

BOOK ANNOTATIONS

Power versus Law in Modern China: Cities, Courts, and the Communist Party. By Qiang Feng and Xiaobing Li. Lexington, KY: University Press of Kentucky, 2017. Pp. ccxxvi, 286. \$79.98 (hardcover).

REVIEWED BY JIAYING LIU

China began opening its market to the rest of the world in the 1980s. Since then, it has been on a path of rapid urbanization and economic development. Chinese local governments not only prioritize urban expansion and economic growth over the human rights of citizens but also place the achievement of political goals over the advancement of criminal justice. As a result, the tension between political power and law has intensified over time. In *Power versus Law in Modern China: Cities, Courts, and the Communist Party*, Qiang Feng and Xiaobing Li argue that with political support, special treatment, privileges, and protection from the Chinese Communist Party (CCP), newly formed interest groups consisting of second generation revolutionary veterans, pro-CCP entrepreneurs, and CCP bureaucrats control local governments and take advantage of the urbanizing process to benefit themselves. In return, the urban interest groups support the CCP and carry out the party's policies, such as upholding social and political stability, by manipulating the judicial branch and law enforcement departments while ignoring citizens' interests and rights. Furthermore, the authors suggest that by claiming to recognize law as the foundation of the governance of society, yet requiring the judicial branch to submit itself to the power of government, CCP-ruled China is at a contradictory point in the process of transforming itself from a rule-by-law country to a rule-of-law country.

Feng and Li use four individual cases involving violations of Chinese administrative law to illustrate their arguments. The cases deal with issues such as citizens fighting against local governments and the convictions of highly ranked government officials. These four cases mostly support Feng and Li's arguments. They are depicted with rich detail and are repre-

sentative of the rule-by-law principle in China. However, the reader would benefit from more comparative analysis among the four cases and more explanation of their different outcomes. The authors could also provide more insight into the need for reform of the criminal justice system in China, which is an important theme throughout the book, as well as on necessary steps and political changes to reform this system.

In order to interpret Feng and Li's arguments, one must have an understanding of the four cases presented. The first case is about the 2002 demolition of residential buildings at Waitan Garden in Wuhan, Hubei Province, as well as the series of illegal government actions prior to the demolition. Although developers obtained all the necessary legal permits, the development of the neighborhood was denounced by Prime Minister Zhu Rongji and criticized by CCTV as severely violating Chinese Flood Control Law because the neighborhood was built on riverbanks. The Wuhan government then decided to halt the project and to demolish existing buildings with very limited compensation to residents. Hundreds of homeowners believed that the government had no legal basis to issue an order to demolish, and that it was unjust for them to bear the high cost of the government's illegal acts. When these residents pursued justice through legal means, they risked their liberty and safety, subjecting themselves to harassment and threats from government officers. No courts were willing to take on their cases.

The second case, although smaller in scale, depicts both university professor Wang Peirong's battle against Yan Jiaxun—a businessman who sold defective antitheft doors to a government-owned residential neighborhood committee through his government connections—and the same neighborhood committee's misappropriation of its residents' money. The two situations are not directly related. The case against the committee failed, and the case against the professor succeeded: the price he paid for guarding his and neighbors' property rights was an eight-month stint in prison. The last two cases switch angles and focus on discussing how Chen Liangyu and Bo Xilai, top officials of Shanghai and Chongqing in the 2010s, abusively used legal enforcement. In 2003, Chen coerced hundreds of residents to relocate to benefit his friends' Shanghai development projects. In 2007, under the guise of tackling organized crime, Bo adopted illegal means

such as torture and perjured testimony to force suspects to confess, and punished lawyers challenging these means. Although Chen and Bo were both convicted by the court, the authors believe that their convictions are unrelated to their abuse of political power.

Feng and Li dig into the details of the cases and provide a comprehensive account of the connections and the tensions among the citizens, central government, local governments, law enforcement departments, and judicial branch. The four cases generally support the reciprocal relationship between the interest groups described by Feng and Li and the CCP. The work teams sent by the local government to harass and expel homeowners in the Waitan Garden case, and other government departments' indifference when Wang Peirong was beaten by the head of neighborhood committee—arguably the smallest, bottom-rung unit of the government—seem to illustrate the reciprocal relationship as well. However, Feng and Li neglect to mention that the reciprocal relationship between the interest groups and the CCP ceases when interest group actions implicitly endanger their government protectors' political careers or when these actions are explicitly disapproved of by officers more superior than their connections. In other words, this reciprocal relationship is relatively fragile and does not outperform the political power dynamic, or struggle, inside the party. The conviction of Yan Jiaxun illustrates the boundaries of the reciprocal relationship. An important factor spurring Wang Peirong's case against Yan was the local government officers' fear of losing their jobs and facing possible political sanctions from the top of the CCP if Wang's case was dealt with in a manner that would provoke public anger.

To further complicate Feng and Li's argument, it is worth noting that even if the reciprocal relationship is broken and cases against government departments or individual officers are accepted by the courts, defendants are less likely to be charged with endangering citizens' physical integrity. In the case of the conviction of Bo Xilai, Bo was not charged with infringing others' human rights and physical integrity—even though he gave orders that allowed the local police force to physically and mentally torture hundreds of people. Wang Peirong's case is similar. These examples clearly suggest that

the government aims to preserve its ultimate authority above the law in society.

The authors assert that the Chinese government is in a contradictory position while it is supposedly transforming China from a rule-by-law country to a rule-of-law country. However, the evidence presented by the authors—the four cases outlined above and statements of the party's leader, Jiang Zeming—are alone insufficient to demonstrate this point. In fact, it is not clear whether this transformation has actually been on the CCP agenda, considering that the CCP has repeatedly recognized social stability and political control as the keys to development. Even if there is a temporary switch of policy goals, there may not be ample events or observations related to the implementation of the new policies.

On a broader scale, Feng and Li neither examine the applicability of the four regional cases on a national level nor discuss what implications their analyses of cases from 2001 to 2014 cast on China's current modern era. The authors fail to address whether the abuse of power in these cases applies to every province in China and whether the local government in Beijing gets more supervision from the central government since the two are located in the same city. Furthermore, although the authors give an overview of the rule-by-law history in China in the book's introduction, no cases dealing with administrative law since the Cultural Revolution are mentioned. What are the central government and local governments approaches and attitudes toward cases of administrative law between 1960s and 1990s? How do the four cases fit into Xi Jinping's initiation and implementation of the national anti-corruption campaign since he grabbed the top leader position of CCP in 2013? These questions remain unaddressed.

There are ambiguities in the four cases that deserve the authors' attention and further explanation. In the case of Waitan Garden, the authors do not mention whether there was an explicit order from the central government to demolish the residential buildings. If such an order did exist—it could be an order from the central government to solve the problem, interpreted by the local government as giving them the authority to demolish the buildings. If that were the case, the authors fail to clarify the level of discretion the local government had in interpreting the central government's order. Nevertheless, the difficulty in accessing and controlling the quality

of the data, as well as danger to personal liberty and safety, should be recognized—as they may have contributed to the ambiguities in the cases.

Though there is some light comparison of the four cases throughout the book, Feng and Li offer no deep analysis systematically evaluating the divergent outcomes of the cases. For example, in contrast to the success of Wang Peirong's suit against Yan Jiaxun, it is possible that several major factors determined the plaintiffs' unfortunate fate in the Waitan Garden case. They may include top-down orders, the scale of the case, the degree of damage to citizens done by the government, the availability of legal basis, and the scope of remedy. The socioeconomic status of the residents and the ownership of property in the two cases could also play a significant role in affecting their outcomes. The authors did not provide analysis of these factors. Moreover, the authors fail to explain the discrepant outcomes of Wang's first successful lawsuit and his subsequent unsuccessful lawsuit against the head of neighborhood committee. Without a careful comparative analysis that looks into the similarities and differences of the cases, as well as their causes, it is hard for the reader to comprehend the social, political, and legal meanings attached to the facts and to read them with critical eyes.

Throughout the book, the authors express deep concern about the underdevelopment of the criminal justice system in China. It would be of more service to the reader to dedicate a section of the book, or even a few pages, to categorizing players in the criminal justice system and commenting on their interactions. For instance, the authors mention the social biases and limited education of many district judges, as well as the local government's control over judge appointment and promotion. However, they do not delve into whether the characteristics and level of government control change as a judge moves up the rungs. Furthermore, it seems that media coverage and public attention play a significant role in influencing a court's decision to take a case. The authors fail to clarify whether government officials ask judges to consider such external factors because the officials are concerned about potential damage brought by media coverage and public attention, such as disruption to social stability.

By specifically looking into these four cases, Feng and Li provide valuable insight for anyone interested in learning

about the development of administrative law, the relationship between power and law, and citizens' understanding of law in modern China. Nevertheless, unanswered questions that challenge and complicate the authors' main arguments persist. The lack of comparative analysis and commentary on the Chinese criminal justice system also seems to hold readers back from digesting the piece critically. Still, this work is a unique, interdisciplinary piece of scholarship—and it may further advance research in contemporary China in the fields of history, legal study, economics, political science, and sociology.

