about justice at all. I critique the sociolegal enterprise, rather, for writing about injustice and law as if social power offered the only and complete terms with which to carry out its critique. If my book has, however indirectly, given "voice to justice" through a critique of silence, as Conley's review states, then it has – despite Conley's own bafflement – in some sense succeeded. It has moved – or, more modestly, it has raised the possibility of shifting – interdisciplinary discussion of justice away from the potential stranglehold of social power toward consideration of limits and possibilities in the speaking and silences of modern law.

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INTERDISCIPLINARY BOOK REVIEW EXCHANGE

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This book review is part of an interdisciplinary special issue of *PoLAR* titled "At Disciplinary Edges." We asked scholars to review books from disciplines other than the ones in which they were trained or taught. The author of this book review, Alison Brysk, teaches in the Political Science and International Studies Departments at the University of California, Irvine. She reviews *Surrendering to Utopia: An Anthropology of Human Rights*, written by Mark Goodale, who is an Associate Professor of Conflict Analysis and Anthropology at George Mason University.

Surrendering to Utopia: An Anthropology of Human Rights

Mark Goodale (Stanford, CA: Stanford University Press, 2009)

Mark Goodale makes a signal contribution to the practice of human rights, the epistemology of social theory, and a new vision of "engaged scholarship" in his powerful new book, *Surrendering to Utopia*. He aspires to advance an anthropological notion of human rights in two senses: to develop a dialectical ethnographic universalism of human rights and to show that anthropology offers a unique contribution to the

construction of such a sustainable, "well-tempered humanism." Goodale's thoughtful interrogation of the construction and application of human rights succeeds on both counts. Goodale deserves plaudits for marrying a serious engagement with the power of ideas with a pragmatist's willingness to push beyond critique to a positive agenda. His book is a welcome complement to scholarship and analysis based in law, political science, sociology, ethics, and the humanities.

Goodale provides a series of interventions toward an anthropology of human rights. First, he argues that anthropology is a kind of dialectical social theory that constructs the universal in dialogue with the particular, which should contribute to the protection and empowerment of human dignity. Next, Goodale revisits and revises the history of anthropology's critique of human rights and consequent estrangement from the international human rights regime. He goes on to argue that this history created a false dilemma of cultural relativism vs. universalism. Furthermore, Goodale contends, the marginalization of anthropology from the cosmopolitan project left culture reified, ignored, or misunderstood by human rights scholars and practitioners. According to Goodale, this marginalization has reinforced the statist features of the human rights regime and diverted attention from postnational normative projects that might have lead the way towards a more pluralistic and inclusive form of human rights. More affirmatively, when anthropology belatedly enters international discourse in defense of indigenous rights, it constructively stretches existing frameworks towards an inductively derived notion of collective rights, and a reengagement with culture.

However, Goodale's far-sighted vision blurs around the edges when he dismisses the contributions and relevance of other disciplines. In so doing, he misses some of the need for continuing strategic efforts to restrain the power of abusive states, to harness potentially principled interventions by international institutions, to use scattered humanitarian foreign policies of global promoter states, and to empower social movements organized within existing citizenship and international regimes. Goodale's prologue grounds his analysis in solidarity with refugees whose lives depend on good old-fashioned international law, humanitarian intervention, and anti-imperialism – yet his analysis periodically falls into a kind of disciplinary triumphalism that privileges the analysis of culture over the indivisibility of rights. He goes so far as to say that "human rights scholars should not be too concerned with these relatively tiny segments of the world's population.... populations in diaspora, elites, well-traveled bourgeoisie (whether from the "West" or elsewhere), those regularly on the information superhighway, and others, [for whom] the world *does* seem to be a smaller, less divided place," compared to those for whom "the stubborn fact of culture remains" (p. 90). It should come as a great relief to the "tiny segment" of the world's tens of millions of refugees, tortured Iranian bloggers pulled off the information superhighway, assassinated "well-traveled bourgeois" dissidents and journalists in Russia, and other insufficiently exotic "elites" that Goodale considers their level of cultural globalization sufficient to provide protection through existing international law.

