

as riots that were irrational, spontaneous, and violent was a critical sleight of hand that was necessary to justify the use of armed violence against public assemblies. Chapter Five builds on this, showing how the use of such practices reduced in frequency after Independence as their occurrence eroded the legitimacy of the State. Kumar cautions that this decline did not indicate a radical departure from colonial policing and underscores the post-colonial Indian State's continued use of exceptional provisions to suspend rights, and placement of opposition leaders under preventive detention.

Throughout the book, Kumar emphasizes the attempts by different caste groups to channel the power of the State as means to establish dominance. Policing is thus revealed to be a site of contestation, rather than one characterized by stasis. Arguably, the most valuable contributions in *Police Matters*, however, are its insights into the manufacture of "knowledge" of individuals, communities, and society and the subsequent rationalization of unjust unevenness in police procedures. This not only provides the basis for Kumar's searing indictment of the nature of policing in India, but also opens the possibility of making an abolitionist critique of the policing system itself in the light of the evidence that its fundamental purpose is to uphold grossly inequitable social structures.

---

DOI: 10.1111/lasr.12636

*Problematizing law, childhood and rights in Israel/Palestine*. By Hedi Viterbo. Cambridge: Cambridge University Press, 2021. 370 pp. \$110.00 hardback.

Reviewed by Smadar Ben-Natan , University of Washington, Seattle, Washington, USA

Violation and protection of Palestinian children's rights is one of the most controversial sites of human rights activism and legal change in the crowded legal scene of Israel/Palestine. While critics argue for egregious violations of children's rights, mostly during arbitrary detention, Israel prides itself in introducing unprecedented protections for detained juveniles. Hedi Viterbo's book does not join any choir. Faithful to its title, the book problematizes almost every tune that is sung in this highly emotional debate. It explores the unique interplay of human and children's rights; conflict and state violence; international, national and military law; juvenile justice and incarceration. The book offers both breadth and depth of context and analysis, it is highly original, insightful, and thought-provoking in its deconstruction and critique of law, rights, and childhood.

The basic arguments of the book are that Israeli legal authorities use the ostensibly protective law on children's rights as a means of control and oppression against young and adult Palestinians, and that international law and local human rights agencies and NGOs fail to protect them because they paradoxically uphold many of the assumptions that make the law both indeterminate and inadequate. A perfect example of that is how in response to pressures by human rights advocates, Israeli military authorities established the world's first and only juvenile military court, thereby proclaiming to uphold the rights of children. This court, however, did nothing to change the actual mistreatment of Palestinian youth by the military and the discourse that portrays them as born terrorists. Furthermore, Viterbo shows how the protective childhood discourse is used to privilege settler youth and portray Israeli soldiers as children, thereby dismissing their accountability for violence by expressing nurture and care. Analyzing various textual sources by the Israeli government and legislature, unpublished decisions of Israeli military courts, NGO reports, and visual sources, the book provides a rich account of this contested discursive site.

In a brilliant critical analysis of law and human rights, the book makes some of its crucial contributions to critical childhood and conflict studies. Through the examination of children's rights discourse, it articulates how childhood is socially constructed in various ways for different purposes. Combining critiques on the international and local levels, it scrutinizes both universalist discourses of childhood, victimhood, and trauma, and localized ideologies of nationalism and nativism, with

nuance and cultural richness. The various political uses of childhood by the privileged and the underprivileged are thoroughly fleshed out.

The argument that the binary of childhood and adulthood is largely arbitrary and socially constructed is especially convincing in the fields of criminal justice and conflict, where the young participants are typically youth rather than pre-teen children. Yet early childhood imagery still plays a major discursive role due for its emotional and political resonance. Viterbo argues that the children's rights discourse relies on essentialism—portraying childhood as having a true, intrinsic, constitutive, universal, and invariant nature and value—and developmentality—viewing childhood as a stage in a linear sequence that is strictly distinct from adulthood. It idealizes childhood as pure, innocent, and passive, contrasting it with adulthood as contaminating and harmful, suggesting that children should be separated and protected from adults and adult content. Conversely, the book portrays childhood and adulthood as placed on a continuum where children are young people who take part in the adult world, especially as youth. “Young people” and “those under age 18,” the terms used instead of “children,” have opinions and take positions, participating in conflict and in resistance. At the same time, adults maintain child qualities and are worthy of protection as humans. Consider for example the nonprotective proposition that Palestinian children have a right to take part in their people's struggle for liberation and self-determination. According to such an understanding, young people cannot and should not “be kept away from the conflict” as the protectionist discourse would go, when they are in fact part of it in multiple ways. Should they be viewed only as passive victims deserving protection by others? If they suffer oppression and trauma, is it illegitimate for them to want to protest and resist? Should harsh life experiences, which young people experience whether we like it or not, should be seen only as trauma, or as experienced by many as empowering, educating, building resilience and survival capabilities?

The book holds eight chapters. Chapter 1 lays conceptual and theoretical foundations on its two fields: childhood, law, and rights; and Israel/Palestine. The next chapters look at Israel's military legal and carceral system relating to juveniles and its human rights critics. The legal uses of age as a means of control rather than protection in trial proceedings and in open-fire regulations (Chapter 3) is further articulated with the separation of youth from adults in prisons (Chapter 4) as depriving young Palestinians of care and protection by sympathetic adults. Human rights reports (Chapter 5) demonstrate essentialism and developmentality in how childhood and trauma are decontextualized and dismissive of youth agency, including romanticized narratives of Palestinian stolen childhood. Chapter 6 explores the visibility of young people and state violence through visual imagery of notable incidents involving youth in conflict—Muhammad al-Durrah, Iman al-Hams and Ahed Tamimi. Chapters 7 and 8 move into the privileging childhood discourse relating to settler youth and soldiers.

The downside of this all-encompassing critique is that despite its richness and context, it remains in the realm of critical discourse analysis. In the words of Christopher Tomlins, “In undermining the authority of all narratives, it spares none, not even those that may be precious to the powerless, those whom we once desired to liberate” and may thus risk pursuing “as essentially bourgeois aesthetic of complexity, of endless, causeless, rationality” (2012). To those interested in pursuing a liberation project, intellectually or otherwise, the book investigates multiple aspects and challenges, stressing nuance and complexity over urgency to action. One of the productive aspects of the book is that the children's rights discourse neglects adults as worthy of protection and inadvertently legitimizes harm to adult men. This is especially resonant in the context of criminal justice and incarceration, going well beyond the particularities of Israel/Palestine, as many of the insights of this book do.

## ORCID

Smadar Ben-Natan  <https://orcid.org/0000-0001-8383-9511>

## REFERENCE

Tomlins, Christopher. 2012. “What is Left of the Law & Society Paradigm after Critique: Revisiting Gordon's Critical Legal Histories.” *Law & Social Inquiry* 37(1): 155–66.