The Great Game in West Asia. Edited by Mehran Kamrava. New York, NY: Oxford University Press, 2017. Pp. v, 352. \$39.95 (paperback).

REVIEWED BY LILLIAN WU

The South Caucasus, consisting of Armenia, Georgia, and Azerbaijan, has become the backdrop for a slowly unwinding modern drama with far-reaching global implications. *The Great Game in West Asia*, edited by Mehran Kamrava, is an anthology of works by experts that draws attention to the geostrategic significance of the region currently overlooked by international great powers. The book examines the challenges faced by the South Caucasus following independence—including the processes of state-building—and the relationship between the countries in the region and the central players, Iran and Turkey. As middle-powers, Iran and Turkey, along with other neighboring countries, compete for power and influence over the region, the social and political development of the South Caucasus remains in flux. In *The Great Game in West Asia*, the authors argue persuasively that it is now imperative that global actors turn their attention to the South Caucasus.

Having written prolifically about issues concerning the Middle East, Mehran Kamrava is the esteemed Professor and Director of the Center for International and Regional Studies at Georgetown University's School of Foreign Service in Qatar. *The Great Game in West Asia* came out of initiatives by the Center for International and Regional Studies, with its research objective to shed light on the complex relationships between the states of West Asia in "geographic, political, and socio-cultural terms." The anthology begins with Kamrava's in-

roduction, which details his motivations for starting a discourse in which there is currently little global participation and in encouraging the monitoring of this great game in the South Caucasus. What makes this region intriguing to those studying it is the uncertainty as to how the South Caucasus will develop and how the rest of the world will be impacted. Although the target audience seems to be other scholars, the book does a good job of informing the reader without being pedantic and presents a thorough and engaging account of the different aspects of the history and events taking place in the South Caucasus.

The Great Game in West Asia is divided into three parts. The first section addresses the competing interests of the key players, the next section discusses the rival's soft power at work, which, coupled with trade, become the best method for the two parties to exert their influence, and the final section covers the travails of state-building in the South Caucasus. The contributors, the majority of whom are other professors, are preeminent authorities in the field. They illuminate different aspects of the convoluted circumstances of the region to help the reader form a coherent picture. The conclusion, written by Kamrava, summarizes neatly the contentions asserted by the contributors and notes the themes that run through the book. In the final paragraphs, Kamrava predicts that little will change in the near future or be resolved in the arena that is the South Caucasus—signing off with a wait-and-see approach. Kamrava's snapshot of the intricacies affecting this conflicted region seems inadequate without proposals for potential courses of action and inevitably leaves the reader feeling unsatisfied.

The first part of *The Great Game in West Asia* provides a clear background of the complex relationships at play in the South Caucasus, which is pertinent to understanding the forces shaping the region. Part One: Competing Interests opens with Anatol Lieven's *West Asia since 1900: Living Through the Wreck of Empires*. In his analysis, Lieven argues that dependence on the U.S. imperial hegemon has hampered modernization of the South Caucasus as much as the "internal cultural, social, and economic factors" in the Middle East states and, as a corollary, no outside power will be able to establish hegemony over the region without sending in excessive military forces. Kamrava is not completely swayed by Lieven's thesis,

which Kamrava describes as “pessimistic,” and he seeks to qualify Lieven’s argument by pointing out that forces of geopolitics exist in the region even if imperial hegemony may not, which is further analyzed in Mahmood Monshipouri’s *Pipeline Politics in Iran, Turkey, and the South Caucasus*. In his essay, Monshipouri delves into the political relationships that have arisen in the region as a result of social, political, and economic interests at stake—focusing specifically on the energy sector and pipeline politics. Although Turkey’s position as an energy hub has entangled it with the South Caucasus, it faces competition from both Iran and Russia, with the latter emerging as the major player in the region’s energy sector. Both Turkey and Iran have kept a cordial, diplomatic relationship to mitigate any conflicts in the region, helping lower the threat of any military confrontations. This is particularly interesting and provides a case study in diplomacy.

In the next chapter, Gareth M. Winrow examines how Turkey’s energy policy is used as a method to exert its foreign policy initiatives in *Turkey’s Energy Policy in the Middle East and South Caucasus*. Turkey faces challenges, including its dependence on Russian gas imports and the uncertain geopolitical environment in the Middle East and the South Caucasus, that could hinder its ambitions to become a strong regional power. Whereas Winrow is concerned about the economic sector, Hamid Ahmadi focuses on the social aspect of the role of ethnic identity as it impacts Iranian-Azerbaijani relations.

The first paper in Part Two: Soft Power at Work is “*Uncivil Society*” and the Sources of Russian Influence in West Asia by Jeffrey Mankoff. He explores Russia’s cultural hold on the region through the manifestation of soft power, most notably through civil society organizations which act as vehicles that disseminate pro-Russia sentiment, even though Russia no longer exerts a political influence in the region. Given its proximity to the region and its political, economic, and social history with the area, Russia has certain leverage compared to Western powers that use soft power. Mankoff wraps up by differentiating Russia’s more deliberate approach to soft power from the approach taken by Western powers. The comparison between Russia’s use of soft power and the Western powers’ approach is informative and helps put things in perspective.

In *Turkey’s Soft Power in a Comparative Context*, Altunisik fills in more of the picture by exemplifying Turkey’s use of soft

power in the region. She begins by defining the concept of soft power as “the ability to achieve desired outcomes through attraction rather than coercion and payments” and studies the success of Turkey’s manifestation of soft power in the South Caucasus as compared to the Middle East. She concludes that while the use of soft power is difficult to measure definitively, it seems to have had limited and fragmented success in the South Caucasus. In *The Gulen Movement and Turkish Soft Power in the South Caucasus and the Middle East*, Bayam Balci refers to Altunışik’s work but narrows his research by evaluating how the Gulen movement impacts the manifestation of Turkey’s soft power. Balci points out that the Gulen movement contributed to the success of Turkey’s soft power projection and continues to help the Turkish reputation. Given that the success of a country’s use of soft power is so difficult to measure, these chapters may seem less concrete and hold less weight to the reader.

Part Three: The Travails of State-building contains the final three contributions, the first of which is Richard Giragosian’s *The Armenian Imperative: Confronting and Containing Oligarchs*. He sheds light on the internal obstacles of state-building following the independence of the states in the South Caucasus. He laments the corrupt powers of the oligarchical elite in Armenia, which pose a significant barrier to political and economic reform. The issue is so entrenched that Giragosian expresses little hope in limiting the powers of the oligarchs— especially since there are no institutions in place to regulate their abuse of power. Giragosian’s article is fascinating and offers a peek into the potential aftermath of the great game in the South Caucasus. Although he may not be hopeful, he provides the reader with concrete measures that need to be implemented in order to take steps toward limiting the oligarch. Giragosian also posits that the best solution to eliminate the oligarchs lies in targeting the source of their money, which would require anti-corruption campaigns and instilling a sense of political legitimacy by strengthening the rule of law. The detailed remedies Giragosian gives are very persuasive and provide potential topics for further research.

In *Understanding Variation in Corruption and White-Collar Crime*, Alexander Kapatadze supplements Giragosian’s work with an analysis of the efforts in Georgia and Armenia through an examination of corruption and white-collar crime. He con-

cludes that corruption is lessened the further the State moves away from its former colonizer. He makes an intriguing finding that corruption and white-collar crime is less prevalent in Georgia—which is more captivated by the West—as opposed to in Russia-oriented Armenia. The last chapter in Part Three is Anar Valiyev's *Baku*, which explores the capital of Azerbaijan, the largest city in the region. Valiyev delineates the urban planning efforts to physically transform Baku into "the Dubai of the Caspian Sea," hoping to emulate Dubai's success as a tourist destination and business center. However, issues plague the project and Valiyev suggests alternative models. Although this article is interesting, it seems to be the least relevant to the anthology and may be better left out.

The Great Game in West Asia is a thorough collection of contributions by prominent authors, edited and compiled by Mehran Kamrava. It presents a complex picture of the South Caucasus and the intricate relationships that exist by examining the key parties and their political, social, and economic links and interests at stake—noting specifically where these interests intersect. Kamrava seeks to inform the reader of the specific circumstances and challenges that plague the region in hopes of sparking a dialogue regarding the great game that is taking place in the region. The book will hopefully be one of many to bring attention to a region that has been neglected by the world powers.

To Reform the World: International Organizations and the Making of Modern States. By Guy Fiti Sinclair. Oxford, UK: Oxford University Press, 2017. Pp. xviii, 342. \$90.00 (hardcover).

