

## Book Reviews

Robert B. Talisse, *Democracy After Liberalism: Pragmatism and Deliberative Politics*, New York: Routledge, 2005, ix + 162 pp.

No one wishing to possess a concise yet conceptually comprehensive account of the questions bedeviling liberalism—all topics are tracked with a fine bibliography—will be disappointed with Robert B. Talisse's *Democracy After Liberalism*. While special attention is given to liberalism's theoretical and practical relations with democracy and citizenship, widely documented troubles within historically democratic cultures motivate and contextualize the analysis. Since we need "a deliberative account of democracy that is not precommitted to liberal or antiliberal goals" (p. 95), Talisse aims to realize his "pragmatic deliberativism" after liberalism.

But what is liberalism? Talisse develops its five "basic commitments," details of which, of course, are disputed among liberals: individualist ontology, moral primacy of the individual over the group, personal autonomy, negative liberty regulated by the harm principle, and state neutrality *vis-à-vis* conceptions of the good (pp. 16–20, 33). (Readers may usefully compare these with Jean Hampton's five, somewhat overlapping, liberal commitments which Talisse does not cite but which she used to introduce an explicitly "postliberal" perspective—*Political Philosophy*, Boulder: Westview Press, 1997.) To these commitments, Talisse adds three "justificatory aspirations": that liberalism have theoretical foundations; that it "command the assent of all persons subject to the liberal state"; and that it "demonstrate the illegitimacy of antiliberal regimes" (pp. 34f).

Liberalism's fundamental and unfixable problem is what Talisse calls its "tension": "the very idea of a liberal theory contains a tension that cannot be resolved" (p. 34). On the one hand, liberalism cultivates conditions for social pluralism; on the other hand, its theory cannot countenance all the reasonable value orientations that crop up. "Either provide a robust normative account of the legitimacy of liberal democracy and thereby frustrate social pluralism, or accommodate social pluralism and abandon the aspiration for a cogent philosophical account of the legitimacy of democracy" (p. 9). In contrast, since antiliberal democrats reject the liberal commitment to individual autonomy, understood as "fixed preferences" (p. 85), as axiomatic, then they can consistently also reject the liberal commitment that the state must be strictly neutral with respect to the good. Pluralism is fostered and protected by liberal rights, yet since that foundational commitment *must be* too significantly limited by its justificatory aspirations, then, in a sense, liberalism's "tension" makes it essentially postmodern: it harbors *différance* in its heart.

It is instructive to see Talisse's tension at the core of the early Rawls. There it produces an ambiguous connection between the fact that the two principles of justice arise from the original position, and the fact that these two principles are just, are moral. Does the fact that the two principles are chosen in the original

position *constitute* their being moral, or is their being chosen *evidence* of their being moral? Talisse finds both interpretations well supported. This ambiguity is “the product of the fundamental tension that [Talisse] contend[s] is endemic to liberalism” (p. 49). Since the “constitutive” interpretation must rely on a “robust philosophical theory of the person” but the “evidentiary” interpretation does not, then the former interpretation will not be consistent with a wide-enough range of comprehensive views while the latter interpretation will.

The four main forms of recent liberalism that attempt to overcome the tension are political, pluralist, anti-foundationalist, and deliberative. Talisse accordingly devotes significant attention to the likes of John Rawls, William Galston, Richard Rorty, Joshua Cohen, and Amy Gutmann. With considerable verve, he tries to show why each form fails to navigate the Scylla of social pluralism and the Charybdis of robust liberal argument (pp. 55–92).

All authors are treated with incisive analysis, but it is appropriate that Rawls receives more attention than anyone else. In the end, though, it is not clear that Rawls, early or late, suffers the tension that Talisse attributes to liberalism as such. For one can maintain a “constitutive” connection between justice and the original position without needing to invoke anything more dramatically metaphysical than the claim that persons are moral agents. If persons as moral agents *simpliciter* is metaphysically robust enough to get the job done, then early Rawls’s philosophical theory, with respect to this issue, may be pluralist enough. Nor would liberals need to insist that all reasonable citizens, moral skeptics, for example, assent to the claim that persons are moral agents. And if that is true, then Talisse’s second “justificatory aspiration,” that citizens must assent to *liberalism*, may be an unfair argumentative—even if rhetorically effective—burden.