Moreover, this myopia undercuts the full emancipatory potential of a pluralistic social science for those situated further along the range of cultural difference, which

Goodale himself glimpses at the horizon. In my own fieldwork study of indigenous rights and globalization in Ecuador (see Brysk 2000), I was surprised to find that a wide variety of indigenous leaders preferred to talk to me as a political scientist – or as some insisted, a journalist or historian – than an anthropologist. As one Amazonian leader described to me his own mobilization and consciousness-raising, "I discovered that my problem is not folklore, my problem is politics." The best anthropologists of the new wave Goodale crystallizes use the anthropological standpoint to show precisely how some anthropologists and states constructed "folklore," how indigenous peoples reconstructed new politicized identities that were both local and global, and how such identities have been culturally consumed by the international human rights regime. In this vein, Goodale's own achievement comes to fruition in his discussion of the emergence of collective rights through anthropology's involvement in the international human rights regime. Chapter 6, in particular, provides thoughtful insights about the relationship between deductive epistemology and the limited effectiveness of international law.

While Goodale's account of the marginalization of anthropology from the international human rights regime is instructive and merits redress on both sides, it is somewhat lopsided and incomplete. Although he carefully traces competing currents within anthropology and their self-exile from the cosmopolitan international, Goodale misses two larger trends. First, in the wider ambit of scholarship beyond the Universal Declaration, the disciplines entered the human rights arena in a sequence that added cumulative layers of paradigms – and tensions. International law was the originating discipline of pedagogy, scholarship, and practice in human rights. Political science entered a generation ago, with both anthropology and sociology entering after the end of the Cold War, and more recently the humanities (e.g., via testimonials). Thus, when he contends that human rights theory is "static" in its state-centricity, limited list of civil and political rights, and homogenous universalism, Goodale tragically ignores important recent contributions on "new rights" from both political science and sociology (Bob 2009, Nelson 2008), the status and accountability of non-state actors (Brysk 2005), and feminist theory's challenge to universalism (Ackerley 2008), to name a few.

Second, Goodale fails to examine the partial decolonization of anthropology itself, which was a critical influence on the turn towards indigenous rights and the opening to a rights-based perspective. The Barbados Conference and the entry of scholars from the global South, especially Latin America, played an important role in signaling the need for a more engaged and dialectical anthropology. Some of the most important voices that contribute to that project are not cited here (e.g., Mato 2000) – yet it is here that the reconstruction Goodale calls for within anthropology is most likely to emerge.

Goodale's critique of the treatment of culture by other disciplines is misbegotten. For example, Goodale mistakenly claims that my own widely cited political science collection on globalization and human rights proclaims the death of culture because it contends that globalization has a negative effect on human rights when it "reinscribes borders" (Brysk 2005). Goodale is falsely imposing an anthropologist's definition

of *borders* as “the range of boundary markers–language, dress, religion, etc.” on the standard and clear political science Weberian usage of *borders* as political territorial boundaries between nation-states enforced by coercion (pp. 84–85). As long as state monopolies of force permit and even encourage the systematic violation of human dignity, it is my vocation as a political scientist to contest them. Similarly, Goodale makes a bizarre *ad hominem* projection of Canadian human rights pioneer John Humphrey’s theatrical tastes to attack the inclusion of cultural rights in the Universal Declaration of Human Rights as an elitist projection of Humphrey’s sensibilities (pp. 76–77); he thereby ignores the historical interplay between Anglo-French “cultural” relations in Canada and Canadian international advocacy of a range of rights beyond the civil-political canon proposed by the United States. It is ironic that this aspect of Goodale’s work betrays one of the great contributions of the anthropological sensibility; the ethnographic ability to listen carefully, and interpret language and ideas within their social and historical context.

