

## BOOK ANNOTATIONS

BOGDAN, MICHAEL, *CONCISE INTRODUCTION TO EU PRIVATE INTERNATIONAL LAW* (Groningen, The Netherlands: Europa Law Publishing, 2006).

BORGHI, MARCO AND LETIZIA POSTIGLIONE BLOMMENSTEIN, *THE RIGHT TO ADEQUATE FOOD AND ACCESS TO JUSTICE* (Zurich, Switzerland: Bruylant-Schulthess, 2006).

CHESTERMAN, SIMON, *SECRETARY OR GENERAL?: THE UN SECRETARY-GENERAL IN WORLD POLITICS* (New York, New York: Cambridge University Press, 2007).

GILLINGHAM, JOHN, *DESIGN FOR A NEW EUROPE* (New York, New York: Cambridge University Press, 2006).

GOODALE, MARK, AND SALLY ENGLE MERRY, *THE PRACTICE OF HUMAN RIGHTS: TRACKING LAW BETWEEN THE GLOBAL AND THE LOCAL* (New York, New York: Cambridge University Press, 2007).

JONES, SETH G., *THE RISE OF EUROPEAN SECURITY COOPERATION* (New York, New York: Cambridge University Press, 2007).

KEITNER, CHIMÈNE I., *THE PARADOXES OF NATIONALISM: THE FRENCH REVOLUTION AND ITS MEANING FOR CONTEMPORARY NATION BUILDING* (Albany, New York: State University of New York Press, 2007).

LEE, YONG-SHIK, *RECLAIMING DEVELOPMENT IN THE WORLD TRADING SYSTEM* (New York, New York: Cambridge University Press, 2006).

ROGOWSKI, RALF AND CHARLES TURNER, *THE SHAPE OF THE NEW EUROPE* (New York, New York: Cambridge University Press, 2006).

WELLS, LOUIS T. AND RAFIQ AHMED, *MAKING FOREIGN INVESTMENTS SAFE: PROPERTY RIGHTS AND NATIONAL SOVEREIGNTY* (Oxford, United Kingdom: Oxford University Press, 2007).

*Concise Introduction to EU Private International Law.* By Michael Bogdan. Groningen, The Netherlands: Europa Law Publishing, 2006. Pp. 220. \$52.00 (paperback).

REVIEWED BY JEFFREY GOETZ

As Michael Bogdan explains in the opening chapter of his book, *Concise Introduction to EU Private International Law*, “[t]he realization of the difficulties of achieving a uniform European substantive private law has led to an increased understanding of the importance of unifying or at least harmonizing the [Private International Law] of the Member States.” Substantive private law across European Union (EU) member states, including, for example, contract law and marriage dissolution law, is by no means uniform. Recognizing that the complete harmonization of private law in the EU is unlikely to occur in the foreseeable future, member states and EU bodies have sought *procedural* uniformity to create a level of consistency in interstate disputes. The resulting procedural framework, known as EU Private International Law (PIL), deals with three issues: jurisdiction, applicable law, and recognition and enforcement of foreign judgments.

Bogdan, an expert in private international law and a professor of law at Lund University in Sweden, analyzes the development of the most significant instruments in Private International Law that exist across the EU. His purpose is to provide an “introductory textbook” on EU PIL for law students. In Chapter One, the introduction, Bogdan defines the substance and scope of PIL and explains its increasing importance for the EU. He also describes the sources of EU law that provide a basis for PIL, most particularly the Treaty of Rome (EC Treaty), which established the European Economic Community, now the European Community (EC), the first pillar of the EU.

Before delving into secondary EC legislation on PIL in later chapters, Bogdan explores the direct impact of the EC Treaty itself on the PIL of member states. First, he discusses how article 12’s prohibition on discrimination based on nationality poses an interesting dilemma for member states, which have frequently used citizenship to determine jurisdiction and applicable law. Second, Bogdan explains the relevance to member state PIL of the “country-of-origin principle.”

This principle states that when goods or services are produced in accordance with the laws of one member state and received in another, the applicable law is the law of the state of origin. The EC Treaty provides the foundation for this principle, establishing the free movement of goods, persons, services, and capital, although the principle itself is not directly articulated within the treaty. The European Court of Justice (ECJ), however, interpreted the treaty as espousing this principle, which also appears in subsequent legislation, such as the Electronic Commerce Directive, discussed in more detail in Chapter Nine. Bogdan's examination of the relevant case law from the ECJ, in regards to both the prohibition on nationality discrimination and the country-of-origin principle, is insightful and interesting. For example, Bogdan uses the ECJ case of *Avello v. Etat belge* to show how article 12 may actually necessitate the "positive discrimination of citizens of other member states."

Bogdan moves on to a discussion of secondary legislation in Chapters Three through Six, focusing on the issues of jurisdiction and recognition and enforcement of foreign judgments. He first discusses Brussels Regulation I, probably the most wide-reaching regulation in EU PIL, which outlines the jurisdictional rules and the recognition and enforcement rules for most kinds of civil and commercial matters. Bogdan then proceeds with a discussion of Brussels Regulation II, which fills in some of the gaps left by the first regulation, principally jurisdictional and recognition and enforcement issues relating to "matrimonial matters" and "parental responsibility."

Chapters Seven through Nine concentrate on the issue of applicable law in both contractual and noncontractual cross-border disputes. These chapters deal primarily with the Rome Convention on the Law Applicable to Contractual Obligations and subsequent proposed EC legislation, including Rome Regulations I and II. Bogdan provides an especially perceptive critique of articles 5 and 6 of the Rome Convention, which relate to weak-party contracts. Article 5 guarantees consumers the protection of the law of the country of their habitual residence, and article 6 provides employees protection of the law of their place of work. As a result, a business or employer contracting with a consumer or employee has little incentive to include a choice-of-law provision, because such a provision would allow the consumer or employee to choose between the two legal systems—that is, the legal system provided as a de-

fault by the Convention and the legal system prescribed by the contract—and thus pick the one most favorable. Bogdan also provides a very brief but well-articulated outline of the differences between the proposed Rome Regulation I and the existing Rome Convention, which the regulation is intended to replace. For example, he explains how the replacement of the set of presumptions laid out in article 4 of the Convention with fixed conflict rules will “make it easier to predict the applicable law, but at the expense of flexibility.”

Finally, the book closes with analyses of the EC Regulation on Insolvency Proceedings in Chapter Ten and of other procedural issues, such as service of documents and taking of evidence, in Chapter Eleven. Bogdan explains that to unify the substantive insolvency law of the Member States would be a “hopeless task” and thus that the Insolvency Regulation “limits itself to regulating the PIL aspects” of insolvency proceedings. The author’s expert knowledge on insolvency law becomes apparent through his extensive commentary on the provisions of this regulation. His use of bankruptcy terminology, however, might impede less business-oriented readers.

For anyone interested in learning about the major sources of PIL in the EU, this book provides a useful overview, taking a very methodical, step-by-step look at each of the major instruments. Bogdan examines the scope of each instrument and walks the reader through the specific PIL issues it covers. Nonetheless, the book’s organization does have disadvantages. First, the book never lays out an effective roadmap in terms of the substantive issues it covers. Examining the chapter titles and subtitles in the Table of Contents provides almost no insight into the substance of the specific instruments described in the book. Even the introductory chapter fails to develop an outline for the succeeding discussion. As a result, readers with limited knowledge of PIL have little idea of where the book is headed after the first chapter.

Second, because Bogdan focuses mainly on breaking down the provisions of each instrument, some sections of the book lack prescriptive analysis. This is particularly true in Chapter Eleven, which describes legislation on service of documents, taking of evidence, and provision of legal aid. Bogdan lays down the rules in a logical, concise manner, but then offers little critique. In other chapters, though, such as Chapter Ten on the Insolvency Regulation, Bogdan’s analysis is some-

what richer as he points out inconsistencies and gaps in the instruments and provides suggestions on how provisions should be interpreted and fixed.

Third, dividing the chapters on the basis of instrumentality limits opportunities for a more general conceptual discussion of EU PIL. Although Bogdan mentions how certain instruments complement each other, readers may have difficulty piecing together how the system operates as a whole. The absence of much comparative analysis to other regions facing similar jurisdictional, applicable law, and recognition and enforcement issues is disappointing as well. Though Bogdan remarks at one point in the introduction that the United States serves as an example of “a well-functioning integration” that “does not require total unification of private law,” he does not go deeper into this comparison later in the book. For students, the lack of comparative analysis may be frustrating because no foil is offered to enrich the normative judgments made of EU PIL.

Finally, the fact that the book lacks a conceptual framework is exacerbated by the absence of closing remarks or a concluding chapter; the book ends on a seemingly tangential subject, legal aid, making for a rather anticlimactic finish. Bogdan provides a compilation of descriptions of specific PIL legislation rather than a framework from which to analyze that law.

Notwithstanding these drawbacks, the book is a highly useful breakdown of the relevant instruments in EU Private International Law. Perhaps with a new title, “Concise Introduction to the *Instruments* of EU Private International Law,” and a more descriptive table of contents, the author could more accurately represent the contents of the book to potential readers. It is a great first attempt by Bogdan to piece together the most relevant legislation on the subject, and, to the reviewer’s knowledge, the book is the only condensed textbook on EU PIL in existence. While Peter Stone’s treatise-sized *EU Private International Law: Harmonization of Laws* provides a stronger conceptual framework for understanding private international law, for someone who wants a shorter overview, Bogdan’s book hits the spot.

*The Right to Adequate Food and Access to Justice*. Edited by Marco Borghi and Letizia Postiglione Blommenstein. Zurich, Switzerland: Bruylant-Schulthess, 2006. Pp. xi, 305. \$60.00 (paperback).

