

Empathetic citizens probably make for better democracy. Yet Morrell presents a more radical and far-reaching thesis. If he is correct, no existing democracy is legitimate, and maybe we must be anarchists until we figure out how to induce the requisite empathy in all citizens. Radical and far-reaching theses call for substantial elaboration and argument, neither of which is present in *Empathy and Democracy*. This is a book that is half written. A more sustained and precise treatment of these issues would make a most welcome contribution to the deliberative democracy literature.

**The Last Utopia: Human Rights in History.** By Samuel Moyn. Cambridge, MA: Harvard University Press, 2010. 352p. \$27.95. doi:10.1017/S1537592710003774

— William E. Scheuerman, *Indiana University*

To his credit, Samuel Moyn is undertaking something relatively few academics today bother doing: While impressively integrating far-flung scholarly research and addressing those of us located in the academy, Moyn also intends to reach a broader audience. Having already been published in part in *The Nation*, this artfully written and creatively argued book will likely make a real splash. Unfortunately, particularly in the context of the complex political and legal issues ambitiously tackled by the author, popularization comes at a price.

The starting point for Moyn's forceful thesis is the claim that the recent prominence of political and intellectual discourse about human rights is historically contingent and perhaps accidental. Offering an incisive and sometimes brilliant critique of conventional narratives that seek to explain the ascent of human rights discourse by focusing on their historical roots, Moyn unmasks the problematic teleological and empirically contentious ideas behind them. No clear line can be drawn from traditional political and legal ideas (including those of the American and French Revolutions) to the present-day vision of a binding supranational system of individual human rights employable *against* the nation-state (pp. 11–43). Even its alleged twentieth-century precursors provide at most a limited basis for making sense of the meteoric rise of human rights discourse since the 1970s. When the term “human rights” first entered political debate at mid-century, it was associated with a multiplicity of vague and sometimes competing notions, some of which (e.g., national self-determination) directly contradicted subsequent connotations. The immediate postwar impact of the Universal Declaration of Rights was minimal; only recently have activists and scholars begun to view the Holocaust as demanding a novel international human rights regime (pp. 44–119).

Having debunked mainstream genealogies of human rights discourse, Moyn sketches an alternative. Human rights took center stage in the 1970s primarily because

various utopian discourses (e.g., socialism, Third World nationalism) were simultaneously being pushed offstage. Moralistic talk of human rights garnered the sympathies of actors in many parts of the world eager to distance themselves from failed utopian experiments. In this vein, Moyn offers a vivid account of the ways in which intellectuals and activists in Eastern Europe and Latin America, as well as many former radicals and young activists elsewhere busily cutting their links to radical dreams, played a decisive role in bringing about the preeminence of political and legal debate about human rights (pp. 120–75).

Expected to function as a sort of *Ersatz*-utopia, human rights discourse was tragically burdened with unrealizable expectations, however. Not only do its moralistic overtones tend to occlude contentious political issues, but its utopian undercurrents have occasionally married it to a “maximalist political vision” (p. 226). Perhaps the “last utopia,” the aspiration for a binding international human rights regime, has provided an outlet for vestigial utopian energies. Yet it mobilizes those energies as part of an enigmatic “yearning to transcend politics,” which prevents a realistic view of the indispensable, albeit limited, tasks that human rights can accomplish while preventing a fruitful discussion of many controversial political and social questions (p. 227).

Despite its strengths, Moyn's thesis can be challenged on two counts. First, his history is sometimes no less potted than that of his opponents. For example, he pretty much ignores oftentimes far-reaching mid-century efforts to construct ambitious forms of postnational governance and possibly even world statehood. Although he is correct to underline the “realistic” and relatively hard-headed contours of the United Nations and other international organizations as they emerged after World War II, he neglects the major role played in wartime and immediate postwar political debate by sometimes astonishingly radical ideas of global reform. As documented in a host of useful studies (including Lawrence S. Wittner, *One World or None*, 1993; Wesley T. Wooley, *Alternatives to Anarchy: American Supranationalism Since World War II*, 1988), not only did many intellectuals and activists hope that the horrors of World War II might lead to global democracy and perhaps world statehood along more expansive lines than the UN, but at least briefly their demands also garnered substantial public support: By July 1949, for example, 20 U.S. state legislatures had passed resolutions calling for Washington “to initiate the procedures necessary to formulate a Constitution for the federation of the World, which shall be submitted to each nation for its ratification” (cited in Wooley, p. 46).