The move toward identity across the social sciences can address many of the concerns Goodale raises about culture, via new social movement theory in sociology, constructivism in political science, critical legal theory, social psychology, and even behavioral economics. A constructivist scholar of international relations employs a definition of identity that echoes closely the progressive reconstruction Goodale attempts: “Identities perform three necessary functions in a society: they tell you and others who you are and they tell you who others are” (Hopf 1998:175). In this communicative reading, identities are universal in form yet diverse in content; they are rooted yet relational, like the notion of human rights Goodale intermittently articulates.

Engaged social scientists of many disciplines are Goodale’s unrecognized partners in a dialectical reconstruction of human rights through theory and practice. The best efforts are marked not by discipline, but by a relationship and responsiveness to civil society: transnational as well as local. While it is impossible to escape relations of power, privilege, and representation in human rights research or advocacy, our non-utopian program *can* be to democratize them. Goodale’s thought-provoking work deepens our commitment to the vision of human rights that I learned from the Latin American indigenous movement: “We are different – we are equal.”

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INTERDISCIPLINARY BOOK REVIEW EXCHANGE: Anthropologist Mark Goodale Responds to Political Scientist Alison Brysk

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Response

As I explain in the Prologue to *Surrendering to Utopia*, I have spent much of the last seven years traveling from workshop to conference, lecture to lecture, all devoted in one degree or another to human rights, and at each I am expected to dutifully fulfill my role as Token Anthropologist among the legal scholars, political theorists, international relations scholars, and academically oriented representatives of various international institutions and transnational NGOs. What the Token Anthropologist is expected to provide is a (hopefully) delightfully rich and slightly (but not too) idiosyncratic set of anecdotes from the contemporary normative frontlines – the more seemingly comprehensive and culturally and regionally disparate the better. Tell us about the Sami and their struggles with the Finish government. How about the Maasai? Isn't the revolution of Evo Morales in Bolivia really a fight for indigenous rights? Tell us about culture. Is it true that men and women must walk on separate paths in Papua New Guinea because women are considered fundamentally unequal? But wouldn't you agree that genocidal regimes have used culture as an excuse for their crimes for decades? And (apropos of Brysk's review of my book) by the way, we wish to inform you that this will be your last appearance here. Since culture, *Kultur*, the ancient world of lines of irrational and often violent demarcation, have all officially withered away due to the salutary consequences of globalization, your startling anthropological anecdotes will no longer be necessary or even possible. From

here on out we can make due just fine with chilling accounts of the past faithfully recounted by the Token Historian. . . .

Surrendering to Utopia is in part a reflection on my own fraught intellectual and ethical journey among these mandarins of human rights theory and practice. Although, like all anthropologists, I have been happy to accept and even trade in the epistemological marginality that seems to envelop our peculiar field, over time I have grown less satisfied with this structural inequality and more insistent on using the unique ways and means of anthropology as a basis for interrogating – with what I hope is much hesitation and intellectual humility – the range of beliefs, expectations, and assumptions that infuse the contemporary project of human rights.

And in so doing I have come to the firm conviction that the unassailable desire to both prevent the kind of massive human suffering that gave rise to the modern human rights system within international law and relations, and seek justice when prevention of this kind fails (as it usually does), has been hindered not only by the bad faith of countless spoilers – from the long line of warlords and tin pot power mongers to the righteous exceptionalists next door – but also by the extreme balkanization that marks what can only loosely be described as human rights studies. Political theorists ask the "what" questions (What are human rights? What is their source? As a category of norms, in what ways do human rights relate to other norms?); political scientists ask the "how" questions (How can the international human rights system be made more effective? How can we prevent human rights violations in country A or place X or among culture Z from taking place? How does the international human rights system challenge the dominant Westphalian paradigm of state sovereignty?); and international lawyers and legal theorists ask whatever questions they'd like (Is international human rights law actually law? Are international courts the best forums for adjudicating rights violations? Should international law be allowed to become the expression of politics by other means?).