REVIEWED BY KAREN LEHMANN

Global hunger has long been a concern of humanitarians and social scientists, but it has only recently entered onto the scene of legal scholarship. In 2002, the World Food Summit recommitted to the goal of halving worldwide hunger by adopting a new strategy: reframing access to food as a legal right binding upon national governments. The challenge with this strategy is how to craft a remedy. What would a trial on the enforcement of the right to food look like? Would an impoverished person sue the government because she lacks a sufficient amount to eat?

These are exactly the questions that *The Right to Adequate Food and Access to Justice* seeks to answer. Borghi and Blommenstein's work is a compilation of essays that sprang from an international seminar of the same title held in May of 2004. Collectively, the essays paint a picture of a legally-binding right to food. The book focuses on how and to what extent such a right could be judicially enforceable.

Part One introduces a legal framework for understanding a justiciable right to food. Hector Faundez Ledesma begins by arguing that the eradication of hunger is "an obligation of the international community in general and of States in particular." He points to articles 55 and 56 of the Charter of the United Nations, which concern the respect and observance of human rights. Furthermore, article 25.1 of the Universal Declaration of Human Rights includes the right to food as an integral part of the right to an adequate standard of living. In total, Ledesma lists nine binding international agreements that impose obligations on states to guarantee their citizens access to adequate food.

The remaining essays in Part One explore how such a right might be enforced by national and international legislatures, courts, and tribunals. In the best-written essay of the section, Charlotte Vuyiswa McClain places the right to adequate food within a broader discussion of economic, social, and cultural rights. Borrowing from human rights literature,

she describes the states' obligations regarding the right to food on three levels: States must *respect*, *protect*, and *fulfill* the individual's right to food. Respecting the right to food means setting limits on state power: "the State should not, in general, interfere with the livelihoods of its subjects or their ability to provide for themselves." Protecting the right to food requires regulating the actions of nonstate actors, including establishing a system of legislation and sanctions in the areas of food safety and nutrition, environmental protection, and land tenure. Fulfilling the right to food implicates positive state action to identify vulnerable groups and implement policies that will facilitate their access to food-producing resources or to an income. As a last resort, states should provide direct assistance to those in greatest need.

Through this three-tiered framework of state obligations, McClain suggests that recognizing the right to food may be more easily attainable than people realize. She holds that "which rights are enforced (or not enforced) comes down to a question of State priorities." One of the most common misunderstandings about the right to food is that it requires governments to feed their citizens—and thus would be prohibitively expensive to implement. McClain addresses this misperception by arguing that, in reality, the right to food is much more about setting reasonable limits on the power of governments and private economic actors to interfere with citizens' ability to produce food and earn an income. Even when the right to food requires governments to affirmatively provide citizens with food, this cost remains comparable to the costs expended to ensure civil and political rights.

Part One of *The Right to Adequate Food* is highly abstract. As several essayists point out, however, a right is only as strong as its remedies. Therefore, to offset the book's heavy theoretical slant in the first section, Part Two offers a handful of test cases concerning developing nations that are making strides towards recognizing a legally-enforceable right to food. These case studies are practical, accessible, and offer a refreshing glimpse of the book's thesis played out in full color. Christophe Golay, for instance, tells of a groundbreaking legal victory in India, where the Indian Supreme Court "applied the right to food (in the context of the right to life guaranteed by the Indian Constitution) to a case involving impoverished communities in the State of Rajasthan." The case, *People's*

*Union for Civil Liberties v. Union of India*, was decided in 2001. As a remedy, the Court ordered the nation's political powers to quickly and effectively implement the food distribution programs that they themselves had designed to combat rampant hunger and malnutrition. In addition, Sibonile Khoza discusses the normative framework provided by the South African Constitution for the enforcement of the right to food. In the case of *Grootboom v. Oostenberg Municipality and Other*, for example, the Constitutional Court ruled in favor of displaced citizens who argued that the government had an obligation to provide them with temporary shelter. The Court's opinion emphasized the interconnectedness of rights: Guaranteeing people's socioeconomic rights is essential to enabling them to enjoy other basic rights. Khoza posits that this language of interconnected rights sets a strong foundation for future recognition of a justiciable right to food.

As already mentioned, *The Right to Adequate Food and Access to Justice* is the product of an international seminar held in Fribourg, Switzerland, in May of 2004. Cohosted by three European research institutes, the interdisciplinary seminar brought together jurists, human rights experts, and representatives from government, civil society, and the United Nations to discuss a rights-based development model to fight against poverty and hunger. All the essays published in the book were papers presented in conjunction with this seminar. Understanding this background explains some of the difficulties readers may encounter with the book's structure and content. Because each contribution was developed independently and only later compiled into a single volume, some of the essays overlap with each other—for example, at least two of the theoretical essays spend significant time explaining the concept of the right to food as a “negative” right, and three of the empirical essays discuss South Africa. At the same time, there are some definite gaps in the material—for example, no essay lays out in any detail who the potential plaintiffs might be or what a successful court proceeding might look like. The lack of coordinated editing in this book is underscored by several chapters, including the editors' preface, that are sprinkled with typographical and grammatical errors. Furthermore, because the essays were intended for a specific audience of human rights scholars and major players in the international development world, some of the concepts and arguments may be confusing to a reader

without extensive background in economic, social, and cultural rights theory.

The book contains a number of well-written pieces, such as “The Right to Adequate Food, Justiciability, and Food Security: The Cases of the United States of America, India and South Africa” by Marc. J. Cohen and Mary Ashby Brown; “Non-Judicial Remedies for the Protection of the Human Right to Adequate Food: The Case of Brazil” by Flavio Luiz Shieck Valente, Thais Franceschini, and Valeria Burity; and the essays mentioned above. These pieces fuse empirical fact with sophisticated theory, presenting arguments that are both innovative and timely in light of the World Food Summit’s recommitment to employing international law to combat world hunger in this next decade. Since each essay in the book was written to stand on its own, readers may selectively enjoy these exemplary contributions without worrying about occasional repetition and gaps elsewhere.

*Secretary or General?: The UN Secretary-General in World Politics.*  
Edited by Simon Chesterman. New York, NY: Cambridge University Press, 2007. Pp. xiv, 280. \$29.99 (paperback).

REVIEWED BY MEREDITH ANGELSON

The Charter of the United Nations (UN) uses approximately 300 words to describe the position of Secretary-General—by comparison, Article II of the U.S. Constitution describes the President’s role in over 1000 words. This limited specificity was intended to allow for broad and flexible power, but Simon Chesterman and his coauthors examine the ways in which these few words created a position crippled by paradoxes. The Charter anoints the Secretary-General as “chief administrative officer,” instructing that he (the Charter uses the male pronoun, and all seven Secretaries-General thus far have been male) carry out such tasks as the Security Council and other prominent organs of the UN shall assign him, and that he report annually to the General Assembly on the organization’s work. But it also gives him the potential power to shape the agenda of the Security Council by bringing to its attention matters which “in his opinion may threaten the maintenance of international peace and security.” These roles—of subservient administrator and political actor—have often been in

tension through the tenures of the previous six Secretaries-General, sometimes to such a degree that their legacies have been more shaped by what they were not able to accomplish than by what they were. In light of the approaching one-year anniversary of Ban-Ki Moon's taking office, the book's analysis is particularly topical; in addition, it serves as a useful tool in stimulating thought about how this Secretary-General might succeed where his successors have stumbled—for the stories of the Secretaries-General to date have chronicled far more stumbles than successes.

*Secretary or General?: The UN Secretary-General in World Politics*—a compilation of twelve chapters, each authored by a different former UN official or expert on the organization, with a foreword by Kofi Annan—is divided into four parts by subject matter. The first part deals with the nature of the Secretary-General's job and how it has evolved over the last sixty-two years. Within that section, Brian Urquhart authors a chapter discussing how the role of the Secretary-General has changed through each holder of the office. Those changes, he argues, reflected a combination of external political forces and events, as well as the personality of each Secretary-General and how aggressively he chose to push particular agendas. Urquhart states for the first time what authors of later chapters frequently articulate: The success of a Secretary-General has consistently depended on his ability to maintain the support of permanent members of the Security Council. Shashi Tharoor goes on to write in more detail about the inherent contradictions in the job, including the Secretary-General's need to strike a balance between being a bureaucrat deferential to the states and influencing them to follow certain political courses. Colin Keating writes about the process for selecting the Secretary-General, highlighting some of its problematic characteristics, such as its opacity to everyone but the Security Council. Keating uses this chapter to advocate working towards hitherto-elusive solutions to these issues in future appointments.

The second part of the book examines the instances when the Secretary-General has used his power to bring matters to the attention of the Security Council. James Cockayne and David Malone chronicle the nature of the relationship each Secretary-General has had with the Security Council, showing how the quality of that relationship has determined what he was able to accomplish in office and highlighting the difficulty

of balancing deference to the permanent members with an assertion of independence when his agenda has conflicted with theirs. Cockayne and Malone also take on, as later authors do, the Cold War's effect on that dynamic. As the world went from bipolar to unipolar, balancing between the superpowers was no longer an option. The authors describe how Boutros Boutros-Ghali's antagonism towards the United States and Kofi Annan's close rapport with Washington were the defining relationships of their time in office. Teresa Whitfield writes about the role "groups of friends" have played under various Secretaries-General, and points out their value as a way of exercising diplomatic power outside of the formal UN structures. Quang Trinh authors a chapter on the "bully pulpit," the chance to speak while the world listens, as a tool for the Secretary-General to use in participating in and shaping normative debates, emphasizing the perils in some instances of articulating a point of view at all and determining when such interjections by the Secretary-General are helpful and appropriate.