REVIEWED BY KATERINA WRIGHT

Today, over 4,000 NGOs are registered with consultative status with the United Nations International organizations, of all shapes and sizes, are exerting power and influence over economic, military, scientific, social, and cultural dimensions of global life. Under international law, each international organization (IO) assumes the roles and responsibilities as set out in its founding constituent instrument. Over time, IOs have dramatically expanded their powers beyond the plain text of their respective constituent instruments, but not through the proscribed legal process of formal amendment. In *To Reform the*

World, Guy Fiti Sinclair asks how and why the informal expansion of IO powers has been both possible and desirable. He nimbly traces the “continuous and untidy” ebbs and flows in the expansion of IO powers, illuminating how the informal processes of discourse and organizational practice, bolstered by creative legal interpretation along the way, have enabled organizations to assume wider roles than their founders may have ever imagined. Sinclair argues that underlying this expanding assumption of power has been the vision of IOs as necessary to the formation of states pursuant to the logic of liberal reform. In brief, IOs have been “vital instruments” in constructing and reconstructing modern states.

As Sinclair acknowledges, the book is not an effort to develop a unifying theory or doctrinal framework to explain the “phenomenon” of IO expansion. Rather, he chooses to dive deeply into three particular IOs, uncovering the histories, bureaucracies, and individuals both driving and justifying the expansion of organizational powers. Sinclair’s approach is commendably multi-disciplinary—of great import to scholars of international law, organizational theory, international relations, and history. Organized in three chronological case studies, Sinclair’s work is digestible and reads smoothly. He deliberately selects three cases “that are as different as possible from each other,” examining the International Labour Organization in the twenty five years after World War I, the United Nations in the two decades after World War II, and the World Bank from the 1950s to the end of the twentieth century.

Beginning with the International Labour Organization (ILO), Sinclair traces its transformation from a narrow, standard-setting body to a prominent IO addressing broad social and economic topics and exporting the model of the modern welfare state across the globe. Created under Part XIII of the Treaty of Versailles, the ILO was expected to function as a small and specialized bureau, with as few as ten staff members. The organization first expanded into technical assistance, establishing a Scientific Division, appointing a number of issue-specific experts, and eventually institutionalizing the practice of ILO consultative visits to member states. To justify this expansion, officials at the ILO developed a discourse around the practices of the organization, and advanced the belief that societal betterment would be furthered with scientific expertise. With a more dramatic impact, the ILO next began advising

states on social insurance schemes. Social insurance transformed the conceptual notion of the State and the role of governmental intervention in society, shaping the administrative machinery of modern welfare systems. In support of this new foray into broader domestic affairs, the ILO drew upon constitutionalist interpretations of Part XIII, but also employed the more mundane lexicon of the ILO as an administrator. Sinclair identifies the underlying “civilizing mission” of the ILO—seen when organization officials described their efforts as “reform to the more backward and benighted peoples of the world.”

In the midst of the Great Depression, the ILO began to recognize its standard-setting capabilities were of little assistance during the financial crisis. The ILO expanded into “the realm of economics proper,” considering social security as only one piece of a comprehensive approach to economic development. Here, Sinclair takes a passing note of U.S. influence, briefly touching upon its significant role in the organizational reorientation. By 1944, in adopting the “Declaration of Philadelphia,” the ILO assumed broad obligations to help improve living standards, implement social security measures, and ensure medical care. Metaphors of constitutional evolution circulated within ILO discourse, as the organization drew upon its “living” character and highlighted the adaptability and flexibility of Part XIII. Sinclair again characterizes the ILO’s paternalistic outlook, as concerns by the developed world drove interventions to develop the third world. A long way from its humble beginnings, the ILO had become critical to the production and diffusion of the modern welfare state.

Sinclair next traces the expansion of powers within the U.N., more narrowly focusing on the organization’s “invention” of peacekeeping with the United Nations Emergency Force (UNEF) in the Suez in 1956, and *Opération des Nations Unies au Congo* (ONUC) in the Congo in 1960. Under the U.N. Charter, while interference into matters “essentially within the domestic jurisdiction of any state” is prohibited, what constituted interference remained ambiguous. Following Truman’s “Point Four” address, and as social welfare practices became more widespread, the General Assembly (G.A.) created an expanded program of technical assistance. While some member states began to question the widening gambit of U.N. activities, advisory opinions from the International Court of Justice (ICJ)

legitimated U.N. expansion under the doctrine of *implied powers* and other principles—enabling the United Nations to evolve without formal Charter amendment. As Sinclair crucially points out, recently independent states in Africa and Asia, however, still argued that Charter amendment remained necessary to reform the organization and more fairly represent its expanding membership. Equipped with a blessing from the ICJ, the U.N. nonetheless continued ahead in its development, launching its first peacekeeping operations.

Resistance to the creeping powers of the United Nations again resurfaced, but the ICJ again returned a favorable opinion for expansion in the *Certain Expenses* case. Perhaps counter-intuitively, Sinclair notes that the peacekeeping force ONUC, and the tragic events compelling its deployment, actually deflected attention away from the truly “profound range” of U.N. activities also underway in the Congo—that is, the reconstruction of the entire Congolese state. Acting as a coalition of specialized U.N. agencies, the United Nations transplanted the “functions and services expected of the modern state” in the Congo, enacting police and prison reforms, training lawyers, and implementing bureaucratic machinery. Sinclair highlights that while on the one hand, then-U.N. Secretary-General Dag Hammarskjöld represented a voice of empowerment for small and developing states, on the other, the United Nations was emboldened to intervene in the Congo under a moral guise. The “civilizing mission” never disappeared, and in some ways, ONUC may have exacerbated colonial pasts—for example, using the physical facilities established by former Belgian colonialists. In response to critiques of illegitimate interference into Congolese domestic affairs, Hammarskjöld defended the U.N.’s peacekeeping role by asserting an emergency authority to respond to international crises. The U.N. was considered a “living and growing organism” with its own evolving “common law.” The expansion of U.N. peacekeeping powers was considered fundamental to the development of modern states in a postcolonial world.

In his final case study, Sinclair follows the remarkable transformation of the World Bank in two decades from a technical financial body to a “fully fledged development agency.” Interestingly, the Bank’s constituent instrument prohibited the organization from taking into account, or interfering with, political matters. While initially operating as a technical insti-

tution providing loans to states, the Bank increasingly received requests for technical assistance. In one of its earlier projects, the Bank advised and assisted Colombia in a comprehensive national development program. While Sinclair reports that a few similar missions had enormous influence in state-building because of the new policies, laws, and regulations adopted by loan recipients, his argument would be buttressed by empirical evidence and tangible examples to demonstrate these impacts. He does astutely underscore the power imbalance of Western shareholders in shaping the Bank's agenda, and raises the first barrier to organizational expansion—the Bank's articles prohibited lending to “social sectors” like public health and education. As international crises broke out in Egypt and the Congo, the Bank gradually assumed a wider range of activities under the umbrella of “development diplomacy.” Minimizing the “social sector” problem, the Bank then created the International Development Agency (IDA), technically a separate entity from the Bank, but in practice, operating as an additional loan facility. Through the IDA, the Bank was able to fund “low-yield” projects in the social sector, in response to demand from developing countries. The Bank argued for a liberal interpretation of its charter, and like the U.N., employed the narrative of a “living constitution.”

During the 1960s, the Bank faced backlash in the form of the “post-Washington consensus.” The Bank's relationship to the movement, however, was “somewhat uncomfortable,” as Sinclair narrates. While the Bank had been progressively advocating a liberal interpretation of its charter, when the G.A. called upon the Bank to cease lending to Portugal until it renounced colonialism, the Bank disappointingly turned about-face and quipped that its articles only allowed economic, not political factors, to be considered in financing loans. Under the new leadership of its longest serving president, American Robert McNamara, the Bank began to reconceptualize its role, internally and externally. The Bank began to cooperate with other IOs like the World Health Organization, ILO, and Food and Agriculture Organization—instituting a comprehensive approach to economic development. As one example, McNamara introduced integrated rural development programs that brought together considerations of power, transportation, education, medical care, and agriculture, with implementation tailored to each specific region. Alongside McNamara, the new

General Counsel Ibrahim Shihata became an influential driver of the Bank's expansion. Employing a purposivist hermeneutic, Shihata emphasized the implied and incidental powers of the Bank. He dexterously crafted new reports, opinions, policies, and other "soft" instruments. The Bank began to reinvent itself from within, while also "reimagining" the concept of the modern state itself. Today, the Bank manages in its purview "every conceivable aspect of social and economic development" from transparency, participation, corruption, and good governance. Sinclair describes the Bank's expansion as stemming from its self-identity as a neutral, technical body, alongside its sense of a moral mission of liberal reform animated in the midst of the Cold War and decolonization.

In all three cases, appeals to expertise, law, and morality served as justifications for the expansive assumption of power. In legalese, purposivist interpretations of constituent instruments were grounded upon the metaphor of constitutional growth. Sinclair importantly teases out the tension between international law as a force for reform and betterment, and as a force for the one-sided exportation of Western, liberal notions of statehood. While a critique may be that Sinclair undervalues the power of states as driving the liberal reform mission of IOs—and in particular, U.S. dominance—Sinclair himself acknowledges that the influence of states cannot be "underestimated." More importantly, overblown attention on states would detract from his unique contribution in uncovering the bottom-up expansion of organizational powers. Sinclair also contributes a critical view into the imperialist guise behind the IO "civilizing mission," but he somewhat unsatisfyingly leaves open how we should move forward. In concluding, he makes the pertinent reminder that "new" forms of governance by IOs to reform the ideas, attitudes, and structures of states are not really new at all; rather international law has too often been imposed upon the "uncivilized." Sinclair raises important critiques but offers few solutions, and could have more usefully tied his findings together with a path for moving ahead.

