
Book Reviews

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1 Human Rights after Hitler. The Lost History of Prosecuting Axis War Crimes
by: Dan Plesch
Published 2017
by Georgetown University Press
c/o Hopkins Fulfillment Service,
P.O. Box 50370, Baltimore,
MD 21211-4370, Washington DC, USA, 250pp
ISBN: 9781626164314

Human Rights after Hitler is an extremely important book on the past, present and future of human rights protection. The book is based on a very systematic research concerning thousands of war crimes prosecutions against Axis war criminals by the USA and Allied. Though, these prosecutions have not caught the spot lights as the famous Nuremberg trials, they reflect as the author shrewdly observes a popular movement aiming for justice against the atrocities of the Nazis. Dan Plesch's extremely interesting research reveals numerous cases, prosecutions and indictments of Axis criminals even from the period that the death camps were still operating in Germany and other European countries. Thus, this 'justice movement' supports the argument that even during the Holocaust a large part of the international community was opposing Hitler and the Nazi's monstrous crimes.

Extremely important is the author's research on the archives of the United Nations War Crimes Commission – UNWCC – which operated between 1943 and 1948. The authors presents unknown work in the USA and Allied persecutions of torture, including 'water treatment', wartime sexual assault and crimes by foot soldiers that were 'just' following superior orders. The work of the UNWCC can become as the author argues, a fruitful framework for the current prosecution of international crimes of sexual violence.

The UNWCC mandate included:

- a crimes committed for the purpose of preparing or launching the war, irrespectively of the territory in which they were held
- b crimes committed in the Allied countries and crimes committed against armed forces or civilians of the United Nations
- c crimes committed against any person regardless of nationality, religious or political belief
- d crimes that may have been committed to prevent the restoration of peace.

The book is divided in nine chapters, all of them illustrating series of cases regarding Axis war crimes. Chapter 1 refers to the prosecutions regarding sexual violence as a war crime. Chapter 2 illustrates the reason why the UNWCC has offered by its work an extremely important model of legal retribution on human rights violations. Chapter 3 refers to the active engagement of the Allies to the legal condemnation of the Holocaust. Chapter 4 presents the global outreach of this ‘justice movement’. Chapter 5 analyses the European indictments in crimes related by the Holocaust which begun before the Nazi surrender. Chapter 6 examines the legitimacy and fairness of legal procedures in such cases of human rights violations. Chapter 7 examines the major indictments against the Nazi heads of state, while it develops a theory of legal responsibility, of crimes against humanity, genocide and aggressive war. Chapter 8 revisits the ending of persecutions and the end of UNWCC work. Finally, chapter 9 appreciates the lessons learned by the UNWCC work.

Extremely important are the key issues pointed out regarding the prosecution of sexual and gender-based violence crimes today. Thus, the book answers to whether acts of sexual and gender-based violence committed as part of a conflict are in fact crimes according to national or international law. Furthermore, the definition of these crimes is provided, including their physical and mental dimension of violence – namely, coercion – while theories of criminal responsibility are analysed.

Of great significance is also the account of key international principles that can be traced and based on the work of UNWCC. Thus, during these works, the concept of aggression as a war crime in the framework of ‘aggressive war’ has been developed. This concept reflects that the settlement and solution of all conflicts should be pursued by peaceful means as explicitly stated in the Kellogg-Briand Pact of 1928. This principle condemns any recourse to war as means for the solution of international disputes. Accordingly, the UNWCC has provided with the argument that the obedience to superior orders does not itself relieve a war criminal of its responsibilities. Furthermore, of interest is also the work of UNWCC regarding group responsibility, based on the membership in a group that has committed war crimes, e.g., the Gestapo. Extremely significant is the work of UNWCC on the crimes of genocide, and crimes against humanity which were also developed during the Nuremberg trials.

Human Rights after Hitler by Dan Plesch is an ‘ark’ of cases regarding the indictment of Nazi crimes. The book goes far beyond the presentation of the UNWCC works in explaining in depth the legal arguments employed in numerous cases, illustrating the political and historical framework of this period of time and analysing the present use of the lessons learned by this vast ‘justice movement’ against Axis criminal. Thus, the book covers in a multidisciplinary way the legal, historical and political aspects of the subject. Lastly, the book serves as reminder of the most important thing of all: the Holocaust is never to be forgotten, among all other things – because it serves as the most important lesson of what human and inhuman truly is.

