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for a specific post, made by a Community official (p. 272). May such decisions dealing with fundamentally different situations and involving different issues be meaningfully compared and valid conclusions drawn? Such an approach may degrade the far more important jurisdictions of the Court that primarily concern the vast field of operation of the European Economic Community, within whose framework the legal protection of officials raises special problems and plays a subordinate part only. The Community is first and above all an economic community—and not a community of officials.

These observations should, of course, in no way diminish the great merit of this authoritative study as an indispensable guide for anyone engaged in litigation before the Court. Its undeniable value would have been even further enhanced if the author had viewed the case law of the Court more critically and made reference to the writings in the field.

GERHARD BEBR


Situations of emergency and the role that the law can play in their regulation are of crucial importance, as much for the frequency with which such situations occur as for the dangers in the abuse of rights that they encompass. In theory, to the extent strictly required by the situation, derogation and restriction of rights are possible during a public emergency that threatens the life of a nation. But derogation of certain essential rights, e.g., the right to life, freedom from physical torture and inhumane and degrading treatment or punishment, is not admissible. Unfortunately, theory does not always correspond with practice. Governments tend to identify legitimate challenges to them as dangers to the life of the nation. The declaration of states of emergency often replaces the search for political solutions through consensus, and justifies the application of military means to impose minority views. Normally, states of emergency are accompanied by disappearances, summary executions, detentions without due process, torture and other cruel, degrading and inhumane practices.

The International Commission of Jurists (ICJ), acknowledging the global importance of the problem, both in terms of the people affected and the essential values involved, began an important project that resulted in this publication. Experts from 15 countries embracing different legal cultures were asked to outline the norms concerning emergency situations in their countries, the actions taken during such emergencies, the extent of compliance with preexisting legislation, the abuses that had occurred and the reasons why the emergency was either terminated or institutionalized after the circumstances that prompted its declaration had ended. In addition to these expert studies, two questionnaires were sent to 158 governments. One questionnaire concerned the norms and practices followed during emergency situations and the other related to the practice of administrative internment. Thirty-four countries replied to these questionnaires.
On the basis of the experts' country studies and governments' responses, the staff of the ICJ undertook an analysis of the legislation, practices and abuses of states of emergency as compared with the international legal requirements applicable during states of emergency. The ICJ also presented recommendations to be implemented at both the national and the international levels.

The book presents a rich collection of materials in the country studies. In addition to the thorough analysis of legal norms, the book supplies economic and political criteria that allow the reader to enhance his understanding about emergency situations. A typology dividing emergency situations into states of exception and regimes of exception is also presented. States of exception are conceptualized as “extraordinary modes of governing provided for by the laws of the country and subject to such laws for their declaration and implementation.” Regimes of exception are defined as “de facto situations of a purely political nature, which cannot be justified in terms of the laws valid in a given state.” Such regimes may have democratic or authoritarian goals.

A noteworthy aspect of the book is that its analysis of the effect of emergency situations is not restricted to one set of rights. Both in the country reports and in the general observations and conclusions, the ICJ presents the effects of states of emergency on economic, social and cultural rights, political rights and the right of self-determination, the right to development, the right to due process and the rights of detained or imprisoned persons.

This broad analysis presents the reader with sufficient information to reject commonly held assumptions such as “the restriction of rights is necessary for economic development” and “temporary restrictions allow peace to come back to the country.” More often than not, what really happens is that general and cultural, economic and political impoverishment is produced by the lack of educational and cultural pluralism, by restrictions on the ability to distribute and receive information, and by the limits on the freedom of political organization, which otherwise allows social participation and the articulation, integration and defense of economic interests.

It is not easy to get out of emergency situations. As in the case of extraordinary taxes, states of emergency are transformed from temporary situations into permanent ones; but in the latter case, essential rights are affected. The accumulation of power destroys the mechanisms for its own control, tends to perpetuate political failures and makes it extraordinarily difficult to achieve normality. In this context, the salvation of a nation and the continuation of its existence as an organized community paradoxically become a salvation from the original saviors.

It is extremely important to attempt to isolate the causes that lead to emergency situations. In the book, the authors identify the significance of social unrest prompted by economic injustices, which leads to governments' decisions to "treat the symptoms without treating the disease"; the resistance to change of ancient absolutist moral values and political habits; the emergence of the doctrine of national security, a simplistic approach that leads
to the militarization of politics and the politicization of the military as “internal enemies” are destroyed without consideration for human rights.

The editors have taken care to make comprehensive recommendations inspired by the behavior of individual governments and by the international community’s successes and failures. The recommendations include developing clear criteria for the declaration of states of emergency, enlarging the list of nonderogable rights, establishing workable tests of necessity, temporality and proportionality for the derogability of others, adopting provisions concerning the correction of abuses, and preventive and precautionary measures.

Without diminishing the quality and importance of this valuable book presented by the ICJ, some shortcomings can be noted. The country reports are of varying quality, and not every specialist has followed the same set of criteria as would ideally be desirable for comparative purposes. In addition, the experts might have been requested to provide an analysis of the impact of international law in their own countries.

The book’s basic assumption that rationality prevails in the minds of those empowered under a state of emergency is both a strength and a weakness. This assumption permits the authors to make domestic and international recommendations involving both substantive and procedural norms. But brutality can drive out rational thinking and even usher in an element of the absurd. There is the doctor in a Latin American country whose torturer, in between periods of brutal abuse, kindly requested medical advice for the treatment of his obesity. There are those generals—ultimately defeated—who declared wars against stronger enemies and were fanatically joined by most of those whom they previously had tortured. There is the country where a gigantic, forced exodus from the cities was followed by an even more pathological genocide, finally consuming its perpetrators.

In emergency situations, as in wars, the absurd often prevails and tends to limit the extent to which such situations can be rationally managed. That is not to say that attempts to control and ultimately eliminate such situations should be discouraged. Quite the opposite, and the ICJ book brings us closer to that goal.

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In this three-binder, loose-leaf set, Professors Buergenthal and Norris have substantially achieved their goal of providing a “systematic compilation . . . of the legal and constitutional instruments . . . [that] bear on the protection of human rights within the inter-American system.” In so doing, they have produced a valuable resource for scholars and practitioners interested in the legislative history and evolving case law of the OAS human