Overall, this excellent book is a nuanced and engaging account of how important organizations have shaped the forms and functions of states as we know them today. Sinclair's thesis compellingly illustrates the role of IOs in the making and remaking of the modern state. As an aside, the detailed histories provide a magnifying glass into the role of the inter-

national civil servant, and offer a glimpse into the U.S. activism that shaped many of the world's influential institutions, a timely and important reminder at present, when the U.S. seems to be pulling away from international organizations more and more.

Risk and the Regulation of Uncertainty in International Law. Edited by Mónica Ambrus, Rosemary Rayfuse, and Wouter Werner. New York, NY: Oxford University Press, 2017. 278. \$116.31 (hardcover).

REVIEWED BY AMBERLY WILENSKI

Monika Ambrus, Rosemary Rayfuse, and Wouter Werner composed this book of essays that examine how we as a legal and scholarly community deal with the conflicting relationship between uncertainty and law. The editors struggle with a tension between the way various technological and scientific developments affect the law and demand rules, and how the law plays an operative role in developing the changes to society. Law itself produces and determines uncertainty. With these complexities, law is both active and passive. Thus, the editors attempt to provide an overview of the imaginations and regulations of uncertainties of international law across specialized regimes. Particular attention is paid to sub-regimes of environmental law, human rights law, economic law, and investment law. In addition to this overview, the book attempts to answer the question: how does international law imagine, or help society imagine, the future?

The book is a product of several workshops, the first of which was held at the Faculty of Law at Lund University in May 2011. That workshop was titled, "Imagining the Future Climate Regime," and explored the foreseen problem of responding to climate change by the introduction of mitigating measures despite uncertainty as to both their efficacy and their potential to cause serious, possibly irreversible damage. This workshop was designed to be exploratory, though it had in mind debates regarding global geoengineering as a mitigation strategy, and scientific uncertainty as a topic in law more generally. The open-ended design of the workshop led to the organic broadening of the topic into "imagining the future," leading to a second workshop held at the Vrije Universiteit

(VU) Amsterdam in 2013. This second workshop assembled a group of scholars from a wide range of substantive areas across the spectrum of international law. They focused instead on examining how science and technology led to various imagined future worlds, and how these possible futures could materialize with different certainties and threats, with different values and methodologies. Scholars at this workshop created a firmer roadmap, creating the skeleton for this work. At a third workshop hosted by the Institute for Legal Studies at the Centre for Social Sciences of the Hungarian Academy of Sciences in October 2014, participants exchanged the papers and ideas on the topic that actualized into this work.

The work comprises thirteen essays. Four of these include contributions by one or several of the editors. The first paper is an introduction written by all three editors that explores the relationship between risk and discussions of international law. The editors explain that risk is a classification in which scholars and lawyers attempt to manage uncertainty regarding the future. Risk can be reduced to a form of logic that tries to reduce and place a single event into a larger pattern. Despite the human inability to predict the future probabilistically, managing risk allows academics and practitioners to predict a certain number of occurrences of an event over a certain period of time. However, accelerated developments in science and technology have problematized the logic of risk. The editors explore two infinities of risk: infinitely small-scale risks, such as biological and food-related risks, and infinitely large-scale risks, such as nuclear risks. Ulrich Beck contrasted these classic types of risk with what he termed “icons of destruction,”—for example, nuclear power and environmental annihilation. According to Beck, these categories of risks transcend temporal, spatial, and social constructs, and challenge human management with risk, making it important to develop alternative forms of imagined futures so that decision-makers can relate more easily to uncertainty.

The various chapters that follow this introduction frame the topic in different fields, but all tackle the way in which international law imagines the future. The editors have organized the book so that each chapter deals with three questions. First, how is the future imagined in a particular legal field? Second, how are the different imagined futures translated into legal rights and duties that affect the present? Third, how does

the distribution of these legal rights and duties affect the distribution of risks, costs, and benefits?

The second chapter, written by Nicholas Tsagourias, ponders these questions in the self-defense framework. The author explores how risks, particularly following the September 11th attacks, have revamped the security debate and have caused law to adopt a preemptive function. Tsagourias argues that the effect of this is what he terms a “risk calculus,” which places the law as the regulator of future events rather than as a responder to past events. This risk calculus globalizes one-sided uses of force, contributing to a newfound culture of “global unilateralism.” Finally, the author posits that the risk calculus deformalizes the law regarding use of force. International law has transformed into a mechanism that itself anticipates future risks, rather than responding to past incidents.

The third chapter, co-written by editor Wouter Werner and Lianne Boer, considers the way that the legal experts who drafted the so-called *Tallinn Manual on the International Law Applicable to Cyber Warfare* imagine the future. They conclude that the drafters imagine the future in terms of legal rules already drafted in the past. This viewpoint is particularly important, the authors argue, given that the reasoning applied in the *Manual* is representative of the way in which most legal analysis of cyberwar has taken place thus far—the basic point is to make sense of new phenomena in terms of preceding legal rules.

Douglas Guilfoyle’s fourth chapter studies risk and uncertainty in the context of maritime security. Guilfoyle describes two dominant imageries of the future in the world of maritime security. The first includes imaginings based on worst-case scenarios, revolving around counter-terrorism threats, while the second contains portrayals of existential threats to states pertaining to issues of “transboundary migration.” The two dominant scenarios coincide to form a “transnational security state”—a state that combines its powers to fight threats beyond its individual borders. This broader focus affects the use and perception of provisions of maritime law. Fear of the transnational threat has various negative implications, one of which is irregular maritime migration. The author argues that this is an international concern, posing a risk to the lives of those smuggled and a human rights matter. In several explored situations, responses to maritime security risks show a tendency to reallo-

cate risks to vulnerable populations in transnational spaces, including migrants, seafarers, and security contractors.

Chapters five, written by Steven Freeland, six, written by Mónica Ambrus, and nine, composed by Aline Jaeckel and editor Rosemary Refuse, successfully coalesce into a representation of the main theme of the book: the relationship between technology and international law in the contextualization and regulation of uncertainty. Freeland uses the example of space exploration to depict how humanity has been transformed by science and technology, but still cannot possibly comprehend the opportunities and challenges that will follow from these advances. Freeland argues that an inadequate legal regime for regulating space activities is at tension with an ongoing, rapid technological evolution. As an international community, our failure to address these uncertainties even in a semi-workable legal framework may create huge problems in the future. Ambrus discusses the role of courts, particularly the European Court of Human Rights, in the administration of future possibilities. Ambrus argues that the Court has been given an important role in defining what truly comprises risk—specifically in its role as the arbiter of which risk-related complaints will be admissible and thus where states will later be held responsible. Jaeckel and Refuse also explore the recurring theme of how imagined futures affect the present framework. In this chapter, the context is deep seabed mining in relation to the international seabed authority. The new inter-governmental organization, the International Seabed Authority (ISA), was designed to organize and control seabed mining activities and resources on behalf of all of humanity. The authors argue that the ISA's incremental approach to the development of the regulation of this mining responds well to technological and scientific advances. It succeeds through its evolutionary approach and marine scientific research, allowing the ISA to constantly respond to events and thus reimagine the future. Thus, these three chapters discuss the successes and failures of science and technology to grapple with the future and risk in present terms.

Jacqueline Peels' chapter deals with the topic of the aforementioned three chapters but brings the conversation to a new level of panic. She surveys the difficulty of imagining a future that humans have never experienced and might not even survive given the changing climate—and how these un-

certainties relate to international climate change law. Peel discusses how this field of law has developed a set of processes that imagine and attempt to regulate the risks of climate change. Scientific constructs of climate threats have evolved to imagine various visions of climate change—visions that focus on the effects of natural disasters, harm on different communities, and ways to build resilience that imagine broader challenges of sustainable change and address questions relating to increasing poverty. The author argues that the climate governance in the future must focus on questions of financing and assistance to vulnerable populations, and it is vital that this work is taken on by disaster risk reduction institutions.

While well-organized and thematically coherent, some of the language of the book is so technical and specific as to alienate a reader that is not well-versed in technology and science—perhaps a significant subset of lawyers and scholars. Conversely, discussions of the law itself and legal implications are not complicated at all. This will affect the target audience; it is unlikely the average curious person would pick up this book and not struggle with it. This may be the nature of the book, and it may be a deliberate decision the editors made because it is important to the message of the book that it is so specific—after all, the book imagines futures in which advancements in technology and science become even more bewildering.

