent position. He brings to the reader's attention questions and details the role and forms of paper – is it a Copy or original, a physical attachment or written reference, is this an argument or that complaint or whether they are in the file?

Throughout the 284 pages Latour remains firmly on the surface of events, never letting his analyses venture far from his ethnographic material, a great part of which stems from his access to the reviewing of legal cases held in strict privacy by the commissioners of the council. This is how he allows us to see – on law's own premise – how one of the large structures of the French governmental system is produced by the mundane practices of human

dealings with books, paper, files, and by their struggles to keep the Law functional.

A classic Latour volume, the book begins in media res and claims to be "a completely zoom-free, context-free ethnographic description" (ibid: x) – a strategy he makes no effort to follow, to the readers' good fortune. He gradually introduces the contextual knowledge the reader will need to follow the commissioners and reporters of law, and the presidents and advices in the sections of the Council of State through the course of their debates, decisions, and – most importantly – hesitations through which specific cases are moved to a conclusion so that law can be 'spoken'.

This analytical strategy is exactly what allows Latour to demonstrate the special relationship of law to its objects: While the multitude of personal triumphs and tragedies and individual acts that eventually lead to a case being handled in the Council of State is absolutely indispensable for its existence, it is not central or relevant for the law-producing work that goes on here and has done since Napoleonic times. "...(T)he passion of the claimant is what is of least interest in the procedure of the case" (ibid: 204), and further: "Facts are things that one tries to get rid of as quickly as possible, in order to move on to [...] the particular point in law that is of interest..." (ibid: 215). He details systematically that virtues of slowness, disinterest, and hesitancy (which might be superficially cast as inefficiency or indifference) are indispensable traits of good law work, since these are the conditions that allow a case to

‘mature’, that secure quality control and ultimately a sound judgement.

Readers might find that Latour lacks critical gaze on the State and its bureaucracy as scheming and indifferent to the wellbeing of individuals. However, rather than targeting the commissioners of law, Latour’s critique is aimed elsewhere, namely at the two critical trends he finds dominate the sociology of law in particular, formalism and “fancy dress”(ibid:142). These perspectives, Latour argues, “would compel us to leave the winding path of practise in order to focus on another reality, one that is invisible to the actors themselves but which is supposed to explain their behaviour...”(ibid: 142). For Latour superficiality is an explicit strategy. In his own words, “Neither by recognizing social violence nor by focusing on the presence of rules can one predict the movement of the law” (ibid: 143). Latour has set out to understand and present to us, precisely, these movements and the elements that might influence the direction a specific case takes the law. He does so most explicitly in his elaboration of a list of ‘value objects’ (ibid: 140, 194f.).

*The Making of the Law* directly addresses the central question of how something like ‘a system’, ‘a state’ and ‘a structure’ might exist despite our vehement deconstruction of the same. As a researcher of Danish employment law and bureaucratic attempts to implement it, Latour’s analyses definitely resonate more with my own impression of the workings of lawyers and government officials than do most sociological analyses, though the workings of the Council

of State come across in Latour’s surface account as rather idealized.

As with most sociological analyses one is left curious about the concrete people (flesh and blood individuals as opposed to people as positions or people as examples) with whom Latour has spent four years and who we only meet in passing and in footnotes. However, *The Making of Law* is not a portrait of a group of people working in the production of law; it is a portrait of Law itself. As such it should speak directly to all researchers who are interested in classic questions about production, change, and reproduction of social structures.

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