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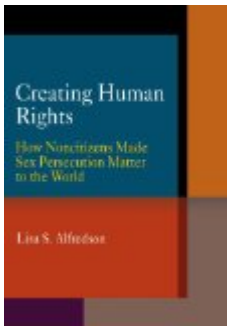
**Lisa S. Alfredson.** *Creating Human Rights: How Noncitizens Made Sex Persecution Matter to the World.* Pennsylvania Studies in Human Rights Series. Philadelphia: University of Pennsylvania Press, 2009. 328 pp. $69.95, cloth, ISBN 978-0-8122-4125-9.

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Sometimes the field of human rights can seem mired in a debate about whether human rights are static and Western or dynamic and critical. Those who take the second view focus on the structural dimensions of human rights violations. They see rights being developed when "new" groups claim their rights, and they understand the universality of human rights to be confirmed precisely when such groups succeed in changing human rights norms. Lisa S. Alfredson's ***Creating Human Rights*** gives us an example of some of the ***most*** politically marginalized people who nevertheless have the ability to claim and defend their human rights. Alfredson provides a thoughtful sociological account of how people in struggle, even isolated from each other, can form the backbone of a social movement. She offers compelling evidence for the second view.

One woman fears persecution because her husband was a political activist. Another fears her in-laws because she has divorced her abusive husband on whom her original immigration application was dependent. These and other cases of "sex persecution" became the backbone of a women's movement to change Canada's refugee practices.

The book will find interested audiences in the human rights policy world as well as sociology, political science, and human rights activism, particularly among those whose work relates to gender, international law, and refugees. ***Creating Human Rights*** is a rich book that enhances our understanding of the way in which even the most marginalized--in her study, refugee women seeking asylum in Canada--can effect political change. The book is structured so that it contributes to the study of social movements, political opportunity structures, the development of human rights and refugee law, and the theory of human rights. This last is an important point for a book that is otherwise predominantly empirical. The story of refugee women's activism in Canada provides a telling counterexample to those who would argue that human rights are a tool of the powerful.

In chapter 2, Alfredson sets up her project as one that adds nuance to the sweeping and contra-

dictory narratives of the globalization of human rights. Alfredson reads human rights changes through the lens of changes in geopolitics and world markets: "the increasing extensity, intensity, velocity, and impact of interactions between state-level and international-level rights, values, and actors bring new opportunities for human rights to be substantively developed and expanded, or as the case may be, contracted and withdrawn from the international arena" (p. 42). These dynamic forces create a political opportunity for human rights activism in which the meaning of human rights can gain political import.

The book also provides a model for studying the context of a social movement, particularly a social movement that departs from those conventions of social movement literature that rely on a prototypical movement actor as citizen. The body of the work lays out that context; describes the asylum seekers' activism and supporters' actions within that context; and summarizes the political legacy of that work in Canada, the United Nations High Commissioner for Refugees, Europe, and other states. This is all really interesting. This original work can serve as a reference point for so many further studies in this area.

The context that Alfredson tries to distill is complicated. There are multiple timelines: the timeline of the development of international refugee law and international human rights norms, the timeline of transnational women's activism and its use of human rights discourse, and the timeline of Canadian politics. Alfredson reviews these before setting the timeline of the asylum seekers' campaign against them. However, she does not integrate these timelines. Unless readers construct their own integrated timeline as they read, the relationships among these different dimensions of the changing political opportunity structure for women's refugee rights claims and the comprehension by authorities of claimants' human rights violations are unclear.

The central rights puzzle at the heart of the book may be difficult for a reader new to gender analysis to grasp. That reader may wish to jump ahead and read chapters 5 and 6 where Alfredson tells the women's stories in the context of describing the women's own agency in the movement and of explaining how their stories were used by the movement. Achieving the goals of the movement depended on their ability to raise awareness of women's human rights violations and to render accessible the arguments necessary for the threat of domestic violence to be understood as the basis for a fear of persecution. Parenthetically, reading these chapters first--or maybe just skimming for the women's stories--would also explain the significance of "going public," which is occasionally referred to in the early part of the book without explanation.

Were the asylum seekers agents in this transformation of human rights or merely used by their supporters (who were large well-networked nongovernmental organizations [NGOs], smaller NGOs, women's shelters, and lawyers)? Alfredson argues that in fact many of the movement actors were brought into relationship with one another through individual asylum seekers. These women were important nodes in the development of the movement that served their interests and those of women similarly situated. Their agency was critical to the success of the movement.

The weight of the book's conclusion is on the insight about human rights theory and practice that we gain from studying women asylum seekers as movement activists. This is a great contribution. However, we would be better able to appreciate what they achieved if the author had taken a little more time to address those achievements. Most of the claimants had experienced domestic violence and were threatened with either future violence from the abuser or persecution from family if their asylum case was rejected and they were forced to return. The home country's failure to protect was a significant basis for the

claim. Yet, by Alfredson's account, much of the language of the guidelines (both the Canadian Guidelines of 1993, which are the anchor of the social movement's success story, and the guidelines that Alfredson claims follow the Canadian guidelines) either does not specifically mention domestic violence but rather "sexual persecution" or mentions domestic violence in a long list of possible considerations. Perhaps the guidelines do guide the immigration review boards and judges to think in new ways about domestic violence, but evidence suggests that judges do not know ***how*** to consider these gender-based claims even when they know they should.

The on-going struggles around the interpretation of the guidelines suggest that the guidelines were not sufficient in this regard. If we read the achievement as the guidelines, then this account is satisfactory, but if we read the achievement as the realization of these considerations in the practice of asylum seeking for gender based persecution, then the achievement is more ambiguous. That ambiguity is not a failure of the movement but rather calls us to give as much attention to the political opportunity structure after the campaign as that leading up to it and during it. What changed ***de jure*** and what changed ***de facto***? What is the implication of ***this*** observation for the understanding of how successful the movement was and what the measures of success for this kind of socially embedded legal change must be?

This is an important book because of the rigor and detail the author uses to bring to light a political movement initiated by noncitizen survivors of persecution and joined by a broad range of supporters. As this book shows, the most marginalized can change the theory and practice of human rights. Human rights are a tool not only for the powerful but also for the seemingly powerless.

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