

icipation in democratic procedures introduces a problem. First, as Gould points to address her view, it is a decision making process—often outcomes—decisions—it is not democratic participation with other human beings. Gould is arguing the right to equal participation, are justified to ensure that all individuals have their capacities for self-development. To ensure that all individuals have their capacities for self-development, Gould argues that equal participation in rights, Gould argues that equal participation in rights, since equal participation would

that arises for equal participation is that a person does a person's decision-making. Gould discusses two views. First, Gould argues an "all-affected" view, roughly, anyone who is affected by a decision has a right to participate. Gould argues that all individuals who are affected by a decision, being "important" human rights

up what is permitted for political participation and feminist philosophy of her book: arguing uncritical participation on the one hand,

or promoting essentialist and authoritarian universal normative principles of justice (that masquerade as universal while privileging Western conceptions of justice and human nature) on the other. Gould argues that the source of the critiques of universalism from defenders of cultural relativism and postmodernism lie in what she calls "abstract universalism," which, she argues, incorrectly posits lists of essential human characteristics that are fixed, non-historically contingent, and which are value-laden in the sense that they "reflect the interests, needs and prejudices of particular social groups" (57). In contrast, Gould proposes what she calls "concrete universality," which, she argues, "denotes those properties that individuate human beings or societies or that differentiate them" (57), which are, for Gould, the capacities for self-development and self-transformation. Gould proposes this idea of concrete universality as a way of avoiding cultural relativism that, while being universalist, is not essentialist, and does not reflect uniquely Western understandings of justice and human nature.

Equally importantly, Gould offers, in Chapter five, a justification for the rights of groups, which, she argues, derive from the rights of individuals, but are not reducible to the rights of individuals. It follows, Gould argues, from the facts that everyone has an equal right to the conditions of their self-development, and that participation in cultural life is a condition of self-development (because, on Gould's view, individuals are constituted by their relations), that individuals have an equal right to participation in a culture. This right in turn requires that cultures themselves, or groups, have a right to their own continued existence. Significantly, Gould maintains that, because the rights of groups are derived from the rights of individuals, when the rights of individuals conflict with the rights of groups, the rights of individuals take priority over the rights of groups.

This argument—along with Gould's argument for the subordination of the right to equal democratic participation to other human rights when democratic procedures result in rights violations, seem problematic to me—for the following reason. In both cases, Gould's justification of the rights in question—the right to equal democratic participation, the rights of groups, and other universal human rights—is that they are necessary for the exercise of the capacity of self-development. It seems odd then that when either the right to equal democratic participation conflicts with other universal human rights, or when the rights of groups conflict with other universal human rights, that Gould should prioritize the latter to the former in each case. One would think that it is possible, and furthermore quite likely, that in some cases, the capacity for self-development would be better promoted by either upholding the rights of groups when they conflict with the rights of individuals, or by upholding the outcomes of democratic procedures even when they result in the violations of other rights.

Despite this problem, however, Gould's book is a significant contribution to political philosophy, global justice, democratic theory, and feminist philosophy. Gould has taken up some of the most difficult and troublesome questions for all of these fields, and has offered both novel ways of understanding these problems, as well as inventive approaches for addressing these problems.

Peter Higgins

Arthur Jay Klinghoffer and Judith Apter Klinghoffer, *International Citizens' Tribunals: Mobilizing Public Opinion to Advance Human Rights* (Palgrave), 2002, 272pp.

Three major tribunals constitute the core of this book: the Reichstag fire tribunal of 1933, the Leon Trotsky tribunal of 1937

against the 1934–36 Moscow show trials, and the Bertrand Russell Vietnam war crimes tribunal of 1967. The book explores the impact of national and world public opinion on those two trials and the Vietnam policy, as well as others issues. It holds that tribunals affect public attitudes about the trials or judicial events and related social justice issues by “harnessing public opinion to the wagon of human rights” (2) in a literal attempt for the “truth” to make them free. “Public opinion in its highest ideal will defend those who are prepared to act on their reasons against the interrupting force of those who merely assert their will” (2). Rather than affecting or mobilizing “public” opinion, the influence, as the book shows, is mainly in the impact on elites, either opinion makers or governmental officials, affecting the outcome of a trial or policy.

The first two tribunals were attempts to save individuals from judicial oppression. Four communists (three Bulgarians and a German) and the actual perpetrator of the Reichstag fire, Marinus van der Lubbe, were arrested shortly afterwards. The developing and publicizing of factual evidence in the countertrial “Commission of Inquiry” in London for the uninvolved charged individuals with air-tight alibis in the Reichstag trial in Leipzig, made the acquittals of the defendants more likely. After the 1934–36 show trials “convicted” and executed almost all of the large groups of defendants, the Dewey commission in Mexico in 1937 defended Trotsky against the Moscow treason charges and helped clear his name but not protect his safety from assassination in 1940. Rather than defending individuals against injustice, the Russell Tribunal indicted United States’ and allied policy against North Vietnam. While the tribunal had little impact on the war itself, it helped turn public opinion against the war. It turned out to be impossible to hold the tribunal in the United States before American public opinion turned

against the war. Nor was it easy to hold it in seemingly sympathetic Sweden: Lyndon Johnson, French officials, and Swedish authorities were surprisingly concerned about having an unofficial tribunal occurring anywhere; only the North Vietnamese sent official representatives. Interestingly, the book identifies Vice President Hubert Humphrey’s attempt to get Sweden to convince North Vietnam to ease off so the United States could withdraw from Vietnam (144).