And, as in the real world of the international relations that govern human rights as politics, law, and moral discourse, this parallel world of intellectual production is likewise formally horizontal but actually quite hierarchical. Not all member-states of the UN are equal, despite their voting rights, and so too with the several dominant epistemological paradigms that have shaped, justified, and advocated for the modern idea and practice of human rights. This kind of intellectual division of labor is obviously not unique to human rights; indeed, it is simply a broader consequence – or expression – of the ever-present Cartesian demand for parsing that hangs over modern knowledge production itself like a sword of Damocles. But here the stakes are much higher, perhaps the highest imaginable: nothing less than the meaning, normativity, and political implications of a very specific account of the human and the demand that this account form a metric by which all facets of contemporary life should be measured.

So although I am deeply appreciative that Brysk shares my commitment to what she felicitously calls a "dialectical ethnographic universalism of human rights" and a "more pluralistic and inclusive form of human rights," I was surprised to find myself being accused of the very thing that my book argues most strenuously against – a

disciplinary myopia. I'll leave it to other nonanthropology readers to weigh the justice of this charge themselves (anthropologists who know my work will quickly dismiss it), but just for the sake of clarity I must remind those who've just read Brysk's review that *Surrendering to Utopia* is an extended argument for what I describe in the concluding chapter as "human rights in an anthropological key," which draws a distinction between anthropology-as-discipline and anthropology as a way of being-in-the-world. Here I echo James Ferguson's (1999) subtle but important distinction between "ethnography-as-method" and "the ethnographic," the latter being a way of characterizing that tentative experience through which intimacy and ethical engagement lead to knowledge of both other and self.

Yet I also realize that this analytical distinction – which denies to anthropology (or any academic discipline) an epistemological privilege in relation to human rights theory and practice, at the same time it draws deeply from anthropology's historical marginalization as a key epistemological resource – lends itself to an ambiguous reading (what Brysk describes as a "far-sighted vision [that] blurs around the edges"). I could simply respond that this ambiguity is in large measure a reflection of the hidden ambiguities that continue to ironically bedevil what is the contemporary world's most apparently self-evident moral-discursive axiom. ("All human beings are born equal and from this fundamental equality come very specific norms, rights [and not, for example, duties].")

Instead, I will quote from one among many passages in the book in which I underscore, plead, highlight, and indeed shout from the mountaintop—however peripheral – that *Surrendering to Utopia*, and in fact the broader contemporary anthropology of human rights of which my work represents only one expression, is antidisciplinary and ecumenical to its very core:

> [A]n anthropology of human rights represents. . . an argument against the disciplinarity of the entire postwar human rights project, a disciplinarity (in both its literal and Foucaultian senses) that has marked the political and institutional dimensions of this project as much as it more obviously has the academic. It is only an apparent paradox that this argument itself emerges from (my own conception of) a discipline, especially when the history of the relationship between anthropology and human rights. . . is recalled. Part of what has made contemporary anthropology so innovative and so marginalized at the same time has been the way it has developed and traded in essentially open epistemological frameworks. An anthropology of human rights is thus motivated by both this historical marginalization and commitment to plural approaches. [2009:132]

Moreover, this is not simply an extended argument: throughout the book I find intimations of human rights in an anthropological key across a wide range of non-anthropological sources. In fact in many ways anthropologists are not the main characters in the narrative I develop. As only one among many examples, I am happy to yet again extol the illuminating virtues of the Swedish political theorist Eva Erman (2005), whose work guides my way for a large section of my examination of human

rights, cosmopolitanism, and the ethnography of transnational normativity in Chapter Five.

So perhaps it is not disciplinary myopia that is at issue here, but rather the admittedly bracing fact that Brysk was asked to review a book that expresses some extended impatience with the ways in which "culture" is conceptualized within a subset of human rights studies concerned with the supposedly transformative – indeed millenarian – effects that something called "globalization" is having on contemporary human rights regimes. It was only the sheer hegemony of her 2002 edited volume, *Globalization and Human Rights*, that brought it to my critical attention. I was, given my purposes, in a sense forced to absorb and respond to its multiple contributions. (As Brysk herself is gracious enough to remind us, this volume is "widely cited" – potential critics beware!)