We are told that later Rawls’s concept of the reasonable is deeply flawed, but that claim is based on an inaccuracy. Rawls’s 1993 “willingness to propose and honor fair terms of cooperation” becomes Talisse’s “accepts the fact of reasonable pluralism” (p. 58). This in turn leads Talisse to render the overlapping consensus incorrectly: “only those political principles and arrangements that do not presuppose or draw upon any particular philosophical, moral, or religious conceptions will be mutually agreeable” (p. 59). The problem here is subtle but not minor. In the overlapping consensus *all* principles and arrangements will be consistent with *several* particular and possibly mutually inconsistent normative conceptions. The point is that in the public justification of the fundamental framework particular conceptions cannot be appealed to. Further, it remains unclear whether for Rawlsians or liberals more generally the definition of public reason *must* be excluded from public deliberation (pp. 87, 90, 94). If it is not clear that Rawls exemplifies the purported essential tension of liberalism, then it is not clear that liberalism as such suffers that tension.

Talisse acknowledges that his own position aspires to be “deeply theoretical” (p. 126); yet, it is also committed to the view that “there are some persons in some contexts with whom the pragmatist might reasonably refuse to engage” (p. 106). Isn’t that the essential liberal tension? Pragmatic deliberativism is claimed to be a version of old-style progressive liberalism (p. 8). But if that is so, might it be that the ongoing disputes among liberals are due, in part, to their frothy ideological and social contexts within a more or less democratic state and an indelibly pluralist society? These are indeed the very contexts and issues with which the book opens and closes. Talisse wisely acknowledges that liberalism is not the

cause of the erosion of democratic participation (p. 127). (To so claim, as Sandel does, would be idealist.) As states become less sovereign and democratic processes less democratic, perhaps some liberals still have something to offer to promote the former and to remediate the latter. But possibly more effective in the long run than antiliberal democrats and liberals of any stripe might be those postliberals who deny the double uniqueness of persons as moral patients and agents. (Some nonhuman organisms may be among the former, some human groups among the latter.) Postliberals would certainly endorse Talisse's sensible and inspiring articulation of both the virtues of deliberative citizens and their pragmatic basis (pp. 112f). So while Talisse seems to find only a small degree of complementarity between pragmatic deliberativism and Iris Young's "inclusive activism" (pp. 132–140), postliberals can be deliberative in the morning, activist in the afternoon, and otherwise in the evening.

DONALD BEGGS  
Arizona State University

A. Belden Fields, *Rethinking Human Rights for the New Millennium*, New York: Palgrave Macmillan, 2003, 260 pp.

There has been a lot of talk about human rights, but the concept has remained nebulous for the past century or so. Indeed, given the dismal nature of recent history, much of this talk has been about *violations* of human rights, rather than the task of articulating and achieving them. In this context, A. Belden Fields's *Rethinking Human Rights for the New Millennium* is a significant achievement. Fields provides both a guide through the tangle of historical rights theories, declarations, and struggles, and a clear and comprehensive set of human rights principles for our time.

In the opening chapters, Fields comes to terms with the human rights legacy. The first chapter surveys the modern rights tradition from Gerrard Winstanley and the Diggers, through the contract theorists, to Kant, including critics of this tradition like Marx, Burke and Hume. In contrast to the latter two, who wanted to base rights in historically determined prejudice or sentiment, Fields concludes that any adequate conception of rights will have to be rationally grounded. Chapter 2 covers the 20th century. The analyses of the various theories and documents are scholarly and nuanced. The general theme is that these forms of rights talk are, in one way or another, insufficiently comprehensive.