The third part of the book addresses the normative and political problems with which Secretaries-General have had to grapple and strategies that have been or could be employed to do so effectively. Ian Johnstone evaluates the potential of the Secretary-General to be a "norm entrepreneur"—by creating, institutionalizing, and interpreting norms of political and humanitarian behavior—and under what circumstances that entrepreneurship has been and might be most successful. He concludes the Secretary-General can be most effective in supporting emerging normative trends rather than trying to refocus the conversation by creating new norms. Adekeye Adebajo evaluates the two post-Cold War Secretaries-General, Boutros-Ghali and Annan, through the lens of three models of leadership that frequently have been placed on the two African Secretaries-General: a secular pope, guiding the organization to follow the principles of the UN Charter; a stubborn pharaoh refusing to back down in the face of opposition from the Security Council; and a Southern prophet, representing the interests of the Southern developing world against the intransigence of the Northern developed world. Finally, David Kennedy lays out a new way of examining the role of the Secretary-General in a "complex" modern world, arguing that the Secretary-General would be most effective if he moves away from pressing universal solutions to global problems and

rather views himself as one voice among many in solving such problems. Kennedy suggests that using the Secretary-General's power to convene could maximize his influence in reaching these solutions. A reader concludes from this section that moderate, cautious, critically-considered movements from the Secretary-General are more likely to be productive than path-breaking leadership in a world where the UN no longer represents "the institutional embodiment of the international community."

The final part of *Secretary or General?* explores the boundaries of the Secretary-General's power to act independently from the member states and the Security Council. James Traub evaluates the "political space" that each Secretary-General carved out in which to operate independently and points out that the members of the Security Council, particularly the United States, have greatly preferred those Secretaries-General who have kept this territory small. Edward Luck details the relationship of the Secretaries-General to the United States since the end of the Cold War. His chapter is an ominous denouement suggesting a significant challenge to future "chief administrators" as he illustrates how the United States has been able to sustain, frustrate, or plough through the Secretary-General repeatedly in the last seventeen years.

In a concluding chapter, Simon Chesterman and Thomas Franck tie together the various authors' arguments, highlighting the main paradoxes of the office and offering potential solutions to the problems they present. While the Charter demands that the Secretary-General be both independent of and subservient to the UN organs, Chesterman and Franck suggest delegating some of his main administrative duties to a deputy to separate those potentially conflicting roles. They point out that the Secretary-General rarely has the resources needed to perform his administrative duties internally or his diplomatic duties abroad, and they suggest that he be given more analytical resources to help with the former and that he muster "groups of friends" to deal more comprehensively with the latter. Finally, the authors take on the appointment process, and suggest that picking a candidate through a broader search would improve his quality and that appointing that candidate through a "confirmation" model, with hearings to which the public and member states have access, would enhance his authority.

The contributors to the book give a helpful and clear overview of the landscape of the Secretary-General's office, and there are examples—particularly in Kennedy's chapter and in Chesterman and Franck's conclusion—of compelling and innovative policy suggestions. Chapters with less analysis drag painfully: Keating's chapter describes the appointment process in great detail with very little substantive critique, leaving analysis to Chesterman and Franck in the conclusion (where a brief mention of the subject makes a reader question whether it warranted an entire chapter).

Certain structural aspects of the book also interrupt its fluidity. At times, the writing is awkwardly self-conscious, and at other times oblivious; frequent cross-referencing in each chapter plainly reveals Chesterman's editorial pen while at the same time highlighting the repetition of information between chapters. Historical detail is restated over and over, as is the Charter's description of the Secretary-General's role. In some ways, each chapter is a short biography, necessarily fragmented, of each man who has been Secretary-General. While this certainly adds to the book's value as an historical reference, the overlapping fragments do not adhere in a reader's mind such that they convey a helpful timeline for the Secretaries'-General time in office. From chapter to chapter, however, the writing is clear and straightforward and each chapter is well-organized, lending the book well to a wider audience. It will be a useful tool for the student doing an academic inquiry into the position, for policymakers interested in UN reform, and perhaps even for a candidate for the title role itself, as he, or she, contemplates holding "the most impossible job."

*Design for a New Europe.* By John Gillingham. New York, New York: Cambridge University Press, 2006. Pp. x, 287. \$19.99 (paperback).

REVIEWED BY CAITLIN BEER

The rejection of the proposed European Constitution by the people of France and the Netherlands in 2005 marked an abrupt change of course for the future of a continent which, to all appearances, had been moving rapidly toward increased political and economic integration. In *Design for a New Europe*, John Gillingham uses this change as the starting point for a

critical examination of the European Union (EU), which, he argues, “stands between Europe and a more promising and richer future than imagined.” Gillingham describes an EU struggling with corrupt and unworkable political institutions, a bloated welfare state, and a gulf between the governors and the governed. He paints a bleak picture, to say the least. Despite his scathing criticisms, however, Gillingham suggests that the EU is not beyond hope, arguing that it will take a return of substantial power to the member states and a restructuring of the EU’s governing institutions to strengthen its political legitimacy and preserve the future success of Europe. In doing so, he also highlights for the reader topics that have been much discussed in the present debate over the European Constitution and which exist today in the guise of the Reform Treaty.

After a brief introduction, Gillingham organizes the book thematically, with each of the four chapters devoted to a particular area with which the EU, in his view, is concerned. In the first chapter, he focuses on the governing bodies of the EU, located primarily in Brussels. These European institutions, he argues, were designed fifty years ago in response to a world in which democracy and capitalism had broken down; therefore, their organization left little room for the development of open markets or for self-governance. Today, these institutions impose authority from the top down and are not only poorly managed but also largely undemocratic. Corruption runs rampant at all levels, regulation is excessive, and member states are unable to implement policy using effective national tools while under the watchful eye of Brussels. Such outmoded methods of governance deserve much of the blame for Europe’s meager economic growth and unpopular governments. The EU of the future, Gillingham argues, must rest instead on popular consent, national sovereignty, and competitive market economies. Only then will Europe have a “real government” to replace the confusing maze of orders, directives, and regulations under which it now suffers.

Gillingham shifts his focus in Chapter Two to the European economy. Citing Europe’s high levels of unemployment, shrinking share of world trade, and slow growth, he argues that significant economic reform is needed to prevent Europe from losing even more ground to the booming economies of China and India. In particular, the EU should phase out its “most costly and wasteful program,” the Common Agricultural

Policy, and focus on reducing the size of its staggering welfare state in light of its shrinking and aging population. Gillingham also outlines the standard criticisms of the euro and the European Monetary Union (EMU), including the critique that economic conditions across Europe are too varied to permit a uniform monetary policy and that the European Central Bank is too concerned with maintaining the stability of the euro to permit the economic growth that Europe so desperately needs. Interestingly, however, Gillingham does not call for the end of the eurozone. Instead, he argues that the EMU should be turned into a parallel currency area in which the euro's value is determined by competition with national currencies. Such a system, according to Gillingham, would return economic sovereignty to EU member states and reconnect currency to each state's business cycle while keeping alive the idea of monetary union.

In Chapter Three, Gillingham focuses his criticism on the EU's policies in the area of scientific innovation. Conventional wisdom has it that in order to promote innovation and economic growth, the EU must become a leader in research and development (R&D). Gillingham argues, however, that although the EU's governing bodies purport to advocate economic improvement through R&D, their policies, particularly those blocking the development of genetically modified foods, effectively stifle scientific progress. Therefore, the EU will fall further behind the United States and lose significant ground to China and India in the area of scientific innovation. Gillingham is particularly critical of attempts by the EU to formulate biotechnology policy, because its bodies are short on "expertise, legitimacy, and mechanisms for coordination." Biotechnologies are developed to meet many different needs and a single, top-down policy will be ineffective. Thus, Gillingham advocates for increased member state involvement in policy-making in the areas of biotechnology and nanotechnology, greater use of public-private partnerships, and reform of the European university system with an eye toward improving R&D capabilities. Only then will the EU be able to make informed scientific policy decisions at the European and international levels and better its position in the world of scientific innovation.

After three chapters in which Gillingham details the multitude of hurdles the EU faces in obtaining political and eco-

conomic success, the reader begins to believe that the EU is doomed to fail. As Gillingham tells us, the EU “resembles a cartoon character who, having charged over the cliff with legs still pumping, awaits, in ignorance, an imminent, vertiginous plummet to unforgiving reality below.” To predict the EU’s untimely demise at cliff’s bottom would, however, require one to overlook what Gillingham sees as its central purpose, at once its greatest challenge and potentially its greatest accomplishment: strengthening democracy both within and beyond its borders. In Chapter Four, Gillingham focuses on this democratizing mandate and argues that what the EU needs is not to be ripped apart, but rather to be reformed, if only because a Europe without an EU would be “enfeebled, demoralized, and at the mercy of giant non-European superpowers.” The best route to reform, he continues, is strengthening democracy. First, the democratic institutions of individual member states must be improved. Only elected national governments have the potential strength to restore economic competitiveness, and the EMU must thus restore monetary and fiscal sovereignty to them. Second, the EU must continue to promote democracy in states like Turkey and Ukraine, at the very least by keeping the path to EU accession open as an incentive to the development of pro-market and pro-democracy policies in each.

