

The publishers suggest that this document, which originated as a set of instructions given to legislators, turned into a major act of the Enlightenment era, thus bringing "its authoress the encomium 'the Great'." By publishing varied translations of the Nakaz Professors Butler and Tomsinov make this unique document available to the wide circle of scholars and interested public in the Western world. This is a good quality book, and I could not find any factual or conceptual errors, except of one spelling mistake: on page 18, Russian public figure Piotr Kakhovskii is named as Kakhovskoi. I am sure this will be corrected in the next edition of this book.

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The Convention on the Rights of the Child: A cultural legitimacy critique.

By Thoko Kaime. Groningen: Europa Law Publishing, 2011. Pp. v, 216.
 ISBN: 978-90-8952-113-2. €48.00; US\$75.00.

This brief, focused book addresses the apparent tension between universal children's rights and cultural practices. Kaime conducts a legal and anthropological analysis to advance his thesis that the tension is not as strong as other experts have contended. He argues that Western and non-Western (specifically, African) concepts of children's rights occupy a great deal of common ground but that full implementation of children's rights requires that those rights are perceived as culturally legitimate.

The author's fieldwork took place in two Malawian villages. Among the most interesting features of the book are the quotations from children and adults in these villages, although the number of people quoted is fairly small (some are quoted repeatedly). Kaime also seems to have relied heavily on the views of a Malawian children's rights facilitator. A more thorough description of the fieldwork might have reassured readers that a broad spectrum of voices was heard.¹ Moreover, while Kaime is probably on safe ground in taking Malawian culture as representative of African differences, some acknowledgment of this leap would again be reassuring.

The book is organized logically, and each chapter begins with a short summary of its contents.² A brief introduction covers purposes and

¹ A reference in chapter 6 to 66 children interviewed in focus groups or face-to-face fails to clarify whether this was the total number.

² The book reprints the Convention on the Rights of the Child as an appendix; as the Convention is widely available, an index would have been a better use of space.

methodology. Chapter two provides what the author calls the analytical context: “the structural basis of the international law of children’s rights and the struggle to apply such general principles to specific situations.” This chapter gives a skeletal history of the Convention on the Rights of the Child (CRC), sufficient for the book’s purpose, and briefly discusses the relevant African instruments.

Chapter three focuses on the relativist/universalist debate in human rights. While numerous scholars have addressed this debate, the author’s discussion is among the best short explanations I have encountered, carefully annotated with citations to legal, sociological, philosophical, and anthropological literature. Although Kaime leaves many questions open, offering both sides of these difficult issues, he concludes that culture and human rights are much less antagonistic than many writers have portrayed them to be. Moreover, the CRC has rich potential and “should contribute tremendously in securing children everywhere their rights.”

The fourth chapter examines the nature of children’s rights, and of childhood itself, by looking at cultural contexts (Western and African). Kaime uses provocative evidence, such as various terms for stages of children’s biological and social development in a representative Malawian language, to demonstrate that cultures perceive these stages differently. Kaime argues that international law has made Western views of child-rearing the global standard. Transplanting this standard to “the south,” however, has encountered cultural roadblocks.

Chapter five considers the legitimacy within Malawian culture of three core CRC principles: non-discrimination, best interests of the child, and participation. Kaime finds violations of these principles in people’s daily lives, i.e. son preference and discrimination against a child whose family cannot afford a school uniform. However, he follows this discussion with a section in which Malawian adults express their adherence to non-discrimination principles and does not reconcile the conflict, except to say that these sentiments may offer an opportunity to tackle inconsistent practices.³

Kaime raises some tough questions for Western human rights advocates. For example, he describes how a ban on child labor prevented children from working to make money for their school fees. One girl who had

Although the table of contents is fairly detailed, one cannot easily locate a particular passage or subtopic without an index.

