

Human Rights & Gender Violence: Translating International Law into Local Justice. By Sally Engle Merry. Chicago: University of Chicago Press, 2006. Pp. ix+269. \$55.00 cloth; \$20.00 paper.

Reviewed by Mindie Lazarus-Black, University of Illinois at Chicago

“Cultural capital,” Bourdieu taught us, denotes critical and diacritical markings of social status, distinguishing us from them. In *Human Rights & Gender Violence: Translating International Law into Local Justice*, Merry invites us to rethink culture as capital, with provocative implications. In the new international order, culture, like capital, is at once a resource and the instantiation of complex relationships embedded in time and place. And, in the current global movement to promote human rights and eradicate gender violence, cultures, like different forms of capital, have more or less currency.

Merry begins her analysis with a simple but powerful statement: “In order for human rights ideas to be effective . . . they need to be translated into local terms and situated within local contexts of power and meaning. They need, in other words, to be remade in the vernacular” (p. 1). Merry explores the work of creating, exporting, interpreting, and implementing human rights discourse. She begins at the top—at the United Nations (UN)—guiding us into the corridors and meeting rooms in which (mostly) women write and debate model legislation (mostly) for nations of the South. The UN officials, nongovernmental organization members, and state representatives involved in this process hold “universal” standards that emphasize personal autonomy, security, and equal rights. In the culture of the human rights activists, these premises are nonnegotiable. Enter next into this world the complex array of cultures as commodity forms in which different use and exchange values compete. Cultures that protect human and gender rights are highly valued; those that permit gender inequity and ignore gender violence are not.

From the UN Merry takes us into the Asia-Pacific region, visiting Hawaii, Delhi, Beijing, Fiji, and Hong Kong, where human rights laws are being implemented. She describes organizations, programs, and networks that promote human and gender rights. She finds common patterns in each place, that the universalizing culture we have encountered at the UN and its human rights discourse homogenizes. Everywhere it carries forward the mantra of the autonomous person, the safe body, and the rights-bearing citizen. Everywhere, too, it uses similar tactics: pressure on states to adopt accords and agreements, surveys to document abuse, training workshops to eradicate violence, hotlines and shelters for victims, counseling sessions for batterers, and T-shirts that advocate freedom from violence.

To be successful, however, local advocates must translate theory into community action. This discussion of the “translators,” the people who adapt universal principles to local conditions and institutions, is one of the book’s most insightful. How do grassroots activists translate global human rights into a language and praxis that is meaningful to people who are far from the centers where such laws are created? How do they reinterpret local grievances into rights that international agencies and governments will define as worthy of attention and funding? Merry calls this process of appropriation and translation, one that has been largely invisible in the literature on human rights, “vernacularization” (p. 219). Her analysis is astute both in its attention to the contradictory demands placed upon the translators as they move between global and local contexts, and in its consideration of issues of power and agency.

Merry also raises complex concerns in her portrayal of human rights subjects and their multiple and sometimes contradictory subjectivities. For example, battered women in Hawaii, but also indigenous rural women in Hong Kong, often think of themselves primarily as mothers, wives, and sisters whose rights are prescribed in kinship norms. Legislation in the United States to criminalize domestic violence and a social movement in Hong Kong to grant women inheritance rights allow women in both places to “try on” (p. 185) new legal identities. In practice, however, the subject positions of kinswoman and autonomous citizen can be incompatible. If compelled to choose between these identities, women may shed the universalistic robe of human rights in favor of the local wrap of kinship.

This text raises interesting methodological questions as a consequence of its scope of inquiry and reliance upon “deterritorialized ethnography” (p. 29). Merry’s examination of the practices and pitfalls of protecting women’s rights in different locales is uneven. Researching law and human rights internationally means that the ethnographer spends limited time in many places, raising its own evidence and translation problems. As Merry acknowledges (p. 6), the study focuses on a transnational movement, without a sustained examination of the long-term meaning and consequences of the translation and implementation of human rights law in any one place. Ungrounded ethnography problematizes our assumptions about the enterprise of fieldwork.

Merry ends on a challenging note that should spark new debates in law and society, anthropology, and political and legal history. Is the discourse of human rights, largely the creation of nations of the North, analogous to imperialism? Like much of the rhetoric that characterized colonialism, the universalistic language of human rights is rendered as part of a “civilizing” process, one in which cultures have more or less currency. There are, as Merry

points out, crucial differences between these two projects. Yet the question is unsettling. After all, T-shirts bearing slogans to protect human rights are still T-shirts—and some of them are manufactured in sweatshops.

* * *

The Politics of Piracy: Intellectual Property in Contemporary China. By Andrew C. Mertha. Ithaca, NY: Cornell University Press, 2005. Pp. xvii+241. \$32.50 cloth.

Reviewed by Debora J. Halbert, Otterbein College

Mertha's book *The Politics of Piracy* maps out the hotly contested debate over intellectual property that has taken place between the United States and China over the past 20 years. Based upon years of fieldwork and hundreds of interviews with trade representatives, policy makers, and business owners in the United States and China, it is perhaps the definitive work on the relationship between the United States and China on issues of intellectual property. The text focuses primarily on how outside pressure impacted the development of Chinese intellectual property law and the evolution of a Chinese bureaucracy to deal with copyrights, patents, and trademarks. However, this text also sheds light on what types of diplomatic pressures successfully make an impact on Chinese policy. Thus, while Mertha focuses exclusively on intellectual property, the lessons learned can be more generally applied. The book offers an exhaustive description of several areas of Chinese bureaucracy that help clarify the decisionmaking structure of Chinese politics.

Mertha begins with a straightforward question: Has external pressure changed China's approach to intellectual property rights (p. 3)? The text is designed to answer this question while also describing the vast and complex bureaucracy in charge of intellectual property in China. The United States sought to change China's approach to intellectual property through negotiation and trade sanctions. Mertha follows the history of these negotiations in the first two chapters, ultimately concluding that intellectual property policy as implemented in China is a result of U.S. pressure. In fact, it is doubtful that China would have enacted intellectual property laws at all without U.S. pressure (p. 76).

The heart of Mertha's text follows the implementation of copyright, patent, and trademark laws through the maze of Chinese bureaucracy. There is a different bureaucratic structure in place for each type of intellectual property. By looking at the