*Design for a New Europe* is, in the end, far more than a laundry list of the EU’s greatest political and economic blunders; rather, it is a passionately argued manifesto, fascinating most of all because Gillingham provides suggestions for reform alongside each criticism that he levies. It is perhaps because of the conviction with which Gillingham argues that the EU as an institution is, in its present incarnation, both outmoded and unworkable that the reader is left wondering if perhaps it would not, after all, be best to scrap the whole idea of a union. Although Gillingham argues that the EU should be reformed in order to encourage the spread of its deeply held democratic ideals, this alone seems like a flimsy reason for keeping even a slimmed-down version of the EU, with its associated costs, in operation in the future. Indeed, the reader sometimes has the sense that Gillingham himself does not believe it when he writes that the EU “can still be revived, redefined, and rescued—if the public so wishes.” Given the vehemence with which he argues that the rejection of the European Constitu-

tion by successive referenda was an indication of widespread public mistrust of the EU, the reader can be forgiven for thinking that public approval of an EU with the primary purpose of spreading democracy might be unlikely. Gillingham's contention that the EU requires reform, rather than abandonment, might have been stronger had he been less dismissive of the potential for the EU to positively impact future economic growth on the continent by ensuring access to markets, cracking down on anticompetitive behavior, and encouraging further capital investment in new member states.

Gillingham's prose is straightforward, and he takes care to explain those facets of the EU that are complex and potentially difficult for the casual reader to understand. He is also entertaining, using vibrant language and vivid analogies to make his points. To those less critical of Europe, his frequent denigration of its institutions, politicians, and norms might become tiresome. Even for those who disagree with Gillingham's premise, however, *Design for a New Europe* will be an informative read, in particular because he highlights those areas in which the EU has struggled and which have therefore become sticking points in the debate over the Reform Treaty. At the very least, readers will find themselves attuned to the major obstacles Europe faces if it is to continue on its path toward integration, in whatever guise such integration may take.

*The Practice of Human Rights: Tracking Law Between the Global and the Local.* Edited by Mark Goodale and Sally Engle Merry. New York, New York: Cambridge University Press, 2007. Pp. xii, 384. \$39.99 (paperback).

REVIEWED BY CARLY LEINHEISER

*The Practice of Human Rights: Tracking Law Between the Global and the Local* explores the manner in which international human rights law affects local struggles for human rights in diverse communities around the world. As Mark Goodale explains in his introduction, the case studies taken together present an image of both the means and practice of human rights not simply as an overarching legal framework embodied in such international documents as the Universal Declaration of Human Rights, but as a series of transnational

networks in which human rights actors interact with local, national, and international norms, customs, and laws.

The book is divided into four sections. Part I is introduced by Sally Engle Merry and entitled "States of Violence." It examines the methodology by which certain types of violence are classified as human rights violations and the implications of this classification. Part II, entitled "Registers of Power," is introduced by Laura Nader and explores the idea that, in order to understand the functioning of human rights, it is necessary to examine the ways in which networks operate between all actors, from local activists to state governments to international institutions, paying close attention to the effect of each actor's relative power on the functioning of these networks. Part III, also introduced by Engle Merry and entitled "Conditions of Vulnerability," considers how the characterization of victims of human rights abuses as vulnerable affects their ability to receive needed assistance from the human rights regime. Balakrishnan Rajagopal introduces Part IV, "Encountering Ambivalence," with a discussion of the contributions anthropologists have made to human rights discourse and particularly how their emphasis on local culture interacts with codified international human rights norms. Overall, the book paints a compelling and dynamic picture of the ways in which apparently standardized international human rights norms are actually used and interpreted in very different ways in various local contexts.

Part I begins with Daniel M. Goldstein's chapter on the "state of exception" in Bolivia. As defined by Goldstein, the "state of exception" occurs in moments of crisis when the state "is empowered to act outside the constraints of law, permitting the state to adopt extreme measures (including violence against its own citizens) in its own defense." In Bolivia, the combination of extreme economic inequality, increased crime rates, and police corruption has created an atmosphere of insecurity for citizens. Bolivians have demanded a strong police reaction to crime and the right to take matters into their own hands through extrajudicial lynchings of suspected criminals. In this atmosphere of insecurity, Bolivian citizens mistrust the human rights activists working to defend particular rights, seeing them as defending the rights of criminals at the expense of ordinary citizens. This leads to the unexpected outcome that many citizens who ordinarily would rely on human rights activ-

ists become extremely wary of them. Part I concludes with Lauren Leve's chapter on Theravada Buddhists' struggle for a secular state in Nepal, and the inherent contradiction or "double-bind" they face when using the language of international human rights instruments. Theravada Buddhism is defined by the understanding that individual identity is an illusion. In struggling against the constitutionally-dictated Hindu state, however, they have been forced to cast their struggle in the language of international human rights. To make their struggle comprehensible to international human rights actors, they define themselves as an identity group, claiming their individual rights to religious and cultural freedom. This chapter brings out the inherent conflicts in using overarching international norms in local contexts.

In Part II, Mark Goodale's chapter explores the use of international human rights frameworks in Bolivia. Neoliberal human rights, while universal in scope, operate within specific networks when imported into a local context such as Bolivia. Arguably, this specificity results because human rights discourse "seeks to reveal to people their true selves, and the normative-legal implications that result from this revealed truth; it does not provide concrete guidelines for action, nor does it give people some normative good—like justice—directly." Shannon Speed's chapter traces the history of the Zapatista movement for autonomy as well as Mexican constitutional history. The Zapatistas initially agitated for constitutional recognition of their rights to autonomy and self-determination, which fits within the liberal construction of the role of the state. When this ultimately proved unsuccessful, they were forced to institute self-rule without formal state recognition, demonstrating one potential alternative to what Speed terms the "liberal conceptions of law and state." Both cases illustrate ways in which international conceptions of human rights are used and altered in the struggle for human rights in particular local contexts.

In Part III, Jean E. Jackson's chapter "Rights to Indigenous Culture in Columbia" problematizes the interaction between transnational norms and local cultures and the issue of identity in agitating for rights. Indigenous leaders struggling for increased autonomy in Columbia won constitutional recognition of customary law within indigenous territories and the right of indigenous communities to use "traditional" and con-

roversial punishments for criminals including stocks and whipping. These communities were placed in the difficult position of demanding rights based on their unique culture, while at the same time elements of their unique culture (such as their traditional punishments) were found “repugnant” according to human rights norms. Adapting to “modern culture,” however, was also not a viable option for indigenous communities; they risked rejection when applying for official recognition from the state (and a corresponding loss of rights) if they were determined to be not “indigenous enough.” Kay Warren’s chapter also addresses identity and human rights in an examination of the drafting of the 2000 Human Trafficking Protocol and how this international instrument has been used in local anti-trafficking campaigns. While the protocol is designed to protect anyone from being trafficked against their will, it repeatedly emphasizes women and children, thus focusing on persons trafficked for sexual exploitation. Warren argues that while emphasis on the most vulnerable makes the victims of trafficking “visible for the world community,” there was much resistance during the drafting of the protocol to the gendered language, and some antitrafficking groups continue to resist the construction of the trafficked individual as a helpless, sexually exploited woman. Such groups include those operating in countries where prostitution is legal, those who see consensual prostitution as a legitimate form of work, and those who focus on the rights of all exploited laborers and do not view sexual exploitation as different from other forms of exploited labor.

In Part IV, John Dale demonstrates the potential for success when local activists take advantage of domestically-based transnational human rights instruments. He examines the suit brought against Unocal by Burmese workers under the U.S. Alien Tort Claims Act. As Dale says: “This legal strategy represents one of the most significant efforts of the past century to reign in the power of transnational corporations.” The chapter traces the evolution of international human rights law and recent interpretations of the Alien Tort Claims Act under U.S. law that allowed a transnational corporation to be sued in U.S. federal court for human rights violations that occurred outside the United States. Sari Wastell’s chapter discusses the process, beginning in 1995, of drafting and implementing a new constitution in Swaziland. The Swazi conception of rights and re-

sponsibilities is defined by both the local and the transnational, by the Swazi institution of divine kingship and a conception of modern multiparty democracy. Wastell explores the ways in which this dichotomy plays out, at times placing individual human rights in opposition to Swazi law and custom, which define what it is to be Swazi in relation to the family unit and corresponding responsibilities thereto.

The book concludes with a chapter from Richard Ashby Wilson, which traces the evolution of the anthropology of human rights and discusses the current interactions between the legal and anthropological fields. Wilson discusses four processes that assist anthropologists in understanding the effect of international instruments on the local human rights struggles they are studying. First, the “legalization of rights”—the codification of rights in international or national instruments—provides victims with a tool to help articulate their rights. Second, the “verticalization of conflict” permits local activists to appeal to norms of international law, rather than being confined to the legal tools afforded them under national or local laws alone. Third, the “vernacularization of human rights and legal discourse” permits connections between local and international actors as the language of human rights is shared between them. Lastly, Wilson discusses “law’s epistemology,” suggesting that human rights law be interpreted not merely as an academic pursuit of truth, but as a powerful tool for the vindication of human rights on the ground.

While the book seeks to be an interdisciplinary work on the interactions between the local and global in human rights, its anthropological origins and focus are evident. Examining legal instruments and processes through the lens of anthropology provides an interesting and unique perspective on the study of international human rights law. There is some basic explanation of the process by which human rights norms become codified in international law, particularly in Dale’s chapter on the use of the Alien Tort Claims Act and the law of nations, which makes the book useful for anyone new to the study of international law. At times, the book reads as overly abstract. The concrete examples and vivid accounts provided in the case studies, though, successfully explore and problematize the result of interactions between international human rights instruments, primarily developed out of Western ideals,

and local human rights struggles. The book does not attempt to serve as a definitive account of all possible issues. It is, however, a thoughtful survey of several interesting problems surrounding the local uses of human rights, and it provides both useful insight into the practical applications of human rights law and an interesting starting point for further interdisciplinary research on the intersections between international human rights law and anthropology.