To return to the book's central purpose, the editors successfully capture how different legal sub-fields translate their visions of the future into legal rights and duties that affect the present. What perhaps is missing from their goal is how, given the relationship between the law and uncertainty, command of the law can be used to create the imagined futures we most desire, from policy perspectives and in real terms, whether they be environmental, economic, humanitarian, or other regimes. The book struggles with what it declares to be a very powerful, inconspicuous relationship, but does not suggest how we can dominate that relationship to effectuate the changes that society and the law deem most worthy. Perhaps that ambiguity is intentional, but further analysis of costs and benefits would be beneficial to this resolution.

Politics and State-Society Relations in India. By James Manor. London, UK. C. Hurst & Co. (Publishers) Ltd., 2017. Pp. xviii, 340. \$17.88 (paperback).

REVIEWED BY VEDAD TABICH

In *Politics and State-Society Relations in India*, James Manor, regarded as one of the world's leading experts on Indian politics, presents over four decades' worth of research and scholarship on the Indian political system through his collected writings. The book is thematically organized into five parts, each dealing with a different aspect of India's post-independence political development. Part one is centered around the cultural and political backdrop that allowed India to develop democratically. Part two deals with the major political parties and the roles they held in the polity's progression. Part three is a discussion of Indian efforts to manage social and political forces. The final parts, four and five, are interrelated and consist of Manor's writings on the struggles of chief ministers at the state level and the current political and social landscape in twenty-first century India. His predominantly contemporaneous works guide the reader through an examination of the democratic process and state-society relations during the evolution of India's liberal, representative political system. Manor does this in two phases—the first phase beginning after India's 1947 independence from the British and concluding in 1989, and the second spanning the post-1989 period until present day.

The first of the five parts to Manor's book is dedicated to his pieces exploring how and why democracy was able to take root in India in the first place. He argues that themes of awakening, decay, and regeneration define the emergence of India's democracy. Manor contends that the development of a liberal and representative political system was facilitated by India's indigenous culture and social institutions, the encounter between Congress Party nationalists and the British Colonial State, and a forward-thinking hesitance to aggressively enact substantial social reform in the wake of independence. Decay of Congress Party era norms, practices, and institutions brought about a time of anomie—normless behavior by Indian professional and semi-professional politicians in the “soft” parties—through the 1970s and 1980s. A political regen-

eration—the reversal of political decay by restoration of the capacity of state institutions and political parties to respond to the needs of social groups—eventually took hold, unable to reverse decay entirely but still serving as an important counterweight through the post-1989 period.

In part two, Manor's writings focus on the shortcomings and weaknesses of the two major political parties in India—Bharatiya Janata Party (BJP) and Indian National Congress (Congress). He opens with an essay on Indira Gandhi, highlighting an argument he makes several times throughout the book: bargaining and accommodation in India is “the most effective way for leaders atop complex state and national political systems to make influence penetrate downwards.” Manor argues that, in centralizing power atop the Congress Party and ultimately weakening herself by destroying the Party's information gathering capacity, Gandhi did not adequately understand this vital point. In a subsequent paper analyzing the Congress Party between 1990 and 2014, Manor discusses its efforts to liberalize the economy, which, he argues, “went further than the immediate financial crisis required.” He lays out the Party's response to three major challenges and argues convincingly for the need for dynastic rule within Congress—as factionalism is widespread and the party is desperate for an autocratic arbiter who will be able to rule from atop and make decisions unchallenged.

He concludes with a piece analyzing the political standing of the BJP, wherein he argues that despite its apparent strength, the Party is weaker than it may appear on first pass. Manor argues that its 2014 election victory was owed to factors other than its organizational strength and contends that it is uniquely incapable of penetrating rural areas where elections are truly won or lost.

Manor's third series of pieces on the Indian political system stands out as his most compelling. Here he begins with an interesting paper detailing the problems that arise when the word “ethnicity” is used cavalierly and without regard to variations between and within nations. He argues that a variable, rather than fixed, understanding of ethnic identity exists in India—where there is unparalleled heterogeneity and a tendency among most Indians to shift preoccupations from one identity to another with great fluidity. This reality uniquely defines the political management of ethnicity in India. Further,

the crucial theme in Indian politics of bargaining and accommodation is revisited in Manor's writing on approaches to management of center-state relations within the federal system. There he outlines the social force advantages Indian politicians have over their counterparts in other countries: the complexity of Indian society, the aforementioned fluidity of ethnic identity, and a unique democratic institution in India known as "fixers"—local level operatives who shuttle back and forth between villages and governments in order to obtain benefits for the community.

Part four's discussions focus on Indian governance at the state level, where Manor contends most of the governing happens and which is centrally important to understanding how the political system has evolved since India claimed its independence. The section opens with an analysis of the political strategy of Devaraj Urs, one of Indira Ghandi's chief ministers after the 1971 national election, in Karnataka. Manor argues that he "demonstrated the possibility to break control of dominant landed groups over state-level politics in order to replace it with a solid alliance" The strategies, of a similar "pragmatic progressive" in Digvijay Singh, for deepening democracy are analyzed in subsequent pieces, as well as the anxious period separating the two, which was defined by an anxiety about India becoming ungovernable.

Part five, the concluding section, continues part four's discussion of chief ministers. In the twenty-first century, Manor analyzes modern difficulties and hurdles for governance, which continues to center around the State level and lower. He emphasizes the discussion on the thinking and action of senior politicians who have centralized power in their own hands and make most key decisions for how their states are governed. The section and book conclude with comparative analyses of India and China, as well as a more general comparative look at India's governmental system in the new millennium.

Each chapter of Manor's book opens with an introductory paragraph that places the subsequent essay in the proper historical context and frames it in relation to the other chapters throughout the book. However, something more than a mere paragraph would have been preferable. Even just a few short pages diving a little deeper into the background, political culture, and historical context would have gone a long way to-

ward bringing the lay reader up to speed and would have created a clearer and more cohesive narrative out of the dozens of standalone pieces that comprise the book. This would have benefited experts and novices alike. As it currently stands, the book is somewhat compartmentalized and lacking a natural thread to connect each individual piece. Towards the end of the book, Manor does just that on a few rare occasions, but it would have been preferable to have it included between each chapter.

Similarly, Manor's concluding comparison of India and China is excellent and goes a long way toward helping more clearly frame India's political nuances by offering a comparative backdrop, but could have benefited from more comparison to other states throughout. Perhaps not in between each chapter, but it would have been helpful toward the end of each section to offer something similar. Many times throughout the book, the reader was left wishing for a comparison of India's governmental evolution to that of the evolution of other former British colonies. It seems like a natural comparison to make, especially as a way to distinguish how much of its evolution was unique to India because of the characteristics of its state and society and how much was a result of its colonial influences. However, this is a minor and perhaps idiosyncratic gripe.

It is clear that Manor's book is intended for serious students and scholars of Indian politics. He wastes few words bringing the reader up to speed on basic background and history, dedicating the first chapter to a thematic roadmap of what is to be discussed and immediately picking up in the second with the first of many esoteric essays. That is not to say, however, that *Politics and State-Society Relations in India* is inaccessible to a lay audience. Manor's command of the subject, which shines through in nearly every piece, is often enough to shepherd along a novice reader. On a few occasions, at the conclusion of a chapter or section, the reader was left feeling that their understanding of the preceding subject matter was incomplete, but only because Manor had helped construct a large and expansive enough conception of it in the first place. It is a testament to his writing that in so few pages the reader is capable of learning enough to understand how little they actually know.

A Hero's Curse: The Perpetual Liberation of Venezuela, By Kajsa Norman. New York, NY: Oxford University Press, 2017. Pp. ix, 251. \$24.95 (hardcover).

REVIEWED BY KYRSTEN R. PONTURO

A Hero's Curse: The Perpetual Liberation of Venezuela provides a compelling and unique account of Venezuela's ongoing struggle to obtain a truly democratic government. While many scholars focus on the corruption and shortcomings of the Venezuelan government led by Chavez and his successor as if it were a new obstacle in Venezuela's future, Norman posits that Venezuela has continually faced roadblocks on its path to democracy since the time of Simón Bolívar. Norman argues that while Venezuela has all the presumed prerequisites for wealth and regime change, it has nonetheless failed to reach its potential. Instead, by invoking Simón Bolívar's name and ideals of a free Venezuela, Venezuelan leaders have fallen short in precisely the same way as Bolívar—an idealist whose determination to make his vision for his home country a reality lead him to form a dictatorship. With the gift of a journalist, Norman provides a more humanistic account of this struggle through the perspective of five Venezuelans: an architect, a politician, a general, a student leader, and the infamous Hugo Chavez. Their stories are written based on in-depth interviews Norman conducted with four of the protagonists between November 2013 and March 2015, as well as some of their colleagues, friends, relatives, and subject-matter experts. It is through these protagonists that Norman demonstrates that Venezuela's endeavor to enact change and reform is not a new opportunity presented by Maduro's succession of Chavez, but rather yet another cycle in Venezuela's ongoing struggle to achieve a government for the people. Thus, Norman succeeds in providing fresh perspectives on Venezuela's struggles but offers little to suggest a way forward. Instead, the reader is left with a rather bleak outlook on Venezuela's prospects and wonders if the knowledge that Venezuela has been trapped in a perpetual struggle for liberation can be of any use to future Venezuelan leaders.