Fields's own *holistic* approach is articulated in the third chapter's 11 propositions. Their "key concepts, in the order in which they are developed, are human potentialities, co- and self-determination, material and cultural contextualization, domination, struggle, and social recognition" (p. 3). Space constraints prevent me from commenting on all of the principles and concepts, but I would summarize their core as follows. In the tradition of the French Revolution, human rights are the maximization of freedom, equality, and solidarity in the absence of domination. Consonant with Marx's critique of traditional thinking, these human rights are not just political and civil, but also economic and social, with no priority given to one or the other set of rights. Both sets of rights, in turn, apply not only to individuals but to groups (e.g. women, homosexuals, and ethnic

minorities), as well as to individuals within these groups. Finally, he looks holistically beyond just states as violators of human rights. Groups, corporations, even individuals and families need to be added to the list of usual suspects.

Fields makes a strong case for his holistic conception. But the real strength of the book lies in the way that he moves beyond abstract principle and demonstrates the strength of his ideas through a wealth of concrete historical, national, and international illustrations. In an insightful chapter on political economy, Fields discusses the commodification of labor and the exclusion of workers from the decision making process. Long understood within radical economics as examples of the exploitation of labor, Fields sees them as literal violations of social and economic human rights. Old wine in a new bottle? Perhaps. But the holistic approach puts them back on a political agenda from which they had been largely excluded. This chapter is strengthened by an appendix that highlights the human rights issues in a case study of the lockout at the Staley corn processing plant in central Illinois.

Fields wants us to go beyond seeing the state as the *sole* violator of human rights; yet that does not mean that the state gets off the hook. His chapter on the domestic trope of war in the United States is both intriguing and tantalizing. LBJ's War on Poverty was for the most part benign; indeed, compared to the current administration's war on the working class, it appears almost utopian. Military wars have always endangered human rights, holistic or otherwise. But the appellation of *war* to domestic policies may be equally debilitating. It is those other internal "wars" in the United States—on Communism, crime, drugs, and terrorism—that unleash some of the most outrageous violations of human rights. Given its currency, Fields's coverage of human rights and the war on terror is thin. There is little on the Patriot Act and nothing on Guantánamo or Abu Ghraib. But another appendix, an essay written just after 9/11, provides an indication as to what an expanded treatment of our latest trope of war would look like.

Fields's book will spark discussion among human rights experts, but it deserves an even better fate. Given the clarity of his writing and his fascinating examples of rights and their violations, it is eminently suitable for classes in political science, history, and philosophy. And, if he and we are very lucky, it might just alert educated readers of the opportunities and dangers that surround them.

JOHN BOKINA

*University of Texas Pan American*

Lesley Gill, *The School of the Americas: Military Training and Political Violence in the Americas*, Durham: Duke University Press, 2004, xvii + 281 pp.

In this study of the infamous School of the Americas, Lesley Gill does far more than explain the creation, functioning and operations of the US Army's military training center for members of the Latin American armed forces. She also explores the concrete effects of this training for the lives of Latin Americans, as well as the successes and shortcomings of the movement of US citizens that has mobilized to challenge the very existence of an institution that has produced scores of graduates who stand accused of involvement in gross human rights violations.

Among these are Salvadoran Colonel Domingo Monterrosa, architect of the 1981 massacre at El Mozote, in which nearly 1,000 civilians were killed; Generals Leopoldo Galtieri and Roberto Viola, both members of the military juntas whose “dirty war” tactics led to the disappearance of some 30,000 Argentines; and Vladimiro Montesinos, a former army captain and top advisor to Peruvian President Alberto Fujimori (1990–2000), who engaged in massive corruption, drug trafficking, and human rights violations. Dating from 1968, at least 11 Latin American dictators were SOA graduates.

A couple of books have examined the history of the School of the Americas, but their focus is more from an activist standpoint. While Gill’s critical position *vis-à-vis* the School is clear, she uses the tools of anthropology to construct a complex ethnography that explores the relationships of empire-building that are so embedded in the functioning of the School.

Gill’s study is grounded in locale, as many good anthropological studies are, but she skillfully shifts her analytical lens from the streets of Columbus, Georgia, where the School has operated since its Panama location was shut down in 1984; to the coca fields of Columbia and Bolivia, where the US anti-drug crusade contributed to an intensification of state-sponsored violence against leftist guerrillas as well as militant peasant unions; and back to Fort Benning, where activists continue to challenge the School’s very existence through a growing network of social movements.