*The Rise of European Security Cooperation.* By Seth G. Jones. New York, New York: Cambridge University Press, 2007. Pp. v, 301. \$34.99 (paperback).

REVIEWED BY JESSE INFELD

In the years since the signing of the Maastricht Treaty in 1992, much speculation has occurred as to the future of the European Union (EU) beyond the economic integration following World War II. Idealists and pro-unionists have often put forth the happy calculation that the combined GDP and population of all member states are greater than the United States in an attempt to highlight the EU as a potential nonaggressive rival to the current hyperpower. The second Gulf War and the great transatlantic dispute between the United States and much of Western Europe has, however, turned what perhaps was once an interesting hypothetical into a likely future reality of not necessarily greater integration but nevertheless greater cooperation beyond a common market. Europe can no longer be considered simply an economic force in the world, but rather an increasingly coherent global power whose future abilities to project power and achieve its interests in light of the current unipolar international system beg to be analyzed and understood. Indeed, how will this change affect the North Atlantic Treaty Organization (NATO) and transatlanticism as Europe becomes more than a common market?

Seth G. Jones of Georgetown University and the RAND Corporation addresses this salient question in *The Rise of European Security Cooperation*. Using time-series empirical data, Jones argues that there is security cooperation in Europe, that this security cooperation is increasing, and, finally, that this cooperation has a systemic explanation while opposing theories are only illustrative and ultimately incomplete. In Jones's

construction of the first two arguments, security cooperation is exemplified in four areas: security institutions, economic sanctions, arms production, and military forces. Jones demonstrates joint European efforts in all four areas, with these efforts increasing in scope and scale over time. The third and primary argument of the book asserts, using the same empirical observations, that this security cooperation did not gain real traction until after the collapse of the Soviet Union. Jones claims that it was not until this systemic shift from a bipolar international order to a unipolar environment with the United States as hegemon that the incentive for real, substantive security cooperation came into existence.

During the Cold War, with the United States and the Soviet Union as superpowers, Western European states saw the need to balance against potential Soviet projections of power and a possible resurgence of Germany. As this was a primary interest of the United States as well, Western Europe could rely on the United States to guarantee its security against Soviet invasion and intra-European conflict through a heavy U.S. troop presence, the extension of the U.S. nuclear deterrent, and ultimately through NATO. With the collapse of the Soviet Union, the reduction of U.S. forces in Europe, and the emergence of the United States as a global hegemon, European states began to react to the sudden shift in the international order. The United States was no longer a partner in containing a threatening superpower, but rather a power in itself that, while not a military threat to Europe, was nevertheless capable of imposing its will despite contrary European interests. Concurrently with this systemic change in the international order, Germany was reunified, giving many states, especially France and the United Kingdom, great pause. Seen as the engine of Europe, many states feared a resurgent and more assertive Germany. Indeed, the purpose of German division after World War II was to ensure that Germany could not swing between the United States and the Soviet Union, thereby altering the balance of power in Europe and becoming a superpower in its own right. With the United States a completely different player in Europe and with Germany reunified, France, the United Kingdom, and other member states of the European Economic Community saw the need to draw their fellow member state Germany into an institutional security framework that could align its interests with the rest of Western Europe. Addi-

tionally, Jones argues, half a century of European reliance upon U.S.-supplied security created the fear that, should the need arise for European states to address their own security concerns and project power to attain their interests, the United States might impede such action simply by prohibiting the use of previously relied-upon military systems such as GPS and air transport. European creation of the Galileo satellite system and the development of the Airbus A400M air transport aircraft served as ways to further security independence and thereby attain the desired capacity to counter U.S. hegemony.

Devoting a chapter to each area of security cooperation (security institutions, economic sanctions, arms production, and military forces), Jones reiterates this systemic argument over and over; in each chapter, however, he places it within specific contexts. He also repeatedly presents the same counterarguments, such as the internationalization of European identity, security cooperation as nonexistent or stagnant, and domestic commercial interests. Jones deals with these counterarguments deftly albeit cursorily, allocating only a small portion of each chapter to their discussion. Despite this relative brevity, one is left believing that each of these arguments was thoroughly addressed. Indeed, each counterargument is skillfully co-opted into Jones's systemic argument, adding to the reader's understanding of European cooperation within the context of changes in the international system. For example, in describing the intra-European consolidation of defense firms, Jones presents the counterargument that domestic economic interests drove this merger and acquisition activity. He then ably demonstrates how this, by itself, does not explain the stark increase in this activity and its outpacing of the transatlantic defense industry consolidation after the collapse of the Soviet Union. While domestic industry interests certainly add to the picture of how European security cooperation is developing, they do not explain the driving force behind this cooperation.

On the whole, Jones effectively defends his argument to the point that the soundness of his position is clear. It is less obvious, however, whether the power of his argument is derived from the book by itself or from this reader's general understanding of the dynamics of different international orders (unipolar, bipolar, and multipolar). Indeed, it was difficult to determine whether the book was designed for neophytes in

international politics or for those with expertise in the area. Those with expertise will find the author's exposition of certain concepts somewhat tedious, while those who have no background will find them helpful. This potential problem is exacerbated by the fact that the author often explains important concepts over and over again in each chapter as if they had not been addressed previously. Whether this is didactic method is unclear.

This in part drives one to the question: "Why a book?" The initial effectiveness of Jones's argument and its subsequent repetition suggests that the book would be more effective either as a scholarly article or as a much longer book with less repetition and more in-depth exposition and analysis. This criticism does not, however, diminish the merits of the author's argument or of his ultimate conclusion that Europe will pursue greater cooperation and use this cooperation in part to counter U.S. hegemony in the years to come.

*The Paradoxes of Nationalism: The French Revolution and Its Meaning for Contemporary Nation Building.* By Chimène I Keitner. Albany, New York: State University of New York Press, 2007. Pp. vii, 232. \$65.00 (hardcover).

REVIEWED BY SETH GURGEL

The end of the Cold War saw the genesis of violent separatist movements worldwide. The ultimate discrediting of colonialism after World War II and the United Nations' (UN) attendant grant of the right to self-determination to formerly colonized states did not mean instant, or even eventual, political success for many of those countries; instead, it almost inevitably meant violence. So too, the fall of the *ancien régime*, instigated by the ideological ancestors of the modern human rights movement, saw far more death and destruction initially than it did self-realization or enfranchisement. These are not the paradoxes to which Keitner refers in *The Paradoxes of Nationalism*; rather, they are the tragedies that he hopes to help people avoid in a world in which nationalist self-determination and expansionist concepts of liberal democracy are still very much alive. To accomplish this, Keitner attempts to fashion his own "exegesis of key [French] Revolutionary texts and events to ground the development of a theoretical framework for identi-

fyng and examining some of the persistent problems of a nationalism and 'nation-building' in the modern world."

It is a large task for a short, six-chapter work. The first four chapters are dedicated to a historical-critical analysis of the French Revolution observed through a tinted looking-glass that both highlights the perceived goods and resultant, ironic, evils of various nationalist tenets held by the revolutionaries. Each of these four conveniently alliterated paradoxes provides the title of a different chapter: "Conception," "Constitution," "Composition," and "Confrontation." It's a compelling lens through which to view the revolution, and Keitner expertly blends narrative prose with pertinent (and bilingual) primary sources. Chapter Five, "Synthesis," is a dramatic shift from the beginning chapters in both style and substance. In this dense philosophical critique, Keitner attempts to amalgamate his four paradoxes with contemporary notions of nationalism and of the nation-state, eventually postulating that a potential "post-nation-state" construct might be the answer to these paradoxes and to the violence that has followed in their wake. The book concludes with "Confrontation Revisited," a chapter applying the previous chapters' insights to the current war in Iraq and to the rhetoric of "Revolutionary Messianism" that accompanied "Operation Iraqi Freedom." *The Paradoxes of Nationalism's* journey from historical exegesis through philosophical analysis to an eventual modern political critique is quite ambitious and occasionally belabored, but it provides many compelling inferences for readers willing to go along for the ride.

Chapter One, "Conception: How to Imagine a Preexisting, Voluntarist Nation," traces the philosophical path from the medieval concept of king as state to the liberal conception of the people comprising the sovereign. The paradox latent in "conception" is that it is often difficult to define a preexisting nation that exists absent the state and the administrative institutions that govern it. This chapter charts the linguistic evolution of "state" and "nation" from seventeenth- to twentieth-century France to illustrate the paradigm shift. Early usage posits the two words as nearly inseparable, but revolutionary writing in later years makes sharp distinctions between nations and states, designating "the nation" as the new source of identity. Recognizing that the conception of nation exists apart from the state, however, is not enough. One must also be able to

discover and define it. Keitner compares the utility of the different social contract theories of Hobbes, Locke, and Rousseau to accomplishing this task. He concludes that the Revolutionaries, by choosing Rousseau's more ambitious and idealistic vision of pre-society humans and of the "will of the people" as the source of sovereignty, were intent on realizing a conception of "the nation" rather than a more lackluster concept of "civil society." This was a double-edged sword: "[It] opened the door to more broadly participatory government . . . . [But] the people was envisaged as essentially unitary . . . with the potential, and even the propensity, to become an exclusionary platform for claims to political power." A theory of conception that sought a self-realizing nation in earnest over the more mundane Hobbesian security of civil society had a dark underbelly: Disagreement could eventually be interpreted as treason by those in power and lead to violent results.