In order to show that Venezuela's present struggle is actually the beginning of a new cycle in its repeated fluctuation between tyranny and democracy, Norman's book starts at the

beginning of an independent Venezuela's history. Perhaps in recognition that many readers will not be intimately familiar with Venezuela's liberation from Spain, Norman begins the book with an account of Simón Bolívar's early life as well as the early history of Venezuela. This provides a useful backdrop for readers to understand why Bolívar's name is continually evoked in Venezuela despite the passage of almost 200 years since his death. Norman's summary of early Venezuelan history is detailed and concise, and provides anecdotes and quotes from Bolívar's struggle to liberate Venezuela in a way that almost reads like fiction. Her narrative style makes the book a more exciting read for those who do not prefer to read nonfiction and at the same time provides insight into the complexity of Bolívar's ideals. On the one hand, Bolívar clearly wanted Venezuela to be a free and democratic nation and even emancipated slaves as early as 1816. On the other hand, Norman makes it clear that Bolívar's emancipation of slaves was a calculated maneuver on his part to secure the much-needed support of former slaves in his revolution. Norman depicts a striking contrast between the young Bolívar who was inspired by ideals of Rousseau, Voltaire, and Montesquieu, and Bolívar as the newly elected President of Gran Colombia who determines that his new country needs "strong, authoritative leadership." The contrast shows that even someone renowned for their role in the liberation of an entire state as well its neighboring states may lose sight of his democratic ideals once in a place of power. Thus, by portraying Bolívar as both a liberator and a dictator, Norman hints at the irony of future leaders' efforts to invoke Bolívar's name as a way to gain support of the people.

Lest the reader forget that Bolívar is more than just the liberator of Venezuela, but also a symbol of both Venezuela's goal of democracy and recurring fall into tyranny, Norman begins every chapter with a quote from Bolívar. This frames the readers perception of the rest of chapter as the reader dives into the lives of the five protagonists. Further, the quotes serve as a reminder that Venezuela has continually struggled to achieve a democracy despite repeated assurance of its reformers that this is their goal. The author uses these protagonists to chronicle the rise and fall of Chavez in particular, but her book stands apart from other accounts of Chavez' reign in that he is not her sole focus. Rather, Norman focuses on the peo-

ple of Venezuela themselves, and the ways in which corrupt government, unequal distribution of wealth, and the government's violent response to civil unrest contributed to Chavez' eventual success. Moreover, the book does not simply focus on Venezuela at the macro level or as a country plagued by violence on the part of both the government and civilians. Instead, Norman makes Venezuela's struggle more relatable by demonstrating its impact on each of the protagonists. This allows readers to place themselves in the role of the protagonists and empathize with them whereas a more rote account of events could not.

For many readers, Chavez' name is instantly recognizable and perhaps is synonymous with the true threat to Venezuelan democracy. However, Norman is aiming to show readers that Chavez actually followed a path similar to the famous liberator Bolivar, and that his successors seem poised to follow this path as well. In order to accomplish this, her depiction of Chavez is complex and dynamic. While it would be easy to simply to portray Chavez as a dictator with ties to Cuba, Norman provides a more balanced account of his role in Venezuelan history. In fact, at times Chavez even seems admirable, and it is easier to see why he was so revered in Venezuela. Norman accomplishes this feat by chronicling Chavez' early career in the military—where he is shocked by the disparities in Venezuelan society and begins to envision a better future for his country. In this way, he is more reminiscent of Simón Bolivar, whose name he would later invoke in reforming the Venezuelan Constitution. Moreover, the book does not immediately jump to Chavez' rise to power; instead it details his failed coup in 1992 and the way in which his charismatic presence on television as he accepted sole responsibility for the failed coup gained the support of Venezuelans. By accounting for the violence with which the then-President Perez' government responded to popular protests, one is better able to understand why people supported Chavez even though he would later exercise the same violent techniques.

Norman uses the point of view of the other protagonists to demonstrate the ways in which the people of Venezuela are swept along in its ongoing struggle for liberation. Rather than argue that the people of Venezuela are blind to the tyrannical ways of Chavez, Norman posits that as Chavez' ideals transformed, so too did his supporters' perception of him. For in-

stance, Antonio Rivero, a young general, was inspired to join Chavez' cause after seeing the brutality exercised by guardsman to quell protests. Through his perspective, the reader sees Chavez as a charismatic and capable military leader with the ability to sway his compatriots to his cause with promises of a more egalitarian Venezuela. Furthermore, through Rivero's close ties to Chavez, Norman provides an insightful explanation as to why a leader who claimed to want a more equal society eventually turned to tyranny.

Norman offers yet another perspective in the form of Folco Riccio, an Italian immigrant who comes to Venezuela with hopes of having a successful career as an architect. It is through Norman's description of Folco's endeavors that one can see Venezuela's potential. After all, Folco came to Venezuela from Italy with the belief that he would have a better chance of success there than in his then-war torn home country. Folco's experience of first having great success, and then returning to Italy when civil unrest erupts shows the continual backsliding of Venezuela's "perpetual liberation." While Folco eventually returns to Venezuela with dreams of building a port for cruise ships to attract tourism and therefore benefit the country's economy, his experience with the government in obtaining the permits to build his port demonstrates the government's shortcomings under Chavez' reign.

A similar theme is demonstrated through the story of Maria Corina Machado who starts out as the founder of a charity, Atnea, which works to create a safer and more humane orphanage. Machado, like the other protagonists of the book, is inspired by the inequality and unrest in her country to turn to public service. Although she had similar inspirations as Chavez, she identifies shortcomings in his government and eventually decides to run for office herself. When Maduro, Chavez' successor, is elected President, the violence with which Machado is treated after her insistence on a recount paints a gruesome picture of Venezuela's current state of affairs. Rather than respond through the electoral process, Machado encourages "La Salida" or a campaign for people to take to the streets to protest the government—which quickly escalates into violence. It is up to the reader to determine whether this is an example of yet another leader turning down a dark path, or instead a desperate bid for reform. However, by including Machado's turn to violence, one cannot help but wonder if

Norman is positing that Venezuela is forever doomed to see its leaders resort to violence.

Finally, Norman offers the perspective of Juan Carlos Requesens. Like Rivero, Juan Carlos went from being a supporter of Chavez to becoming disillusioned with his government. Juan Carlos eventually becomes a student leader at his university, where he witnesses the violence with which Chavez' government and supporters respond to student protestors. In this way, the reader is reminded that Chavez is now employing the same tactics that led him to begin his "Bolivarian" revolution to begin with.

Through the perspectives of real people, Norman communicates several firsthand accounts of Venezuela's struggle. By setting up the beginning of the book with a detailed account of Bolivar's liberation of Venezuela and referencing him throughout, the reader cannot fail to miss Norman's point. Chavez, and in fact much of Venezuela, have followed the same path as Bolivar himself in their efforts to reform Venezuela: their well-meaning goals to create a more equal society invariably give way to tyranny. Thus, Norman's account succeeds as a clear-headed illustration of the ways in which Venezuela's current political turmoil is in fact nothing new. Nevertheless, journalism might also be judged on its capacity to promote or inspire reform, and, on this measure, the work is arguably less compelling. While Machado started out as a politician dedicated to social reform, one cannot help but notice that, like Chavez, she too turned to violence to overthrow a government. Ultimately, Norman offers very little by way of which the people of Venezuela can avoid the seemingly inevitable cycle from proclaimed democracy to tyranny. In fact, the book ends not with a message explaining how Venezuelan leaders can use this knowledge to avoid falling into the same cycle, but rather with a description of Folco's once promising port falling to waste.

Nonetheless, Norman offers much reason to hope in her account of Rivero, who—though forced to flee Venezuela after exposing Chavez' ties to Cuba—remains committed to his original goal of improving society. Norman even hints that Rivero is thinking of returning to Venezuela in pursuit of this goal. While the most obvious message is that he ought to avoid following Bolivar's path, Norman provides little to confirm that she believes this is even possible. Instead, she focuses on

what is there, and communicates it in a fashion that is both unique and compelling—and for that, we are grateful.

The Extinction Market: Wildlife Trafficking and How to Counter It.
By Vanda Felbab-Brown. New York, NY: Oxford University Press, 2017. Pp. xiv, 406. \$24.95 (paperback).

