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and complete protection of life and liberty to all inhabitants. For Fink, the treaty represented neither a Jewish victory nor a Polish defeat: Jews obtained little and Poles gave up little. However, guarantees extracted subsequently from signatory states covered in theory more than twenty-five million Jews, Germans, Ukrainians, Hungarians, and other minorities in Eastern Europe. Left in the hands of the inefficient and overly conciliatory League of Nations, enforcement was minimal. Fink describes in detail the League's handling in the 1920s of "minority petitions" (requests from states such as Germany and Poland for arbitration and redress in minority issues). The organization, she argues, was deficient because of its illusory goal of balancing the irreconcilable interests of East European states, national minorities, and the international community. In her view, the failure to protect minorities in the inter-war period was due not only to the emergence of Hitler's New Order, but also to the League's chronic inability to confront abusive states.

Yet it should be pointed out that the Geneva system turned out to be fairly effective in providing legal and material protection to minorities turned stateless refugees. Outside the realm of sovereign nation-states, the League engineered an international humanitarian revolution. Whereas Western diplomats shied away from national definitions of minorities, the League granted refugee status, on a collective basis, to designated ethnic and national groups such as Armenians, "White" Russians, and in 1936, Jewish refugees from the Reich. Despite its shortcomings, the League's pioneering role in refugee protection partially compensated for its inability to uphold minority rights. Other outcomes of the diplomacy involved also challenge the author's critical stance. Undeniably, the League's structural weakness—a reflection of the fragility of "collective security" after 1919—was a major aspect of what E.H. Carr dubbed the "Twenty Years' Crisis." Yet after 1945, the opening of the "human rights era" and the West's recognition of Jewish national claims were not simply immediate legacies of the Second World War: they also owed much to the imperfect yet path-breaking "defense of others" that Fink analyzed. These comments aside, this richly detailed and important book displays impressive scholarship. It deserves a wide readership and should be mandatory reading in advanced courses on Europe, human rights, and diplomacy in the twentieth century.

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***Justice in the Balkans: Prosecuting War Criminals in the Hague Tribunal, John Hagan (Chicago: University of Chicago Press, 2003), xxi + 274 pp., cloth \$29.00.***

If current timetables hold, the last trials before the International Criminal Tribunal for the former Yugoslavia (ICTY) will end in 2008, and the Tribunal will close shop altogether in 2010. At that point the court, established by the UN Security Council in

1993 to address atrocities in the Balkans, will pass out of existence. Only from that point on will it be possible to take proper measure of the Tribunal's full record—its successes and missteps, its accomplishments and limitations.

All the same, a number of books have appeared recently assessing the Court's first decade of work. These books are of necessity mid-term reports. The Milošević trial had entered its fourth year with no end in sight when the defendant died suddenly on March 11, 2006. Other important trials, including the prosecution of Momčilo Krajišnik, are, at this writing, in midstream, and a spate of recent arrests of high-level functionaries promises to keep ICTY prosecutors busy until the Tribunal disbands. Given the hazards of writing about an ongoing process, most of the literature on the ICTY has sensibly focused on the court's founding and early years. In *Justice in a Time of War*, Pierre Hazan, a journalist for the Paris-based newspaper *Libération*, does a thorough job of laying bare the formidable political obstacles that impeded the establishment of the Court, including France's original refusal to support the Tribunal, the UN's early unwillingness to support the Court financially, and the reluctance of NATO forces to supply critical evidence and enforce arrest warrants. According to Hazan's bleak report, the political and logistical struggles that plagued the Court's founding have left their imprint upon the justice it has dispensed.

In *Justice in the Balkans*, John Hagan, a professor of law and sociology at Northwestern, tells a different story. Hagan examines the ways in which the Court, arguably, surmounted the forces allied against it and came to be an effective institution. I say "arguably" because Hagan's central thesis, by necessity provisional, has the flavor of a conditional: *if* the ICTY proves itself successful, *then* these are the persons who will have contributed to its success. The bulk of the book is dedicated to showing us how a handful of committed, driven, and organized individuals, principally prosecutors, labored to overcome the barriers put up against their work. There is something agreeable in this analysis: it moves beyond the dreary focus on institutional and structural forces that one finds typically in sociological accounts, and in doing so, powerfully reminds us that people and their actions count.

The account suffers from two important deficiencies, however. The first is conceptual. Writing in a neo-Weberian vein, Hagan is particularly concerned with the role that charisma plays in the success of institutions. Unfortunately, he never defines satisfactorily his key concept. On the whole, *Justice in the Balkans* is a breezy journalistic account, yet on the few occasions when Hagan inserts sociological terms into his analysis, the results are less than helpful. Terms such as "esteem competition" and "alternation experience associated with teamwork on mission" serve little purpose other than to encumber Hagan's otherwise serviceable prose with unenlightening jargon. Although it might seem unfair to fault a sociologist for deploying sociological terms, in this case the exposition clearly suffers from the attempt to make the book more scholarly.