The second chapter, "Constitution: How to Give the Nation a Political Voice," outlines the fascinating change in the language and make-up of French governmental actors and institutions over time. As the eighteenth century progressed, the traditional political institutions, the monarchy and the *parlements*, increasingly incorporated the rhetoric of "speaking for the people" into their official edicts. Ironically, this language recognizing popular sovereignty eventually empowered the General Assembly to seize power from both the monarchy and the *parlements*. But the legislature still comprised individuals attempting to speak for a general will, and proved just as exclusive as a monarch. Therein lies the second paradox: The fact that someone is "in power" necessitates an ability to speak on behalf of the people even if she is not actually doing so. As Keitner writes: "[There is a] need to rely on those who speak on behalf of the nation in order to validate and to effectuate the nation's political claims, including the claims to statehood." How is one to gauge whether the leaders are in fact speaking for the will of the people and whether the institutions will facilitate that goal? Apparently, it is quite difficult: "France went through four different constitutions between 1791 and 1799."

Chapters Three and Four, "Composition: How to Define Insiders and Outsiders" and "Confrontation: How to Interact with Other Political Units," build on the first two fundamental paradoxes in preparation for Keitner's leap to critiquing mod-

ern failings of nationalism in general and the transgressions of the United States in particular. In Chapter Three, Keitner claims that at the first sign of political instability, the French began grasping for a more ethnicity-based, less idealist conception of the pre-political nation. Strict language policies were enforced with the intention of concretizing the use of French. This was accompanied by government sponsored civic rituals that took on a near-religious character. Yet, was there ever a Frenchness apart from the king and the monarchical political institutions that preceded the Revolution? Indeed, Keitner argues thus: "It was far from clear that . . . a French nation existed before the Revolution, especially separate from the body of the monarch." To show why this push toward an apolitical nationhood was tragic, Keitner begins from the position that the ideal civic nation is voluntarist, comprised solely of individuals who are able to choose to leave or join a nation if they so choose. This ideal seems to fall apart quickly in practice, if it ever exists at all: "As the French Revolutionary experience indicates, a nation that is purely voluntary and self-willed cannot easily remain a viable platform for identity formation." It seems that nations need to exclude to survive.

Chapter Four, "Confrontation," begins with a simple premise: Nationalism makes patriots, and patriots love their country at the cost of hating others. France was like a new breed of conquistador; in part, it promoted war as a type of secular religious conversion through the emancipation neighboring peoples. France also wanted to secure its borders and create a perimeter of democratic allies. Finally, both the king and the parliament thought war would curry favor for them with the French people. The particularly strong ideological nationalism of the French revolutionaries significantly informed traditional balance of power politics in Europe. Rather than spending too much time on the debate about whether France sought war with surrounding countries or was dragged into it, Keitner prefers to focus on the extent to which ideological fervor informed French bellicosity shortly after the Revolution: "Revolutionary states tend to be interventionist by nature, not only because of their ideological conviction and 'crusading spirit,' but also because consolidating their own legitimacy requires securing recognition from other international actors." This final paradox, that democratic countries can quickly become exclusive imperial states rather than be-

nign and selfless mentors for other states, inform Keitner's distrust of the current conception of nationalism and nation-states and his desire to seek an alternative.

Chapters Five and Six startle the reader with their abrupt change in style, substance, and voice: We are in the French Revolution's "meaning for nation-building" section of the book. While it is intimated in the third and fourth chapters that Keitner's motivation is less explanatory than persuasive, this becomes unquestionable in the final two chapters. Keitner wants a solution to the paradoxes of the Revolution that seem to continue to plague nation-states. In addition, he wants to advance another universalist ideal: "First, reducing the sense of entitlement allowed sovereign nationhood built into current understandings of the international system, and second, creating viable alternatives to maximize political autonomy while minimizing competition over limited resources, and especially territory." The function of the historical exegesis that preceded this vision is now clear. Keitner wants to expose the underpinnings of the old, yet recurring, arguments for the nation-state model in order to either discredit them completely or develop better, "less exclusionary ways of accommodating group desires for political recognition and enfranchisement."

Chapter Six concludes with an attempt at this demystification of the nation-state, turning to the U.S. invasion of Iraq. Indeed, there are quite a few parallels that can be drawn between the French Revolution and the current geopolitical maneuvering in Iraq; Bush administration rhetoric preceding and during the invasion compares eerily well to that of the revolutionaries, and later, Napoleon. Keitner notes that the attempt to place a democratic system of "vision" in Iraq has been about as successful as the export of French democracy to other European nations was in the late 1700s. However, the analogy is strained, as the book's emphasis is the revolutionary change within the French nation-state and that upheaval's subsequent effect on France's international relations. The United States certainly is adopting a type of democratic imperialism in its foreign policy, but it is not being adopted with a concomitant socio-political revolution. Rather, it is Iraq that is in the formative stages of its "democracy," but it is due to a "revolution" imposed from without. Aside from this caveat, it is satisfying to finish the book by applying Keitner's paradoxes to contempo-

rary issues, even if one may question their ultimate applicability.

*The Paradoxes of Nationalism* achieves its primary goal of revisiting the French Revolution with an eye to the development of the language of nationalism. There is an almost seamless fluidity between the chronological historical events and the conceptual “paradoxes” that developed alongside them. The transition from this historical approach to the analytical, polemical approach of the final chapters feels like a movement between two separate books rather than two chapters, and requires a different, more skeptical kind of reading. If one accepts this challenge, the book provides an excellent opportunity to argue along with the author as he attempts to develop his seemingly objective observations into a call for a radical departure from the Westphalian balance of power system that many take for granted.

*Reclaiming Development in the World Trading System.* By Yong-Shik Lee. New York, New York: Cambridge University Press, 2006. Pp. x, 191. \$70.00 (hardcover).

REVIEWED BY SARA JOHNSON

Observers of the contemporary model of economic globalization embodied by the World Trade Organization (WTO) are increasingly questioning the benefits the system brings to developing countries. Since the launch of the Doha “Development” Round in 2001, two ministerial conferences, as well as interstitial negotiations, have exposed the gulf between developing countries seeking to correct what they perceive as imbalances in the previous Uruguay Round and wealthier countries seeking to expand the scope of the global trade regime.

In *Reclaiming Development in the World Trading System*, Yong-Shik Lee adds to the chorus of skeptics by presenting a critical yet temperate analysis of the ways in which specific WTO rules prevent developing countries from pursuing effective development strategies and suggesting modest changes to improve economic outcomes for the least fortunate. Lee starts from the premise that alleviating poverty worldwide is a moral imperative, and thus evaluates the trade regime from a “development lens.” He finds that some countries, in particular his country

of South Korea, have successfully developed their economies; yet the very policies that they used are prohibited by WTO rules. Other scholarly works (such as Ha-Joon Chang's *Kicking Away the Ladder*) have made the link between the development policies pursued and the resulting economic outcomes. Lee contributes to the discussion with a legal analysis of the WTO regime, asking what legal roadblocks WTO agreements place in the path of development and how they could be modified to restore needed flexibility.

Lee opens the book with a discussion of the problem of poverty, arguing that global trade rules negotiated with an eye toward development are a necessary, but not sufficient, condition for development and economic growth. He traces the success of newly industrializing countries in East Asia to show the potential for developing countries to improve economic conditions, and argues that a closer look at the success of East Asian economies such as South Korea, Taiwan, Hong Kong, and Singapore reveals that governments played an important role in development. While economic factors set the stage for industrial expansion, successful East Asian governments utilized the tools of subsidies and tariff protection to promote infant industries. Lee cites economists' work linking state-led industrial promotion policies with successful development, and sets the stage for the remainder of the work by asking how WTO rules impede their use.

In Chapter Two, Lee presents an historical account of the WTO, from Bretton Woods to the Uruguay Round. He describes the major concepts and principles of the WTO regime, particularly the idea of the "single undertaking"—developing countries desirous of WTO membership must accede to all provisions of all but the most controversial agreements. Lee then highlights the WTO agreements and rules most relevant to developing country concerns. He dedicates substantial attention to WTO provisions "designed to meet the objective of facilitating development," including General Agreement on Tariffs and Trade (GATT) article XVIII (recognizing the potential need of developing countries to adopt policies promoting infant industries), GATT articles XXXVI-XXXVIII ("lay[ing] out the principles, objectives, and commitments to be made by developed country Members and joint action for aiding development"), and the "Enabling Clause" (the policy statement providing for differential and preferential treatment

for developing countries, particularly least-developed countries (LDCs)). Nonetheless, Lee concludes that these measures have had limited effect: Many are largely declaratory, while others require developing countries to negotiate concessions in order to access their protection. Lee concludes by proposing a Council for Trade and Development and an Agreement on Development Facilitation to remedy some of these shortcomings.

In Chapter Three, Lee argues that WTO rules on tariffs and subsidies hamstringing developing-country governments by prohibiting use of the most effective policy tools to promote domestic industrial development. First, WTO rules on tariffs lock developing countries into maximum tariff rates, denying governments the flexibility they need to cultivate infant industries. National goals and economic needs may change after commitments are made, and the initial commitments themselves may have been extracted from negotiators under coercive conditions. As an alternative, Lee proposes the "Development-Facilitation Tariff" (DFT), which would allow developing countries to set tariffs above their bound rates in pursuit of infant industry promotion. The WTO would require countries taking advantage of the DFT to provide a development plan, including a schedule for phasing out the higher tariffs. The extent to which the WTO would allow a country to raise tariffs would correspond to the country's level of development: LDCs would be given more latitude to raise tariffs than emerging economies. In contrast to the current system, increased tariffs would not trigger negotiations and compensation. Second, the WTO's Subsidies and Countervailing Measures (SCM) Agreement stymies infant industry promotion by prohibiting both export subsidies and import-substitution subsidies and authorizing countries adversely affected by a trading partner's subsidies to apply countervailing duties (CVD) in response. Lee points out that the bulk of CVD actions have targeted developing countries and argues that these actions impede development because they remove a key policy tool for developing countries to support infant industry. He shows that limited exemptions for developing countries that were put in place at the outset of the SCM Agreement have all expired, yet most developing countries' needs have not changed. In response, Lee also proposes the Development-Facilitation Subsidy (DFS). Like the DFT, the DFS would allow developing

countries to subsidize infant industries up to a point determined according to their level of development, so long as the subsidies formed part of an explicit development plan.