- 2 The future of human rights in the UK**
by: Claire-Michelle Smyth and Richard Lang
Published 2017
by Cambridge Scholars Publishing
Lady Stephenson Library,
Welbeck Road, Newcastle upon Tyne,
NE6 2PA, UK, 317pp
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The enhances over the last decades 'rights talk' and the advancement in the adoption of Human Rights Chapter with most eminent the EU Charter of Fundamental Rights, often make us take their protection for granted. More importantly human rights protection is depending mostly in the substantial application of the existing legal obligations than in the legal framework itself. This is the main reason why 'rights talk' is always an open discussion, since new endangerments, new risks for rights can occur at any time, even in the most well equipped to deal with them legal system.

The very pressing human rights issues currently faced in the United Kingdom are elaborated in the recently published collection of Claire-Michelle Smyth and Richard Lang, entitled *The future of human rights in the UK*. UK hold an important 'human rights tradition' based in the common law development and adaptations, in the Human Rights Act enforced in 1998 but also in the human rights EU *acquis communautaire*. The present book offers a modern account of human rights protection in the UK focusing in their current problems of application and enjoyment. The role of Brexit in human rights protection in the UK, the right to asylum, the augmented control over privacy, the impact of the economic crisis in social rights, family and reproductive rights are presented in a in depth discussion on human rights protection in the UK.

Alan Green in his contribution accounts the problems created by the development of a *Culture of Control* in the UK. David Barett argues in favour of the right to education in the UK, Niall Williams examines the intriguing issue of parental responsibility and Marry O' Connor explores the choppy waters of surrogacy. The effect that Brexit will have in human rights protection is analysed by Michelle Coleman and Richard Lang. The future of socio-economic rights during the financial crisis is analysed by Koldo Casla and Claire-Michelle Smyth. Charles Barrow examines the right to strike as it evolved in the UK, while Lieve Gies analyses the very interesting subject of UK press protection in the case law of the European Court of Human Rights. Asylum rights and new problems of citizenship are elaborated by Jo Wilding and Rachel Pougnet. An account on the right of silence is offered by Hannah Quirk, while Darren McStravick contributes a most interesting Irish perspective of a restorative theory of crime.

The collection based in high quality contributions which offer a very rich and in depth account of the current human rights problems faced in the UK. Of great significance is the analysis of the post-Brexit human rights era which is seen in the present book, both as an opportunity and also as a threat. Overall the book represents a great addition in the existing bibliography regarding human rights protection the UK, further advancing the existing academic dialogue in pressing issues.

Book Review

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The History of Terrorism: From Antiquity to ISIS

by: Gerard Chailand and Arnaud Blin

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by University of California Press

155 Grand Avenue, Suite 400, Oakland,

CA 94612-3758, USA, 474pp

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The History of Terrorism seems to be one of those books which will surely withstand the test of time. Though originally wrote and published in 2007 and now republished by a prestigious academic publisher such as University of California Press, the original goals of this project aims to give valid answers before the bloody attacks to World Trade Centre and Pentagon dated back on September 11 of 2001. With some hindsight, it is safe to say that this founding event was accompanied of others similarly-planned blows in the core of urban cities as Madrid, London, Paris, Manchester, Brussels and so forth. Over the recent years, terrorism situated as one of the main threat of Occident and a headache for the majority of governments in the planet. In this context, professors Gerard Chailand and Arnaud Blin present an edited book, which contains with the contributions of well-skilled fieldworkers and experts in terrorism and international politics. In the years to come, editors would never suspect that their motherland, France will undergo one of the bloodiest terrorist attacks of its history. Not only some radicalised cells – like ISIS – are wreaking havoc in democracies, placing most European cities in jeopardy, but also in many Muslim nation too. Doubtless, terrorism captivates the attention of almost all western and eastern nations as an urgent matter. From 2000 to 2014, some voices estimate almost circa 32.685 persons were killed by terrorism worldwide.

The current book is formed in three sections, which range from the prehistory of terrorism towards novel forms as jihadism. The culture of *Assassins* is explored though the introductory chapters, while the second section involves six interesting chapters, which focus on study cases dated from 1789 to 1968. Of course, terrorism after '70s decade, which is the main point of entry in the third section, centres on the rise and evolution of Radical Islam and its troubling intersection with West.

At a first glance, the question whether terrorism has historically shaped in many forms and affected societies in different ways, as editors observed, no less true is that the modern jihadism reached its zenith dotted with a wider virulence never seen by experts of terrorism.