Gill’s sensitive ethnographic eye captures all sorts of paradoxes and contradictions. For example, as she explores the justification US commandants give for the School’s existence, she carefully deconstructs their arguments, noting the paternalism and arrogance of their pretense to expose Latin American military officers to the “American way of life” in order to help overcome their violent, non-democratic tendencies. This discourse also allows the United States to distance itself from the fact that it is training Latin Americans to kill, providing them with ideological justifications for doing so, and, ultimately, from the consequences of this training: brutal forms of state-sponsored violence that has left tens of thousands of Latin Americans dead or “disappeared.” She further explores how the School is primarily a means for the US military to pursue its interest in building strategic alliances with Latin American militaries to preserve US hegemony in the region, and that its Cold War policies, and more recently its anti-drug crusade and its war on terrorism, have imbued Latin American militaries with justifications as well as methods of terror to eliminate social groups who challenge the status quo and threaten local and US dominance.

Gill brings an equally critical eye to the School’s purported reform of its curriculum, which now includes courses on human rights. She notes that the courses on human rights (which she observed first-hand) fail to address the fundamental problem of impunity, focusing on human rights issues but ignoring and silencing the broader policies that generate and demand impunity. She goes a step further to explore how impunity, generated and supported by US policy, structures political, social and economic relationships in Latin America. Gill does this by examining in stark detail how impunity limits the ability of poor peasants in the coca-growing regions of Columbia and Bolivia, who bear the brunt of the US war on drugs as well as the neoliberal economic order, to challenge government policies and impunity itself. Impunity, she convincingly argues, is not simply about immunity from prosecution for human rights violators; it is an aspect of

power that reinforces a highly unequal social order and limits the ability of people to organize to achieve fundamental social change. She thus links political violence with socioeconomic oppression, a link many researchers of violence too often ignore.

The book's final chapter on the movement to close the School of the Americas, centered primarily around SOA Watch, founded by former priest Roy Bourgeois, tells of the movement's origins in the Central American solidarity movement, its recent alliance with the growing anti-globalization movement and the synergy, but also tensions, this produces; and the challenges facing the movement in the future. Gill presciently notes that the movement may be a victim of its own success. By drawing the spotlight on the School of the Americas, it may have nearly shut down the School, and certainly contributed to the reforms of its curriculum and practices. Yet the most objectionable training may have been farmed out to other military institutions out of public view, particularly those carried out in Latin America. In addition, while focusing on the School of the Americas has helped create a clear focal point for the struggle against militarism, it sidesteps the larger issue of US imperialism, which goes far beyond the School of the Americas itself.

Gill's book is highly recommended for classroom use: it is accessible, well written, and full of anecdotes, testimonies, and powerful stories that will capture the imagination of undergraduate students and make US foreign policy and some of the complex struggles in contemporary Latin America understandable to them. Yet her book is also a must-read for policy makers, practitioners and ordinary citizens who want to understand US foreign policy and why so many people throughout the world view the United States with such contempt. For, as Gill notes, the United States is not simply the world's "sole superpower." Such language disguises the vast power wielded by the US government to shape and mold the policies and decisions of other states, which can only be described using that old-fashioned term—imperialism.

JO-MARIE BURT  
*George Mason University*

Immanuel Ness, *Immigrants, Unions, and the New U.S. Labor Market*, Philadelphia: Temple University Press, 2005, 230 pp.

Professor Immanuel Ness brings a lot to the lectern as he tells this story of spirited, but impoverished immigrant workers organizing in New York City. Ness is a professor of political science. He's written widely on cities. And his years as a union organizer give him instant street credibility.

All this experience and knowledge is effectively woven into his book, *Immigrants, Unions and the New U.S. Labor Market*. The title is accurate, although Ness rarely strays far from the battles in New York's five boroughs. New York is a kind of testing ground. Immigrant workers in New York City make up more than half the labor force. The low wages of these immigrants explain why New York County has the biggest spread between rich and poor in America—it's in these organizing campaigns that the struggle to keep America from sliding back to the pay and conditions of the Gilded Age is being determined.