Chapter Four discusses retaliatory measures authorized and regulated by the WTO system, including antidumping measures, CVDs, and safeguard measures. Lee distinguishes between measures justified on the basis of “fair trade” (i.e., “leveling the playing field” between trading countries) and those justified on the basis of easing market transitions. He argues that the “fair trade” rationale for antidumping measures and countervailing duties is antithetical to a development mindset, and that the concept should only come into play between countries with similar levels of development. In particular, Lee argues that domestic analogs to nonpredatory dumping (such as price discrimination in airline tickets or the sale of end-of-season goods below cost) support the argument that antidumping measures are disguised protectionism at developing countries’ expense. In contrast to “fair trade” measures, however, Lee argues that safeguard measures ease adjustment to market liberalization, which can alleviate political opposition to imports and thus result in greater support for development-friendly policies. Nonetheless, Lee argues that safeguard measures should not be applied vis-à-vis LDCs because of the overriding and urgent need for development.

Chapter Five addresses the way in which the Uruguay Round extended the scope of the international trade regime and how the increased scope of the WTO has affected developing country interests. In the areas of agriculture and textiles, developing countries sought increased opportunities to export, yet developed countries were reluctant to lower tariffs and subsidies. While both products were ultimately covered by WTO agreements, much less opening occurred than with respect to products such as manufactured goods, where developed countries have a competitive advantage. Despite developing countries’ failure to negotiate significant benefits in agriculture and textiles, developing countries accepted new rules in the areas of Trade-Related Investment Measures (TRIMs), Trade-Related Aspects of Intellectual Property Rights (TRIPs), and trade in services, which Lee argues impose non-trade policies counterproductive to development.

Chapter Six reviews the impact of bilateral and regional free trade agreements (FTAs), as well as the treatment of for-

eign direct investment (FDI) under FTAs and bilateral investment treaties (BITs). Lee recognizes that FTAs have multiplied in recent years as multilateral negotiations at the WTO have stalled and argues that the thrust of his pro-development proposals run contrary to the purpose of most FTAs. Lee expresses particular concern about the potential for FTAs and BITs to impose rules restricting pro-development investment measures, as the scope of the WTO's TRIMs remains limited by comparison. While developing countries have to date resisted extensive multilateral restrictions on investment measures, the bilateral negotiating context can be less favorable than a multilateral one, creating additional pressure to accept developed countries' demands.

Lee concludes by emphasizing the modest nature of his proposals and the values that underlie them. Whereas current rules have allowed for time-limited special and differential treatment for developing countries, Lee's proposal of differentiated preferences allows deviation from WTO rules based on actual development progress made—a rule reflective of a greater commitment to development. In addition, Lee dismisses concerns that different treatment for developing countries creates an “unfair” playing field by likening a development-oriented trading regime to the progressive income tax schemes many countries apply.

Lee's comprehensive and careful look at the range of WTO agreements impacting economic development provides the detail that critical thinkers need to dig deeper than the rhetoric that typically characterizes debates over trade and globalization. He clearly articulates his priorities and values and evaluates existing trade rules from that well-defined vantage point. In addition, Lee's attentiveness to differences between developing countries ably anticipates the critique that the needs of the LDCs are quite different from the needs of emerging economies.

Some shortcomings, however, limit Lee's contribution. First, the analysis focuses predominantly on broad categories of state actors at the cost of obscuring the multiplicity of interests within both developing and developed countries and the significant role of transnational corporations in international trade negotiations. One consequence of the state-focused perspective is that Lee's proposals are offered without much attention to political viability. For example, in rejecting con-

cerns about “unfair trade,” Lee does not acknowledge that he is dismissing the very sectors of society in developed countries that might be motivated to pressure their governments for changes to the status quo.

Even though centered on state actors and legal rules, Lee’s analysis could be more useful if it incorporated more attention to procedure as a complement to the focus on substance. WTO reform proposals can only have a chance at success if they take into account the institution’s negotiating process and power dynamics between countries. For example, while Lee’s attentiveness to differences between developing countries might be laudable from a policy perspective, the reader is left wondering if such distinctions have the potential to undermine the alliances between developing countries that would be necessary to advance a true development agenda. Similarly, Lee’s proposal for a Council on Trade and Development is less than persuasive without more attention to institutional structure and process.

In sum, Lee provides a starting point for identifying the ways in which the WTO’s legal rules undermine development goals and how they could be modified to give more policy space to developing countries. Combined with a little realpolitik, *Reclaiming Development in the World Trading System* might assist developing countries in doing just that.

*The Shape of the New Europe.* Edited by Ralf Rogowski and Charles Turner. New York, New York: Cambridge University Press, 2006. Pp. 203. \$85.00 (cloth), \$24.99 (paperback).

REVIEWED BY MANEKA SINHA

In the aftermath of the failure of the European Union (EU) to ratify a constitution, the future of the EU has become an issue much discussed around the world. While the integration of Europe has been debated since well before Maastricht, it has seldom been analyzed in the context of a European identity. In *The Shape of the New Europe*, editors Ralf Rogowski, Reader in Law at the School of Law at the University of Warwick, and Charles Turner, Senior Lecturer in Sociology in the Department of Sociology at the University of Warwick, argue that Europe’s fate is intertwined with its identity and that Eu-

rope's future will be influenced by social as well as political factors.

The volume begins by addressing issues surrounding a European constitution. After an outline of the contributions and an overview of the book's main arguments provided by the editors in Chapter One, Part One details how shared European goals illustrate a need for a European Constitution. Specifically, it is argued in Chapter Two that Europe must be able to assert a common voice in the international arena in order to counter the influence of an often conflicting U.S./U.K. approach to international politics. According to renowned German philosopher Jurgen Habermas, a constitution would improve the ability of European nations to act jointly and to expand their international influence at a time when European attitudes toward international relations are markedly different from those of other world powers. In Chapter Three, Philippe C. Schmitter of the European University Institute, Florence goes on to offer a practical process by which the EU might draft and adopt dual constitutions. In Schmitter's vision, the EU might adopt both a "confederal" and a "federal" constitution. Member states would be guided by one of the two charters. Among other distinctions, the confederal version would allow member states flexibility in withdrawing from the arrangement and would limit the authority of the central government over those states. In contrast, the federal constitution would provide for a more permanent arrangement with greater centralized authority. He argues that constitutionalizing the EU may require a longer process than has been anticipated and suggests that a system with dual constitutions for different member states may prove to be a practical long-term solution for the EU.

Heidrun Friese and Peter Wagner begin Part Two, "European Polity and European Civil Society," by tracing in Chapter Four the historical developments that influenced the shape of modern Europe. These developments are divided into seven stages, beginning with a look at the transition from Greek democracy to the Roman Empire and ending with a discussion of Europe's response to intra-European warfare in the post-World War II era. Chapter Five addresses the question of whether or not Europe can be said to have a single civil society and what the implications of aggregating the many civil societies within the EU's individual member states are for the fu-

ture of Europe. William Outhwaite, Professor of Sociology at the University of Sussex, argues that although it may not be possible to definitively assert the existence of a collective European civil society, European integration and a legitimate European polity may be the very means by which a European civil society is created.

Part Three takes the reader on a comprehensive tour of societal and cultural factors that have shaped modern Europe. In four chapters, it addresses historical, civilizational, religious, and political influences that have contributed to Europe's current state of "multiple modernities." In Chapter Six, John A. Hall, a professor of sociology at McGill University, examines the effect of various historical events on the development of the EU. He argues that though it is not quite a transnational entity, the differing degrees of member integration and the uncertainty and haziness that surround issues of unifying and constitutionalizing the EU will not impede its success as a political entity. In Chapter Seven, Gerard Delanty, a professor of sociology in the University of Liverpool, considers how numerous societies have contributed to the development and expansion of Europe. In particular, he addresses how the Christian civilization of Western Europe, the Russian civilization stemming from the Byzantine tradition, and the Islamic civilization that has grown out of the Ottoman Empire have each shaped modern Europe. In Chapter Eight, Richard H. Roberts of the Department of Religious Studies at the University of Stirling looks at the relationship between religion, identity formation, and the legitimacy of an integrated Europe. Finally, in Chapter Nine, Professor of Philosophy at Boston College Richard Kearney discusses the transition from national to post-national identity in the context of changing identities following the Belfast Agreement of 1998 between Ireland and the United Kingdom. He uses the relationship between the United Kingdom and Ireland as a case study to illustrate that national identities are affected by sovereignty-sharing schemes from which post-national identities grow.

The compilation concludes in Part Four, "Europe and the World," with Ralf Dahrendorf debating the pros and cons of a unified as opposed to an open Europe. He argues that constitutionalizing Europe is not in and of itself an important goal for Europe; instead, he favors maintenance of an open Europe as a primary goal. Dahrendorf's concept of an open Europe

contrasts the goal of an “ever closer union” as cited in the Treaty of Rome and in the Maastricht Treaty with a Europe open to its neighbor states that embodies liberal politics focused on contributing to freedom in the world. Dahrendorf then goes on to attempt to undermine a basic proposition often used in support for arguments in favor of unifying Europe by stating that attempts to identify a common European identity are problematic because any identities asserted as such are not limited to Europe.

