

inclines the reader to forgive inconsistencies. The same was true of Said's reputation-making *Orientalism* (1978).

Armchair analysts will have no trouble linking the themes of this book to Said's own life. Though he made his name as a literary critic and was tenured at Columbia University, Said was best known for his fierce Palestinian nationalism and for views that, in his later years, seemed overtaken by and frequently at odds with the politics of the actual Palestinian Authority (which at one point banned his books). In 1999, *Commentary* magazine, a longtime critic of Said, published a blistering compilation of evidence that he had misrepresented major facts about his childhood—accusations Said never convincingly refuted and seemed tacitly to confirm in his own memoir *Out of Place*, published later that year. But if those last years made him seek reflections of his own troubled emotions in literature, art, and music, his critic's eye remained original and compelling. Not all lives end in philosophical harmony, and the approach of death undoes the sense that there is still time for everything to turn out right.

—Amy E. Schwartz

SCIENCE & TECHNOLOGY

Law and Order in Cyberspace

WHEN THE INTERNET BEGAN to reveal its promise in the mid-1990s, utopian rhetoric was the order of the day. At the 1996 World Economic Forum, in Davos, Switzerland, John Perry Barlow, a Grateful Dead songwriter and cofounder of the Electronic Frontier Foundation, an Internet civil liberties group, issued a "Declaration of the Independence of Cyberspace" to governments. It read in part, "I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have

true reason to fear. . . . Cyberspace does not lie within your borders."

That cyberspace has not ended up independent of national sovereignty is apparent to all of us. Consumer fraud occurs but is prosecuted by attorneys general; obscenity, though available, is generally illegal; and businesses make contracts online that sometimes are broken and get adjudicated by the same courts that enforce offline contracts. In the face of this inexorable civilization (Barlow called it colonization) of cyberspace, Jack Goldsmith and Tim Wu, professors at Columbia and Harvard law schools respectively, seek to convince us that despite the hopes of the early digerati, or Internet enthusiasts, the medium's users have properly recognized its subservience to national law. The authors argue that the very openness of the unregulated space that is the Internet demands borders and national laws, in contrast to the independence sought by Barlow (for whom I worked at the Electronic Frontier Foundation from 1991 to 1994).

Consider what happened when the French government tried to stop Yahoo from offering Nazi memorabilia for sale. Sale of such material is legal in the United States, where Yahoo is based, but illegal in France, where Yahoo does some business. French courts claimed authority to enforce their law. U.S. courts considered whether such control over a U.S. company infringes upon American sovereignty or violates the First Amendment. But in 2000, the French courts prevailed: Yahoo now blocks access to such sales from French websites.

Similar conflicts abound. In libel law, the United States favors free expression, while other countries offer more protection to those harmed by sloppy reporting. Pornography is subject to controls in the United States but not in Europe; hate speech is outlawed in Europe but not in the United States. The authors cite these differences as evidence that we will have to accept national sovereignty, even where it may make us uncomfortable.

No argument there. Yet Goldsmith and Wu are so busy correcting the romantic technological determinism of the digerati that they fall into a sort of legalistic

WHO CONTROLS THE INTERNET?

Illusions of a Borderless World.

By Jack Goldsmith and Tim Wu.
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determinism. Having established that nations *should* have some role on the Internet, and that borders do have some value, they swing us alarmingly from the anarchy of Barlow's cyberspace to a realpolitik that places national sovereignty above all other moral and political values. After a vividly documented chapter on the challenges that Chinese censorship and political repression pose to the Internet, our law professors tell us that on the bordered Internet "there is no legitimate basis for giving any single law a kind of global constitutional status." So the Chinese laws must be given effect online along with all other national laws. Are Goldsmith and Wu so convinced of the legitimacy of state power that they are prepared to toss out international norms of human rights?

As the international community (governments as well as leading companies such as Google, Microsoft, and Yahoo) wrestles with the response to Chinese demands for censorship of political speech, what theory we adopt about the relationship between the Web and national law is far more than just a theoretical matter. The authors present us with a false dilemma in opposing to Barlow's utopian anarchy a state-dominated, bordered Internet. It would be worse than ironic if the spread of a speech-enhancing medium caused us to turn our collective back on the centuries-old project of expanding the right of individual expression.

—Daniel J. Weitzner

The Private Lives of Eugenicians

IS ANYTHING STILL A SECRET about America's regrettable flirtation with eugenics in the early 20th century? In this new history, Harry Bruinius, a professor of journalism at Hunter College in New York, tackles the troubling story of the effort to sterilize Americans deemed to be of poor stock. He is far from the first to tell it: Many authors, most notably Daniel Kevles in his book *In*

the Name of Eugenics (1985), have ably charted the lengths to which American eugenicists were able to go. Nor did the movement's main proponents try to hide what they were doing. They lobbied state legislatures to get laws enacted that would allow for the medical sterilization of men and women who threatened to dilute the American gene pool.

Bruinius's is a "secret" history in the sense that it concentrates on mostly unknown aspects of key eugenicists' private lives. He offers detailed personal portraits of figures such as Charles Davenport, who introduced eugenics to the United States, and Harry Laughlin, a Davenport protégé who headed a large-scale project to identify "unfit" families throughout the country. The tone of these profiles is odd, gossipy, and almost malicious. Davenport's daughter Millia married a Jew (Jews were considered poor stock by Davenport) and never had children; Laughlin had seizures, one of the conditions for which he and his colleagues advocated sterilizing others.

The author uses the lives and work of these men as a window through which to view our contemporary debate over genetic enhancement. He argues that eugenics and genetic tinkering have a particular appeal because conceptually they mesh with aspects of the American dream. It's a provocative, if not highly original, claim. But Bruinius weakens his comparison of the past with the present by focusing on the personalities involved in eugenics, rather than on the social milieu in which their ideas took hold—a milieu marked by the new supremacy of science, a rising tide of immigration, and changing sexual mores.

He has greater success in his highly sympathetic portrayals of those personally affected by sterilization. The book starts with an excellent description of the notorious 1927 case *Buck v. Bell*, in which the Supreme Court ruled 8–1 that involuntary sterilization was constitutional. Bruinius delves deep into the lives of plaintiff Carrie Buck and her relatives, suggesting that Buck's foster parents disowned her when she announced her pregnancy in part to protect a nephew of their own, whom she charged with paternity. Buck's trial, Bruinius shows, was a sham,

BETTER FOR ALL THE WORLD:
The Secret History of Forced Sterilization and America's Quest for Racial Purity.

By Harry Bruinius.
Knopf. 401 pp. \$30.