"Altogether though, it is still jihadism that defines terrorism for this age, and the rise of ISIS constitutes one of the major events of the last decade, not just with regard terrorism, but in absolute terms. This development is the main reason we decided to go forward with a new edition of this book, which includes an entire chapter devoted to this topic." (p.11)

It is important not to lose the sight that the Arab Spring which tottered main of the already-established autocracies in Middle Age, adjoined to the US-led invasion to Iraq, paved the pathways for the rise of more radicalised voices which were rechanneled towards an spirit of terror as never before. In this respect, one might question, why is ISIS different to other terrorist groups?, is the US intervention in Middle East creating paradoxical situations or more virulent reactions in Muslim world? Editors go on to say that, though ISIS shares some of their methods with predecessors as Al-Qaeda, or Marxist-Leninist inspired groups, ISIS expanded worldwide defying the logic of guerrilla warfare, as well as introducing more violent forms of expression. Equally important, unlike Al-Qaeda, which historically sought to create a climate of chaos and insecurity by instilling fear through the use of selective attacks, ISIS aims to enhance its authority from the occupation of a delineated territory. After 9/11, the English speaking journals monopolised many of the produced knowledge revolving around terrorism, but in fact less attention was given to its evolution in the threshold of time. This is precisely, where this book fulfils the gap. By studying terrorism, many pseudo-scholars preclude there was nothing like this in the past, or as Chailand and Blin noted, there is a public rejection of history, which is fagocitated by the media exposure and the spectacle orchestrated around terrorism. Far from being clear or accurate, media's explanations lead very well towards serious misunderstanding and ethnocentrism. This happens because while ignoring the past, which preceded the escalation of violence today, European governments blame others for their colonial crimes. At the time, it is almost impossible to understand IRA actions without reviewing the British colonial past; it is hard to examine current terrorism in Middle East glossing over the US-led intervention. In this respect, chapters organised in this project, though dealing with different issues or points, converges in the idea that it is necessary to forge an all-encompassing model for policy makers understand what terrorism is. In so doing, they will be familiar with more efficient policies of mitigation and prevention oriented to help lives. Equally important, in the long terms, the effects of terrorism are almost very hard to grasp. In 2016, the civil war in Syria and the struggle of Russia, Turkey and Syria against ISIS provoked a humanitarian crisis that confronted the hospitality of Europe whereas Putin's unilateral decisions have direct effects in the war on terror initiated by the USA without any practice results to date. In the same way, beyond the demonisation of terrorists who are considered as filled-hatred maniacs or psychos, specialists should explore terrorism as the archetype of a political violence, which is enrooted in the needs of causing instability through the articulation of fear. To wit, Chailin and Blin acknowledge that many governments in-crisis of legitimacy appeal to terrorism to impose policies otherwise would be widely neglected. The history gives valid indicators that democracies and dictatorships – though in different levels and degrees –, far from doing what is right, manipulates terror to preserve its privilege status.

The *History of Terrorism* addresses with an innovative and path breaking definition of terrorism as a 'technique' to defy the status quo widely-practiced by clandestine groups to impose terror and panic. Though it challenges the essentialised view of social imaginary as an irrational activity, terrorism should be understood as a rational behaviour.

As the previous definition given, editors and authors who contribute in this volume, agree in terrorism as a technique, which evolved in different shapes according to the time and the empire, it confronts. However, as discussed in the different sections, while in earlier ages terrorists targeted to important persons as officials, polices and celebrities, after 9/11, it was substantially changed, and civilians are violently attacked. Most likely, it is very common to find in terrorist minds the same recurrent idea around a runaway world which is rife to corruption or remains not as pure as they like. To correct this, it should be subject to a further purification, which means a justification of their behaviour.

To cut the long history short, terrorism appears to be an open question for many specialists, who often put the horse before the cart. One of the aspects that merit to be discussed in this review is the long-lasting discrepancy between instrumentalists, like Gerard Chailand and Arnaud Blin, and ethicists. While the formers signalled to terrorism as a political technique, which can be encouraged or discouraged following political interests, the latter alludes to the lack of ethics as the result of radicalised mind upsurge. In this token, one of the criticisms, ethicists would exert on this book toys with the belief that equalling terrorism to a 'technique' entails a simplification of this much deep seated issue. On one hand, ethicists adamantly outline that terrorism should be always catalogued as 'an evil act' in view of the instrumentalisation of innocent victims. For them, terrorists look to maximise their goals vulnerability others, and for this corresponds with an evil-doing. At the time, instrumentalists hold the thesis that ethicists interpose their own ethical prejudices instead of examining facts as they stand. While terrorists are mediatically demonised or in other terms labelled as demonic enemies, analysts are farer than understanding the core of the issue. Whatever the case may be, this book represents an interesting effort to form an all pervading model to expand the current understanding of terrorism, posing history as a mirror; *The History of Terrorism: From Antiquity to ISIS* exhibits an ambitious attempt to decipher the commonalities of different versions of terrorism, which is crystallised into a recommendable book for sociologists, anthropologists and social scientists who are interested by these types of hot topics.