The volume is an excellent guide to understanding the social, historical, cultural, and political factors that shape identity formation. It is especially effective in giving members of the legal community, including law students, a comprehensive overview of the nonlegal issues related to the integration of Europe. The compilation provides an outstanding outline of the historical events and developments that have influenced the shaping of the European modernity; Chapters Two and Four, for example, are particularly useful in providing such an overview. The contributors offer an in-depth analysis of topics ranging from the influence on integration and expansion of Europe’s trio of umbrella civilizations (Chapter Seven) to the role of shared sovereignty agreements in national and post-national identities (Chapter Nine). With backgrounds in sociology and philosophy, the contributors’ analyses of identity formation—the interplay of cultures, historical events, political agreements, and more—go deeper than analogous scholarship from the legal community.

Although the volume is a good resource for understanding the issues surrounding identity formation in Europe and how these issues relate to European integration, its content is sometimes overshadowed by the compilation’s choppy feel. *The Shape of the New Europe* falls into the same trap that many volumes with multiple contributors face: At times the compilation has a stop-and-go feel, as each chapter is the product of a different author’s work. This inconsistency in tone highlights the authors’ differing objectives. For example, in Chapter Four, Heidrun Friese and Peter Wagner present a practical narrative of the development of modern Europe in seven stages. Their straightforward assessment contrasts with Professor Outhwaite’s postulations on whether a truly European civil society exists and Professor Hall’s warnings against Ruritanian consequences that could result from a European megaloma-

nia. Similarly, Chapter Three is the only chapter that directly targets policymakers by offering a practical, dual-constitution approach to European integration.

Though the editors intend to argue that the face of Europe will be shaped not only by globalization but also by the interaction of social, cultural, and other factors, it is often left to the reader to piece this argument together. This conclusion is implied in the introduction and in several chapters (for example, in Professor Delanty's argument that Europeanization is influenced by a "constellation" of civil societies and in Professor Kearney's assertion that collective identity is shaped by shared sovereignty agreements). However, each contributor makes his or her own independent point (e.g., Chapter Three argues that a two-part constitution is a viable option for Europe's future, while Professor Outhwaite's questions the existence of a European civil society), and readers unfamiliar with the subject matter are left to string the differing perspectives together.

Despite its not-infrequent flaws, *The Shape of the New Europe* is a practical guide to understanding the varying factors influencing identity formation in Europe and their relation to European integration. It is an excellent resource for members of the legal community for gaining an in-depth understanding of the evolution of Europe into today's EU. In addition, its contributors expertly lead the reader into understanding how the European identity, along with political and social factors, will influence the future of Europe.

*Making Foreign Investments Safe: Property Rights and National Sovereignty.* By Louis T. Wells and Rafiq Ahmed. Oxford, United Kingdom: Oxford University Press, 2007. Pp. 378. \$49.95 (hardcover).

REVIEWED BY CJ HOPPEL

*Making Foreign Investments Safe* presents a series of case studies concerning Indonesian infrastructure projects that have foreign investors as the primary financial backers. Louis Wells and Rafiq Ahmed explore the difficult obstacles foreign investors and host nations face when they seek to jointly develop badly needed infrastructure. While Wells and Ahmed strive to give a balanced treatment of the topic, their presenta-

tion of the case studies suggests a healthy skepticism regarding the desirability of foreign capital-backed privatization of infrastructure in developing countries.

The first third of the book outlines and discusses the negotiations, deal terms, and eventual nationalization of a communications project known as Indosat. In 1967, International Telephone and Telegraph (ITT) entered into an agreement with the Indonesian government to develop and manage a satellite system, as well as supporting infrastructure, that would help Indonesia meet its burgeoning international communications needs. Through this deal, ITT obtained a monopoly over Indonesian international communications, with complete control over the pricing of its communication services. The Indonesian government nationalized the project in 1979, and the two parties subsequently began negotiating the terms of how ITT would transfer ownership to Indonesia.

In discussing the nationalization negotiations, Wells and Ahmed detail the significant factors that determined the process surrounding the deal. ITT's leverage in the negotiations was severely weakened by its unwillingness to engage in a separate cable-laying project that the Indonesian government had expected it to take on. This unwillingness soured ITT's relations with the Indonesian government and the Indonesian people. Additionally, ITT received little backing from the United States on account of the fact that the Suharto government of Indonesia was seen as a pivotal ally in the struggle against the spread of Communism. ITT did retain some bargaining power, due to the "essential skills that [it] brought and Indonesians lacked," but this was far from enough for the company to retain the monopoly from which it had benefited for more than a decade. Wells and Ahmed also point out how the terms of the 1967 contract, which were incredibly generous to ITT as a result of bribes to Indonesian officials, turned into a liability for ITT during the nationalization process as the nation perceived the contract to be inherently unfair to Indonesia. Commentators on the project were also quick to compare the contract to former colonial exploitation.

One of the authors' main points is that officials as well as investors need to learn from the successes and mistakes of past ventures and apply these lessons to potential investments. During the early 1990s, for instance, the combination of abundant cheap capital, limited growth opportunities in the United

States, and the prospect of highly lucrative projects in developing countries combined to push investors into developing markets. Indonesia in particular needed foreign capital to fund the construction of power plants to supply its fast-growing demand for electricity. The second third of Wells and Ahmed's book details one of these projects, known as Paiton. Paiton was set up as a joint venture by a conglomerate of American and Japanese power firms combined with local partners, most of whom were well connected to the Suharto family. These "local partners" seemed to many to be a convenient way around the need to bribe government officials. Many of the projects of this era consisted of similar arrangements.

Wells and Ahmed describe many of the less-than-positive aspects of the negotiations and deal-making surrounding such joint ventures: Investors' fears are ignored; contract terms are unique and drastically one-sided; and deals seem to violate the spirit, if not the letter, of the U.S. Foreign Corrupt Practices Act. The authors also argue that the speed with which investors threw money at projects such as these was partially due to herd mentality, faulty risk-analysis, ignorance of past Indonesian investment history, and general pressure to procure very favorable deals even if these deals were surely untenable in the long run.

Even though this book is primarily about investment decisions, it does deal with issues concerning the extent to which property rights should be respected, especially in the context of far-from-ideal negotiating conditions in foreign countries. Indeed, Wells and Ahmed explore the difficult balancing act faced by developing countries' governments when deciding whether to honor contracts made under corrupt conditions during former regimes when the contracts could, if accepted on face value, be highly exploitative of the host nation. Government officials are painfully aware that any rejection of these contracts runs the grave risk of discouraging future foreign investment in the country.

As the Asian financial crisis unfolded over the mid-1990s and the Indonesian government fell into turmoil, it became necessary for Indonesia to renegotiate many of the more than two dozen power development contracts it had entered into during the early 1990s. Different investing parties reacted to Indonesia's decision to renegotiate in diverse manners: Some quickly bowed to the government's demands, while others

completely resisted renegotiation and took their claims to arbitration courts. The chapters in this section detail the various approaches different investors took to the restructuring process, as well as Wells and Ahmed's evaluation of their efficacy.

In general, Wells and Ahmed speak disapprovingly of both the arbitration process and the investors who took their claims straight to arbitration courts. The authors characterize arbitration as opaque and highly unpredictable. In the case studies, they spend a great deal of time discussing the unwillingness of certain corporations to consider anything outside of arbitration. Unfortunately, they gloss over the companies that did decide to fully renegotiate the contracts. It seems that much could be learned by comparing the two approaches in more depth. The difference between the two approaches is largely attributable to whether the company in question had other, larger, and more important stakes in the Indonesian economy than just the power agreements. For those that did not, cutting and running seemed the far better option. For those that stayed, notably the large oil players in the region, the power projects constituted a small percentage of their total investment in Indonesia and renegotiating these contracts on terms favorable to Indonesia was seen as a price to be paid for continued access to the country's extensive oil reserves.

In their conclusion, the authors reiterate the main themes running through the book: that privatization alone is not the answer to developing countries' needs; that it is a mistake to see property and contract rights as absolute, especially in these contexts; and that the existing systems for international dispute resolution, namely arbitration, result in highly asymmetric protection of concerned parties and unpredictable outcomes. Wells and Ahmed suggest that, in any potential deal, officials and investors alike must heed the lessons enumerated in their book. They also strongly urge a thorough overhaul of the current international arbitration system.

One potential criticism of the book's main thesis, that officials and investors need to learn these lessons in order to make correct decisions in the future, is that the authors' point does not seem to be a novel contribution. I believe Wells and Ahmed would counter this critique by arguing that this is apparently not the case, since the investors of the 1990s did not seem to acknowledge or even consider the mistakes of prior generations. I would also suggest another point: As much as

investors might benefit from a correct risk assessment, ignorance about past investment mistakes could be, in some sense, beneficial to developing nations strapped for cash. Ignorant investors will either make risky investments that they would otherwise avoid or fail to demand the correct return on their investments.

As a whole, *Making Foreign Investments Safe* is a thoroughly impressive work. The book is highly readable, topical, and well-researched and documented. What it may lack in subtle arguments concerning new law it more than makes up for in its treatment of the topic at hand, its sensible and clear advice, the authors' tendency to allow the reader to draw her own conclusions from the material, and the pure pleasure of reading the book. Wells and Ahmed's book is a superb introduction to project finance that uses the specific context of select Indonesian projects to discuss and illuminate the inherent problems and obstacles that parties encounter when they engage in these types of transactions.