Ness focuses on three campaigns: Mexicans who work in Korean delis, Pakistani limo drivers, and West African grocery store workers. With dozens of candid interviews, he takes us inside these immigrant communities, to hear the voices of New York's most silent workers.

Everyone knows that immigrants have it hard. But Ness forces us to see just what it means to be a delivery man from Mali and forced to live on \$1.00 an hour—plus tips of course—while working for A&P's Food Emporium.

These workers are so exploited they aren't even permitted the status of workers. They're "independent contractors," a fiction that allows employers the right to ignore the provisions of the Fair Labor Standards Act (1938) regulating minimum wage, maximum hours and safety conditions. The upshot is that the grocery baggers from Mali wind up making that \$1.00 an hour—which is more than they would make in Mali but not as much as Americans made a century ago.

Ness shows us how these immigrants nevertheless have been able to come together to demand dignity, rights and a few extra dollars—at great risk, despite threats of physical harm, deportation, and job loss. It's not exactly workers of the world unite. But a triumph of the resilience of traditional social bonds which somehow survive even in the Global City. Plus it turns out they can mobilize a lot of outside support—the Mexican workers in Korean delis got help from State Attorney General Eliot Spitzer who sued the employers for back pay; a formidable community campaign sprang up on the Lower East Side to support the workers when they went on strike; the Mexican Consul-General got involved, too.

Ness's most surprising finding is that American unions—the institution you might expect to be leading the charge on behalf of the most exploited workers—the established unions—are mostly missing in action or actively undermining the immigrant organizing campaigns. There are some splendid exceptions, like Ernesto Joffre, the former Chilean miner jailed for subversion under the Pinochet dictatorship who went into exile here in New York and became head of an exemplary garment workers local. But mostly organized labor is too busy patrolling its jurisdictional boundaries to give more than perfunctory help. Almost immediately after Joffre's untimely death, his parent union liquidated support for the organizing campaign. A shady longshore union located in New Jersey wound up with sweetheart contracts with several of the Korean delis.

Ness's accomplishment is dual: an anthropology of New York's newest immigrant communities and a political science of the city's unions. It adds up to the most valuable account yet of the astringent realities of immigrant organizing in America.

ROBERT FITCH  
*Long Island University*

Kevin R. Johnson, *The "Huddled Masses" Myth: Immigration and Civil Rights*, Philadelphia: Temple University Press, 2004, 254 pp.

*The "Huddled Masses" Myth* by Kevin R. Johnson is a very timely book which provides a rich legal and historical analysis of US immigration laws and compels us to look at the current debates on illegal aliens, homeland security, the Patriot Act, and civil rights in a new light. Most journalistic as well as academic writings on immigration are generally thin on historical perspective;

Johnson's approach to the issue is a necessary antidote to that. The book analyzes the legal treatment of the different categories of immigrants by the Immigration and Naturalization System (INS) and demonstrates that there is systematic discrimination against people of color, political dissenters, the poor, and gays and lesbians. The book is an attempt to develop the often ignored connections between the implicit race discourse in immigration laws and regulations and the racial hierarchy of the US society. It demonstrates how racial bias in the immigration system is rooted historically in the domestic racial hierarchy. Recent historical works such as Mae Ngai's *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004) have also alluded to similar linkages, particularly in the context of 1924 immigration law based on the national quota system. Johnson's book is a significant contribution to this literature.

*The "Huddled Masses" Myth* devotes each chapter to a separate category of immigrants, analyzing the legal and political discourse created by Congress, the courts and immigration authorities in each instance. Separate chapters look into the exclusion and deportation of each of the following categories: racial minorities, political undesirables, the poor, criminals, women, and lesbians and gays. These discussions contribute towards developing a broad argument that US immigration laws have historically discriminated against and excluded these groups from the borders of this country and that any changes in the immigration laws were possible due to the gains made by the civil rights movements of people of color and other minorities in the domestic context. Thus, Johnson argues that the US government's approach towards immigrants is inextricably linked to the efforts of domestic minorities to secure civil rights and acquire full citizenship rights in both procedural and substantive senses.