³ Of course, it is only fair to acknowledge that many in the US give similar lip service to the importance of children, while permitting 23% of US children to live in poverty. Conflicts between expressed values and practice are not the sole province of developing countries.

worked on a tea estate to pay her fees said, “Girls who are denied an opportunity to go to school may end up in prostitution. What is worse?” In this case, families asked the village head to intervene with the local member of parliament. Without a formal end to the ban, the tea estate nonetheless began hiring children again.

Chapter six explores the relevant ground-level institutions, focusing on those that provide conflict resolution within the community. Here Kaime supplies the ingredient missing from many works on children’s rights, i.e. an understanding of the mechanisms by which real change can occur. Although Kaime believes that local institutions have the best chance of promoting children’s rights, he acknowledges their limitations. None of them permits children to have a voice and all of them are patriarchal. Nonetheless, working to influence cultural norms requires using the best tools available, however flawed those tools may be.

In the final chapter, Kaime presents his concluding analysis. The CRC’s primary formal mechanism is to encourage state parties to incorporate its principles into domestic law. As Kaime points out, this mechanism becomes a question of justiciability. For most people in a developing country like Malawi, legal rights are not justiciable. Thus, human rights advocates should shift their focus from legalistic mechanisms to “other measures” as referenced in article 4 of the CRC. Understanding and engaging local institutions, including churches, clan committees, and chief courts, will more effectively promote children’s rights. Advocates should engage local leaders and other people respectfully, rather than, as Kaime says, “keep distributing flyers” to non-literate populations.

Kaime also makes a plea of interest to legal information specialists. He notes that children’s rights advocates in Malawi work with at least three different translations of the CRC—a government version, a UNICEF version, and a version distributed by Plan International. The translations are similar, of course, but contain “some uses of local language that have an impact on the general meanings.” Kaime urges advocates and officials to agree on a common version.

This practical advice, along with the grounded understanding of cultural legitimacy that Kaime brings to the table, makes this book a valuable contribution to children’s rights discourse. It would be a worthwhile acquisition for libraries supporting human rights curricula at the

undergraduate, graduate, or law school level, and for activists in any area of human rights.

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Law and Society in Korea. Edited by Hyunah Yang. Cheltenham, UK; Northampton, MA, USA: Edward Elgar Publishing Limited, 2013. Pp. xvii, 236. ISBN 978-1-84844-338-9. UK£70.00; US \$120.00

South Korea traces its history back thousands of years, but it only became a constitutional democracy in the late 1980s. This dramatic change in the country's system of government has led to equally dramatic changes throughout Korean society. The essays in *Law and Society in Korea* offer a fascinating glimpse into just a few of these socio-legal changes in particular.

Editor Hyunah Yang has brought together ten essays from leading Korean legal scholars. Four of the essays appeared in legal journals from 2006 to 2009; however, they have each been revised for this publication. The remaining six essays are printed here for the first time. The book is divided into three general areas of study: History and Culture, Theory and Methodological Questions, and Critical Issues in Law and Society in Korea. Within these broad confines, the authors examine a wide range of topics, including the rule of law as viewed through the lens of three forms of power, the impact of patriarchy and tradition on the modern state, the development of public interest law, and Korea's recent legal education reforms.

Each of the essays provide unique insights into Korea's socio-legal environment. Individual essays also tend to complement each other. For instance, Ilhyung Lee's essay details a survey designed to gauge citizens' perceptions of equality and dispute resolution. Respondents were asked to judge whether or not a set of hypothetical facts were discriminatory and/or illegal. While a very high percentage said the situation was discriminatory, far fewer also saw them as illegal. This led the author to conclude, amongst other things, that members of this still-developing legal system are continuing to grow and change in their perceptions of law too. Similarly, Jeong-Oh Kim's essay studies changes in crime rates and comes to a similar conclusion that "[t]here is a considerable gap between citizens' law-abiding behavior and their consciousness of rights."

Extensive notes and references follow each chapter. Some back and forth examination of these two sections is required if the reader wants to know the particular resource being cited, however. In other words, the notes section