Although the volume deserves its citational muscle especially for the breadth and intelligence of the case studies that comprise it, I found its treatment of "culture" in particular largely uninspiring at best. It did not give me any pleasure to have to explain this lack of inspiration in detail (readers can refer to Goodale 2009:84–85), but it is difficult to account for the tone and some of the mischaracterizations in Brysk's review without understanding this broader context. (She must have been delighted to be offered the chance to respond in print, so early, to a work that does not hew to the conventional wisdom that *Globalization and Human Rights* is the last word on the topic – "delighted," that is, in the sort of dreary, reluctant way I feel delight in being given the chance, or rather right, or rather duty, to respond to her review.)

In this response, I have honored my promise to the editors at *PoLAR* by focusing constructively on the broader disciplinary differences that mark the intellectual and ethical encounter with human rights. That is, I have not engaged in a line-by-line rebuttal of her review of *Surrendering to Utopia*. But before I conclude, I simply must specifically address two of Brysk's critiques even though this forces me immediately into the minutiae and historiography of human rights studies in a way that will likely have little interest to most readers of this journal.

First, I'm not sure I fully understand her charge that my reconstructed account of the relationship between anthropology and the postwar human rights project is "incomplete." I say reconstructed because Chapter Two in the book is meant to be the culmination of a process of archival research (conducted primarily in the National Anthropological Archives in Suitland, Maryland), writing, and wider investigation into both the history and historiography of this relationship, one that has been consistently misunderstood and mischaracterized (as I have written about now across a range of earlier publications). Indeed, I took a chance with Chapter Two because I knew that the level of historical detail would be of little interest to nonanthropologists, except to the extent that this intellectual history provides a broader window into the dilemmas and tensions that marked the emergence of the modern human rights system from the ashes of World War II. But since the examples she cites to demonstrate this supposed incompleteness take us back to the contributions of international lawyers, political scientists, and others, perhaps we can understand yet again the subtextual thrust of her critique.

Along similar lines, she asserts that the book "fails to examine the partial decolonization of anthropology itself, which was a critical influence on the turn towards indigenous rights and the opening to a rights-based perspective." It is hard to understand how a scholar of such intelligence, generosity, and good will could make this argument even though I devote large sections of Chapter Two and indeed an entire later chapter – "Rights Unbound: Anthropology and the Emergence of Neoliberal Human Rights," Chapter Six – to precisely these two topics.

Finally, Brysk takes issue with my extended deconstruction of the origins and meaning of "culture" in the UDHR. This allows me to return here to an examination of broader interdisciplinary disjunctures and misunderstandings. In this part of the book I make extensive and counter-historical use of Johannes Morsink's (1999) definitive study of the drafting of the UDHR to argue that the meaning of culture in articles 22 and 27 was a direct reflection of the way in which the principal and most important drafter, John Humphrey, understood it. As I have written about elsewhere, one of the most important implications of Morsink's book is the way it debunks once and for all the widely held belief that the process through which the UDHR was drafted reflected a global consensus on the idea of human rights. In any case, my use of Morsink to understand Humphrey is described by Brysk as "ad hominem." At first, we anthropologists shudder to be accused of committing an error of logic by someone whose own epistemology would never admit of something so intellectually debased. But then we must remind ourselves (if not others) that contemporary sociocultural anthropology is fundamentally, passionately, and provocatively committed to arguments, to narratives, that are, in a sense, precisely and quite intentionally *ad hominem*. What is the commitment to intersubjectivity and reflexivity if not a commitment to all that is deeply personal, contingent, idiosyncratic – and a corresponding skepticism toward syllogisms of all kinds, especially those that equate any critique of ideas about human rights with a critique of the concerns that animate such ideas, the most important of which are the concerns with suffering, violence, and the tragically common disregard for what E. M. Forster (1951) called the "human tradition"?

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