REVIEWED BY KAJA NIEWIAROWSKA

The Yogyakarta market in Indonesia—hundreds of exotic birds, bats, and lizards packed into cages in the sweltering heat. Civets, orioles, pangolins, and lorises competing for space in the boxes they have been squeezed into. For the wildlife trade, business is bustling, and policies meant to protect endangered species have been largely unable to precipitate any decline in demand. *The Extinction Market* reveals wildlife trafficking to be an intricate industry that has proven impossible to shut down completely. Treaties like the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and outright bans on trade in wildlife have done little to prevent wildlife kingpins—with names like Lizard King—from practicing their trade. While certain vigilant conservation efforts have enjoyed moderate success, demand for wildlife remains strong. Placing this trade within the context of illicit economies at large, Vanda Felbab-Brown identifies both effective policies as well as areas where there is work to be done. The result is a comprehensive survey of today's wildlife market. While Felbab-Brown's analysis of wildlife demand could devote more attention to the cultures that drive it, she is ultimately successful in making region- and actor-specific forward-looking policy recommendations that promote sustainability and accountability.

Awareness about wildlife trafficking began to rise after World War II, and the first multilateral treaty to protect endangered flora and fauna, CITES, was opened for signature in 1973. Since then, the response to unsustainable trade in wildlife has varied from outright bans on the trade of items, to licensing agreements, community-based natural resource management systems, efforts to reduce demand, and attempts to squeeze poachers out of the financial system. While a shift in cultural attitudes on sustainability and wildlife trade has significantly reduced demand in the West, consumption of exotic

flora and fauna remains very much in vogue in the East— particularly for use in Traditional Chinese Medicine and as symbols of status and social prestige. Even more importantly, Felbab-Brown reminds readers, in addition to professional poachers and their customers, low-level poaching of illegal bushmeat remains a primary source of protein for many living in poverty. As a result, demand in those areas has remained consistent.

So how are we supposed to combat this growing demand for a rapidly depleting resource? Felbab-Brown, an expert in illicit economies, draws analogies to narcotics trafficking to illustrate good policy. Unlike the drug trade in recent years, wildlife trade has been increasingly criminalized. Felbab-Brown points out that this is not necessarily the correct response—the War on Drugs of the 1980s and nineties has been all but abandoned as a policy failure. While an increase in seizure of wildlife goods is often cited as a positive statistic, it misses the mark. Absent good baselines, increased seizure may just be a measure of an increase in smuggling volume. As with trade in narcotics, wildlife trafficking has three elements, any of which can be criminalized: production, trade, and consumption. Having explained how this trade can be qualified, Felbab-Brown explains how wildlife trafficking is a more difficult beast to tame. For example, there are stark differences in the consumption of illegal bushmeat as a luxury item or as a sign of status, versus subsistence consumption—both of which differ entirely from drug consumption.

Felbab-Brown also dispels several misconceptions about the wildlife trade. Often linked to organized crime, wildlife is actually seldom trafficked via pre-existing smuggling groups. However, while wildlife trafficking moves almost exclusively via independent networks, strategies aimed at curbing organized crime can nevertheless be applied in this realm as well. Anti-money laundering efforts, for example, will be just as effective at squeezing a poacher from the financial system as they will with respect to an organized crime group. Just as organized crime may bring short-term financial gain to communities but at a substantial long-term cost, so wildlife trafficking is unlikely ever to lift a country out of poverty. Understanding why government prosecution may prioritize drug trafficking and organized crime is also relevant to explaining why the opposite is true for wildlife trafficking. While drug trafficking, often

linked to violent crime and an overall decline in social capital, ranks high on an Eisenhower Decision Matrix—combatting wildlife trafficking, while certainly important, simply lacks the urgency for a government to allocate many resources to combatting it. Governments ban drugs because they may be harmful to their constituents, but there is no immediate danger or harm posed by the purchase of a wildlife product.

Overall, Felbab-Brown's analogy to the drug trade elucidates the inner workings of wildlife trade, as well as illicit economies in general. At times, however, she overextends this analogy, resulting in comparisons that feel forced. Simply being tolerant of other poaching bosses is not quite the same as mobs "taxing" other criminal groups operating on their turf. Similarly, while younger generations may feel the need to use drugs as a demonstration of rebellion against authority, the same cannot be said about the consumption of wildlife among young people, which has been long sanctioned in many cultures.

Nevertheless, Felbab-Brown does well to identify various stakeholders within the wildlife trade by analogizing to those in the drug trade. Much like progressive drug policy argues for lower penalties for low-level, non-violent drug dealers, Felbab-Brown rightfully argues that low-level subsistence poachers should be faced with lower penalties than trafficking kingpins. Identifying each stakeholder's motivations for participating in the wildlife trade is also useful in depicting how the trade functions as a whole—from poacher to middleman to trafficker to buyer. However, unlike drug consumption, there are many different reasons to consume wildlife, and efforts to curb consumption are most effective when tailored to each stakeholder. Certain groups are simply more easily convinced than others. For example, trophy hunting has been largely displaced by extensive NGO campaigns drawing attention to the rapidly-depleting stock of big game, as well as to the horrors of poaching. Those who nevertheless wish to hunt may purchase hunting licenses in participating countries such as Namibia or Botswana—as long as they can afford to do so. A license to hunt a rhino recently was auctioned off for \$200,000. Such programs are effective in slowing consumption, while simultaneously providing conservation areas with much needed income to maintain their land and pay their rangers.

Yet such efforts are successful only to the extent that they remain enforceable. In discussing the differences between conservation areas that actually keep poachers out and those that are less successful at doing so, Felbab-Brown is able to provide an account of what constitutes a sound policy. After South Africa acquired the right to license hunting, corruption drove rangers to abuse this privilege. In other countries, rangers asked Felbab-Brown herself for bribe money to “help protect the animals.” Issuing fake licenses became common. The proceeds from its sale would be used to replace the hunted game, entrenching what was intended to be a sustainable system into the black market. Conversely, these shortcomings are useful for laying out the uphill battle that is running a successful game preserve. Using one such preserve in Kenya as an example, Felbab-Brown shows how giving all actors in the conservation game a stake in its outcome is essential to the preserve’s success. Involving local Masai herders as rangers and allowing them to use the land on occasion for grazing incentivizes them to keep poachers off “their” land.

Indeed, Felbab-Brown points out that giving local people a stake in the success of the preserve while also stopping short of complete interdictions on trade are keys to success in combatting the trafficking of illegal wildlife. As a majority of trafficking occurs in states with struggling economies and weak governance, the shadow of corruption is nearly omnipresent; nearly all actors who are supposed to be preventing poaching have some monetary incentive to exploit it—from rangers accepting bribes to look the other way, to customs officers agreeing not to search a shipment, to even judges neglecting to sentence poachers because they, too, profit from the wildlife trade. For subsistence hunters, employing outright bans on hunting or trade without providing any alternative livelihood or compensation is an easy way to drive people to the illegal economy. Moreover, suppressing an illicit economy in this manner also allows its sponsors to gain political clout, further entrenching society in such a cycle. Enforcement becomes near impossible as poachers gain political capital: poaching bosses effectively immunize themselves from prosecution, while sentences remain too trivial to act as effective deterrents. Significantly, Felbab-Brown notes issues with changing sentencing requirements. These relatively low fines and jail sentences are wholly insufficient to deter middlemen and

bosses, but may be devastating to a subsistence poacher who is hunting because he has no other choice. As a result, allowing for greater judicial discretion in countries where corruption is rampant may do more harm than good by harming those in need of economic assistance, while allowing higher level offenders to continue to hunt.

Conversely, policies that increase human capital and well-being are directly correlated to higher success rates. At the Nazinga Game Ranch in Burkina Faso, for example, local hunters are allowed to hunt five percent of the game to mitigate food insecurity and loss of income. The preserve is a clear policy success. Such policies often stop short of interdiction, and focus on maximizing the sustainability of continued consumption, especially because many subsistence hunters participate in the illicit economy willingly and see conservation as an impediment, rather than a benefit, to their wellbeing.

Throughout Felbab-Brown's discussion of how such hunters play a key role in the wildlife economy she fails to discuss a large driving factor behind consumption: culture. Despite alluding to a cultural shift in the perception of wildlife consumption in the West, and a thorough discussion of the use of wildlife products in Traditional Chinese Medicine, she stops short of blaming cultural differences for continued demand for wildlife in the East. And while she touches on several cultural driving factors, such as the popularity of Traditional Chinese Medicine and the consumption of wildlife as an indicator of social status, she neglects to decipher these disparate attitudes. The cultural elite in Asia continue to consume wildlife as status symbols, despite awareness of the negative environmental and social effects of their behavior. Instead of conceding that wildlife consumption, while no longer fashionable in the West, remains an indicator of status in the East, Felbab-Brown expresses confusion as to why upper class young men in China continue to fuel demand. Their high levels of education, she argues, should be associated with a decrease in consumption, and not vice versa.

On the contrary, purchasing ivory or ordering shark fin soup at a social function is propelled by a universal desire to increase one's social status. How one achieves this higher status is decidedly culturally dependent—much like no one in America would bat an eye at a luxury watch made by a company whose supply chain is littered with human rights abuses.