The role of philosopher John Dewey et al, in pursuing the factual versus ideological support for the Trotsky case is particularly informative. In fact, a key finding of the book is the need to harness celebrity in these trials (189). The attaching of the names of Einstein to the Reichstag tribunal, Dewey to the Moscow tribunal, and Russell, Sartre and DeBeuvoir to the Vietnam tribunal all highlighted the issues of the trials and advanced the sponsors’ causes. Similarly, Stokely Carmichael and Dave Dellinger played cameo parts for the Vietnam tribunal. After a period of tribunals about issues, the 1990s tribunals defending individuals like Kim Dae-jung in Korea and Mumia Abu-Jamal in Philadelphia harnessed the celebrity of descendants of Richard Wright, W.E.B. Du Bois, Kwame Nkrumah, and the Rosenbergs/Meeropol (183) to increase publicity.

As historical presentations, the narratives in the books are quite informative. They would have been more helpful by including additional original sourcing for quotes, background information, and citation to pertinent Supreme Court cases (109, 135). The attempt, for instance, to develop official institutional structures beyond countertrials such as the congressional hearings by Rep. Ron Dellums (D-CA) (173–174) would also have expanded the scope of institutional inquiries against injustices. The Permanent People’s Tribunals headquartered in Italy have extended the range of tribunals’ goals. What norms and law, including Supreme Court and

European Court cases, require act today? The basis in international law the Universal Declaration of the Rights of the People in the Universal Declaration (167) are bare authority.

In terms of particularly new issues through granting of political tools and sources 149–158, 179 in terms of applying when there are posing nation systems in the United States. Similar to the United States’ photographing VISIT, mimicking if all were possible. In considering international Criminal norms and mechanisms challenge such violations of human areas but are hidden tiny under guise sterile and efficient forget the more

Book Reviews

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 cases, require or legitimize such tribunals to
 act today? The tribunals have only a weak
 basis in international law. The principles of
 the Universal Declaration of the Rights of
 the People in Self-determination (6) and
 Universal Declaration of Human Rights
 (167) are barely developed as sources of au-
 thority.

In terms of emerging human rights norms,
 particularly noteworthy are the subsidiary
 issues throughout the book of the denial and
 granting of passports and visas as political
 tools and sources of repression (123-125,
 149-158, 179). This is especially pertinent
 in terms of applying human rights norms now
 when there are increasing pressures for im-
 posing national ID cards and surveillance
 systems in Great Britain and the United
 States. Similarly, the norms apply to the
 United States practices of fingerprinting and
 photographing all foreign visitors (US-
 VISIT, mimicked in retaliation by Brazil) as
 if all were potential criminals or terrorists.
 In considering the extension of the Interna-
 tional Criminal Court and institutionalizing
 international citizens' tribunals, institutional
 norms and mechanisms are needed to chal-
 lenge such widespread and spreading viola-
 tions of human rights that take place in public
 areas but are hidden from human rights scru-
 tiny under guise of security. In their more
 sterile and efficient forms, it is possible to
 forget the more egregious uses of ID systems

in Nazi Germany, the USSR, South Africa,
 and Rwanda.

While raising important issues, recent tri-
 bunals, as the authors note, have lacked cred-
 ibility with the media, the public and accused
 governments. "Overall, international citizens
 tribunals over the last two decades of the 20th
 century have not been highly effective, as
 they have been partisan, shrill, anti-Ameri-
 can, and leftist" (185).

Though "an excellent concept directed at
 the furtherance of justice," these judicial
 councils have "been thwarted in . . . appli-
 cation by poor execution" (185). To remedy
 this now, the authors propose a permanent
 institutional structure, a range of judges and
 diverse juries, defense counsel, witnesses,
 adequate deliberations, votes on charges, and
 public presentations of findings (191-193).
 The authors also recommend "creating more
 professional and neutral international citizens
 tribunals, with even handedness, defense, and
 rules of evidence, that also harness the me-
 dia in effective ways." In short, "public opin-
 ion for the advancement of human rights
 should be mobilized on the basis of trans-
 parent operational commonality rather than
 doctrinal disparity" (194). By drawing from
 the goals, events, and realities of past
 attempts, this book advances the history of
 international tribunals, and perhaps their fu-
 ture, too.

Richard Sobel