The second problem involves Hagan's discussion of the leading actors responsible for the court's tentative successes. In general, his heroes are prosecutors, though

he gives an occasional nod to judges and researchers. His attention to some of these lesser figures provides some of the book's best and most valuable moments. He does an excellent job, for example, of describing the work of Jean-René Ruez as the head of the team responsible for compiling evidence and forensic material at the massacre sites in and around Srebrenica. In particular, Hagan draws attention to the sense of exhilaration that motivates and sustains such workers. Even those involved in the most grisly fact-finding were guided by a sense of profound purpose, knowing that their labors would supply a court of historic import with evidence of international crimes. Hagan is less successful, however, in his portraits of the ICTY's principal actors. Although he reminds us that his book was based on extensive interviews with all the leading officials at the tribunal, the book lacks the kind of informed, behind-the-scenes revelations that we've come to expect from, for example, *New Yorker* articles. His portraits of the three chief prosecutors largely repeat what we already know. Richard Goldstone, the eminent South African jurist, struggled to achieve institutional legitimacy for the court by avoiding costly political confrontations and by dedicating resources to the prosecution of low and mid-level perpetrators—but he achieved little besides eroding the morale of the Court. Louise Arbour, who left the Tribunal to serve on the Canadian Supreme Court, succeeded at turning the ICTY into a viable institution. Charming, well-organized, and the beneficiary of a changing political climate, she was able to bring more visible defendants before the Tribunal and to spearhead the indictment of Milošević. Carla del Ponte, the former Swiss prosecutor, has succeeded in building on the Court's momentum, although her aggressive prosecutorial instincts have at times led to tactical mistakes such as the drafting of overly ambitious indictments. While all this is presented in reliable fashion, it does little to extend or deepen our understanding of these individuals and their struggles to make the ICTY a success.

At times, the reader wishes that Hagan had paid more attention to the tensions between institutional structure and private initiatives. For example, in the early years of the Court, the office of the prosecution was structurally separate from the office of investigations. This, predictably enough, made for tensions between these offices, as one branch tried to control and dictate the work of the other. How prosecutors dealt with these difficulties and succeeded in gaining control over the investigators is the kind of fascinating institutional and personal analysis largely lacking in Hagan's book. Moreover, one can question Hagan's decision to focus principally on the Court's prosecutors. Many observers have commented on the generally high quality and professionalism of the prosecutors and their staff. The judges, however, are a different story. Attention to their work would have assisted us greatly in understanding the quality of justice dispensed in international tribunals.

Hagan's book ends with a shift of focus from the ongoing work of the ICTY to the prospective work of the fledgling International Criminal Court (ICC). The ICTY was created largely through American political will and has, since its creation, been

aggressively supported by the United States in word, deed, and finances. The ICC, the permanent court meant to supplant ad hoc institutions such as the ICTY, has been, alas, the subject of intense hostility from the Bush administration. (Hagan rightly points out that much of the administration's efforts to undermine the young court have been spearheaded by ambassador to the UN John Bolton.) And while Hagan concludes his book by quoting Benjamin Ferencz's belief that opposing the ICC will erode the United States' stature as "a world leader supporting the rule of law," the ultimate justification for the ICC that emerges from *Justice in the Balkans* is less normative than logistical. The costs—in terms of organization, know-how, utilization of resources—of creating ad hoc institutions is enormous and potentially crippling. The ICTY may have absorbed these costs, but we have no reason to believe that a future ad hoc court will be equally resourceful.

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***War against the Weak: Eugenics and America's Campaign to Create a Master Race*, Edwin Black (New York: Four Walls Eight Windows, 2003), xxviii + 550 pp., \$27.00.**

Edwin Black's book about eugenics is a well-written, informative work, focusing primarily on the American eugenics movement, as well as its connections to Nazi eugenics. As an investigative journalist, Black excels at poignantly portraying the injustices perpetrated on the weak by elites, most of them scientists funded by Carnegie, Rockefeller, and other powerful business interests. He properly expresses outrage at the way that racial and social prejudices were clothed in scientific garb to label people "inferior," which then gave scientific license to forcibly sterilize people, hinder or even break up marriages, and restrict immigration. Some more radical eugenicists even proposed killing the inferior. Black does a good job showing the ways that certain prominent American eugenicists waged a "war against the weak" by targeting marginalized groups for persecution.

Black is at his best when explaining the activities of selected eugenicists. Among the Americans, he provides extensive coverage of Charles Davenport and Harry Laughlin (both leading figures of the Eugenics Record Office, a eugenics research institute in Cold Spring Harbor, New York); the birth-control advocate Margaret Sanger; the famous ophthalmologist Lucien Howe; the racial theorist Madison Grant; and Walter Plecker, the Virginia anti-miscegenation activist. Black also devotes a chapter to the remarkable case of Edwin Katzen-Ellenbogen, a Jewish psychiatrist who after World War II was convicted for his complicity in Nazi crimes while serving as a physician-inmate in Buchenwald.

One of the main points of the book is that American eugenics spawned Nazi eugenics. Perceptively, Black noticed in the course of his early investigation that the