Johnson extends his analysis of the relationship between immigration laws and racial hierarchy by noting ways in which they affect one another. This book rests on the assumption that immigration laws reveal the dominant society's views about racial minorities in US society. For instance, the frequent association of illegal immigration with the Mexican population has implications for the rights of Mexican Americans who are legal residents or citizens of this country. Hence, the category of people that immigration laws seek to exclude from the US borders is reflective of society's attitude towards both citizens and legal residents belonging to that category. The chapter on lesbian and gay immigrants shows how the immigration laws kept them formally excluded from entering into this country till very recent times. "From 1952 until 1990, the law barred the immigration of homosexuals to the United States as 'psychopathic personalities'—and more specifically, under a 1965 revision to the law—for living a life of 'sexual deviation'" (p. 140). The Supreme Court also rejected a challenge to the exclusionary law, reflecting a general lack of concern for the rights of lesbians and gays in the wider society. Similarly, the national origin quota system of 1924 reflected the prevailing racial hierarchy of the US society as it favored immigrants from Northern and Western Europe and stigmatized the immigrants from Southern and Eastern Europe. The prevailing racial presumption at the time was that the immigrants from these two regions were nonwhite and hence inassimilable and unworthy of admission into the country. Although explicit racist provisions of the national quota system were

scrapped in 1965, the system of selective immigration continued with the ceiling on migration from the Western Hemisphere.

One of the important aspects of immigration reform which this book does not emphasize adequately is the influence of democratic norms and political imperatives, prompted by international diplomacy, on the changes in immigration policies. There is a widely held argument that imperatives of Cold War diplomacy and the importance of ideological battle against communism compelled the United States to do away with explicitly racist policies such as immigration quota based on the nation of origin. Mary Dudziak's work *Cold War Civil Rights* (Princeton: Princeton University Press, 2000) effectively argues this point in the arena of civil rights which can be extended to sphere of immigration laws as well. It would be fair to argue that both the domestic civil rights movement and the international ideological pressure acted in tandem to create the ground for immigration reforms.

This book develops a powerful critique of the courts' deference to the "plenary power" of Congress over admission and deportation provisions of the immigration laws based on the premise of national sovereignty. Johnson argues that historically the "plenary power" doctrine of US immigration law has shielded the political branches of the government from a meaningful judicial review. This legal doctrine, born in an era when Congress aggressively acted to exclude Chinese immigrants, bestowed great discretion to the US government to device rules dealing with admission of noncitizens into this country. This doctrine, although considerably weakened, still wields an influence on the Supreme Court's decisions. As a result, the courts are only of limited help as a source of redress for a discriminatory immigration regime of admission and deportation. Johnson argues that there is a vast difference between the legal protections that courts provide to citizens and to legal aliens. The example of the Cold War period when dissenting political voices were most openly suppressed, such as the witch hunting of communists, is illustrative of this point. Johnson points out that during this period the burden of dissenting political opinion fell more heavily on immigrants as they were either excluded from entering the country or deported on the basis of their political opinion. Congress has acted repeatedly to penalize "foreign" subversives or dissenters also because the constitution places limits on the government's power to punish citizens for holding political opinions but there is no such limit on penalizing "aliens" who are either lawfully residing or trying to get inside the country.

The recent literature on citizenship and immigration has talked about the increased possibilities of internationalization of civil and human rights of immigrants rooted in the international human rights regime that Yasemin Soysal terms as "post national citizenship" (*Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago: University of Chicago, 1994). Analyzing the European experience of immigration, Soysal argues that the distinction between the rights of aliens and citizens is eroding fast as aliens are able to achieve many of the same rights as citizens primarily due to the international human rights regime. Johnson's arguments, on the contrary, point towards the ever present possibilities of limits placed by national legislatures and immigration laws on aliens and the limited role of national courts in questioning these limits. A discussion on the recent theoretical debates on the difference between the rights of immigrants and citizens would enrich the

discussion on some of the most important theoretical issues concerning the intersections of immigration, rights, alienage, and citizenship.

This book is a fine contribution to the ongoing interdisciplinary research on race, immigration, and civil rights and it is a must-read for scholars not only specializing in the above areas but also for those working in different fields of American politics and institutional development.

SANGAY MISHRA

*University of Southern California*