Why does this historical lacuna matter? Moyn's highly selective narrative conveniently excludes crucial precursors to more recent demands for international human rights: “One-Worlders” and many others put novel ideas about global reform—including the possibility of binding

global rights—on the political agenda well before the 1970s. Moreover, they did so not as a functional replacement for political utopia but, instead, as part and parcel of the utopian dream of a pacific world federation or global government. In fairness, Moyn may still be onto something important when he claims that human rights discourse could flourish only with utopianism's collapse in the 1970s; postwar One-Worldism quickly dissipated during the Cold War. Nonetheless, for his argument to work, he would need to pay more attention to the potentially revealing fact that *international* human rights became influential in the aftermath of the evaporation of aspirations for full-fledged *global* government that were once surprisingly widespread: Only after the demise of reformist dreams of world government did intellectuals and activists embrace the idea that even absent world statehood, human rights could be effectively protected *against* the nation-state.

Attention to this neglected historical and intellectual configuration might also allow Moyn to make better sense of some of the problems plaguing human rights under contemporary conditions. Most obviously, can we overcome the highly selective and sometimes unfair manner in which they get enforced without powerful global institutions exercising basic functions of modern statehood? If human rights are going to live up to their promise, might we not in fact require more extensive forms of global authority than the existing UN, along the lines perhaps sought by earlier generations of international activists?

Second, Moyn tries to get too much normative and programmatic mileage out of his revisionist historical account. Even if he is right to trace the preeminence of human rights thinking to the exhaustion of utopian energies, it remains unclear at the end of the day how much we have learned about the many demanding practical and theoretical questions on the table. The book's cursory concluding chapter ("The Burden of Morality") gallops at high speed through a host of complex political and philosophical issues. The author simply dismisses the claim that the recent proliferation of human rights claims might be tied to globalization (p. 213). Human rights activists "on the ground" (dealing with eminently practical matters like halting torture, for example, or the abuse of women) will be legitimately surprised to hear that they have inadvertently inherited the mantle of twentieth-century utopianism. Moyn repeats many familiar anxieties about extending human rights demands to cover new substantive arenas (for example, social and economic affairs, or gender). We apparently would be better off if human rights called "to mind a few core values that demand protection," but not try to "be all things to all people" (p. 227). Nonetheless, his own historical account shows that the idea of human rights has been linked from the outset to "some sort of social democracy" (p. 44). Echoing many other critics, he worries about the moralistic attributes of a great deal of human rights discourse. However, he never

develops a sufficiently nuanced conceptual account of the proper relationship between and among morality, law, and politics. Without it, his worries seem diffuse.

Moyn may be justified in his worry that the tendency to formulate controversial political and social issues in the language of human rights comes at a price. In the final analysis, however, he has little to say about possible alternatives. The most obvious source of this gap is a deeply rooted ambivalence regarding the idea of "utopia," arguably the book's central category. Sometimes, utopia refers to a "maximalist" political agenda; at other times, it apparently can take a "minimalist" form. At yet others, he associates it broadly with any attempt to define the "good life" alongside a "plan for bringing it about" (p. 214). Yet why call this "utopia" and not, for example, "politics"?

Given this conceptual fuzziness, it perhaps comes as no surprise that Moyn's own programmatic suggestions either reproduce familiar arguments or vaguely point the way to some as-of-yet unspecified superior approach to the nexus between human rights and substantive debate concerning many controversial political and social matters.

**Democratic Innovations: Designing Institutions for Citizen Participation.** By Graham Smith. New York: Cambridge

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— James Fishkin, *Stanford University*

Graham Smith offers an incisive framework for comparing democratic innovations in terms of their realization of some key democratic values, or "goods." The book gathers together a great deal of timely and important material. It should be read by anyone interested in the forms of democratic consultation and their various merits and drawbacks. The strength of *Democratic Innovations* is its aspiration to compare different approaches by the same criteria, while at the same time engaging in the debate about what those criteria should be.

Smith focuses on six goods, or elements of value, in democratic institutions: inclusiveness, popular control, considered judgment, transparency, efficiency, and transferability. He evaluates various democratic innovations in terms of the degree to which they realize these goods. To keep the discussion manageable, he focuses on four categories of innovation, with one or a few cases in each category: citizen assemblies, mini-publics, direct legislation, and e-democracy.

There are some important questions about the way the goods are defined and the way they are applied to these cases. These questions have no settled answers but do offer a good entry into a large and lively current literature.

Consider "inclusiveness." The closest I can find to a definition is that "inclusiveness turns our attention to the way in which political equality is realized in at least two aspects of participation, presence and voice" (p. 12). While