Negative Western attitudes towards wildlife consumption are simply not yet pervasive in other parts of the world. Moreover, reasons for continued trade in wildlife are also largely practical—in Yemen, for example, daggers made of rhino horn are not just perceived as a status symbol, they are also less susceptible to breakage than those made of inferior materials. Perhaps Felbab-Brown's reluctance to comment on such differences is part and parcel of a larger issue with progressive reform movements, which often directly conflict with the progressive value of cultural pluralism. An unwillingness to comment on foreign cultures may generate an impasse with the movement's goals, as Western conservationists are quick to admit *mea culpa* and atone for their own environmental sins but are reluctant to point fingers at cultural practices that are not their own.

Despite Felbab-Brown's unstated aversion to cultural imperialism, she nevertheless tacitly suggests one method of reducing demand for wildlife. She praises campaigns by environmentalist groups that have clearly had success in creating cultural shifts in countries like the United States—perhaps similar campaigns could be tailored to produce similar results in the East. Ultimately, her diagnosis is clear-headed: people will inevitably continue to consume wildlife unless they can be incentivized not to do so and what those incentives may be necessarily varies among different stakeholders. However, the answer to construing mutually beneficial outcomes on a universal scale seems to depend as much on sound policy as on cultural perceptions. Until society as a whole is convinced that sustainability is the answer, misconceptions will continue to drive species to extinction—in the words of a hunter in Indonesia, “there will always be birds and animals in the forest.”

The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect (Second Edition). By Ramesh Thakur. Cambridge, UK: Cambridge University Press, 2017. Pp. 444. \$33.58 (paperback).

REVIEWED BY WILL MCKITTERICK

In the words of Dag Hammarskjöld, the second Secretary-General of the United Nations, the United Nations was “not created in order to bring us to heaven, but in order to save us from hell.” Nonetheless, critics have questioned time and

again whether the United Nations is capable of living up to its mandate to maintain and restore international peace and security, even when it is not lost in fantasy. Ramesh Thakur argues that these concerns primarily stem from a gap between formal authority and real power in the present international security system. Though the United Nations is the one body that can exercise legitimate coercive power in the maintenance of peace, its dependence on a coalition of states severely limits its power to do so alone. Furthermore, the U.N. system faces the new quagmire of whether and how to intervene responsibly in purely internal conflicts in order to protect individuals from the scourge of war.

Ever the optimist, Thakur's central message is one of hope. According to the author, new norms and ways of thinking are emerging that address the proper use of force through the U.N. system as a means to secure interstate peace as well as human security. The book draws attention to the rapid evolution of the new norm of "the responsibility to protect" (R2P), a framework for garnering international support within the United Nations to intervene legally and responsibly in conflicts that result in some of the worst human atrocities the world has seen. Yet the author acknowledges that many challenges remain to realizing R2P's full potential.

While Thakur does not intend his book to function as a primer on the U.N. system, it nonetheless serves as a comprehensive overview of the most daunting problems facing the world's custodian of collective security. Topics range from the fallout from the Arab Spring to the efficacy of sanctions, nuclear disarmament, and the proper role of the U.N. Secretary-General. Thakur threads two central themes throughout the book—the mismatch of authority and power in the international system and the growing tension between national autonomy and human security.

As Senior Vice-Rector of the U.N. University, an ICISS Commissioner, and the principal writer of Secretary-General Kofi Annan's second report on U.N. reforms, Thakur is steeped in the history, policy, and organizational structure of the United Nations. As an Indian who has researched and taught in the West, advised numerous governments and international organizations, and developed a distinguished reputation as a scholar and media commentator—he is perfectly positioned to diagnose the world's most pressing security is-

sues from multiple viewpoints. Part dispassionate analyst, part fervent advocate, Thakur has produced an academic work that is both instructive and compelling. Yet his tendency to digress by drawing on a lifetime of professional experience studying the United Nations both enriches the book's substance and dilutes its message.

The author introduces the work by listing its central leitmotifs: the proper use of force, the distinction between power and legitimacy, the straining U.S.-U.N. relationship, the divide between industrial and developing countries, and the central importance of the rule of law in international affairs. The problem with global security governance underlying each of these themes, he argues, can be traced to the disconnect between the broad distribution of authority within intergovernmental institutions and the concentration of global military power in the United States. While the United Nations is the only international institution with the requisite legitimacy to resolve many international issues, the United States and NATO are the only actors capable of projecting power around the globe.

Yet the use of force without legitimacy is incapable of generating authoritative standards of state behavior and conditioning global norms and values to secure international stability. Thakur emphasizes this paradox and its destabilizing effects through a scathing critique of the United States' and NATO's foreign policy foibles over the past twenty years—misadventures that have exasperated rifts between the United States, the United Nations, and its member states. Western powers' penchant for humanitarian intervention undermines the rule of law by implicitly sanctioning the use of force outside the U.N. system, emboldening other states to do the same. Flagrant violations of the established international order simultaneously undermine the credibility of the United Nations as a deliberative forum for consensus building among states. For the United Nations to fulfill its mandate as world peacekeeper, states must renounce the unilateral use of force and be prepared to deploy their militaries on behalf and under the direction of the United Nations for its purposes.

Thakur also proposes needed reforms at the United Nations. Despite progress in the last fifteen years, most states are still largely focused on balancing and protecting distinct national interests instead of those of their citizens. The author

tracks the slow transformation in priorities at the United Nations, from a focus on the collective security of states to the responsibility of sovereigns to protect individuals. Fueled by growing outrage at the general impunity with which many states engage in flagrant violations of individuals and group human rights, the responsibility to protect charts a new framework for remedying and holding nations accountable for intra-state atrocities.

Based on the simple principal that sovereignty is as much about responsibility as it is an exercise in authority, R2P advances the idea that states have an obligation to protect their citizens from harm. If, and only if, recalcitrant regimes are unwilling or unable to protect their own, the international community through the United Nations has the responsibility to use defensive force in order to bring peace, stability, and reconstruction to the affected communities. Thakur, as one of the leading practitioners who helped develop the framework, passionately defends both the efficacy and legitimacy of R2P.

Part I of the book explains how the United Nations' began with a limited mandate for peace-keeping and evolved into an organization with progressively broader peace enforcement responsibilities. By the sixth generation of peacekeeping, U.N. forces were not only authorized to use force, but played a key role in state-building operations in failed states. Mounting pressure to launch more operations with expanded responsibilities led to crisis in the late 1980s and 1990s that challenged the institution's credibility. Today, "[t]he military resources needed to help keep the peace are being strained by so much peace to keep."

Nonetheless, the author makes a strong argument for engagement by the United States through the United Nations apparatus. U.N.-led missions have left a higher proportion of countries in peaceful and democratic conditions than unilateral interventions by the United States. Moreover, the United States and the United Nations have complementary roles to play in peace operations. The United States has an interest in maintaining global order but lacks the authority to intervene unilaterally when crises erupt. By operating through the United Nations, the United States can obtain the legitimacy it needs to lawfully intercede in conflicts. In exchange for its blessing, the United Nations can leverage American military capabilities to carry out its peacekeeping mandate.

However, Washington has a track record of touting multilateralism while simultaneously exempting itself from the obligations it would impose. The United States' demonstrated preference for pursuing its foreign policy objectives unilaterally—through standing alliances like NATO, and ad hoc coalitions of the willing—is not only costly, but also saps American credibility abroad. Unilateral interventions create the appearance of impropriety and provoke the ire of the very citizens ravaged by conflict that the United States and its allies seek to rescue. The author concludes that disregard for the very security structure America established at the end of World War II risks damaging U.S. national interests more than those of any other nation.

Part II provides the context through which the author explores the development of the new R2P norm. The United Nations' elevation of human security as a principal concern of sovereigns justifies the R2P framework wherein states are responsible for traditional notions of national security as well as for their citizens' security. Thakur tracks R2P's emergence from its conception to its acceptance as a new global norm. Yet the author also digresses through explorations of miscellaneous security issues that detract from the book's central focus on R2P. His forays into the topics of sanctions, nuclear non-proliferation, and international terrorism are substantively satisfying and provide salient prescriptions for policymakers—such as his roadmap for addressing the ongoing nuclear crisis with North Korea. Nevertheless, these detours pull the reader away from the more novel central theme of the book on R2P without contributing to his thesis.

In Part III, Thakur returns to discussing R2P through a survey of operations by the United States and NATO in Kosovo and Iraq. The author's critique of both "humanitarian" interventions emphasizes the folly of unilateral intervention without the backing and authority of the United Nations' consent. Thakur criticizes the United States and NATO for making up the rules for intervention "on the fly," no matter how arguably noble their intentions. The author laudably adds to this well-worn critique by discussing the often-overlooked reactions of members of the global-South to these interventions. NATO's intervention in Kosovo, followed by the American invasion of Iraq, both without the consent of the United Nations, are

viewed by most countries as flagrant violations of the norm of non-intervention.

Thakur continues with an in-depth recap of the interventions in both Afghanistan and Libya—the first United Nations Security Council sanctioned R2P intervention—and the United Nations' non-intervention in Syria. Each of these conflicts has proved to reduce the global appetite for interventions and state-building enterprises, whether U.N.- or unilaterally-led. Thakur critically concedes that R2P and non-R2P interventions were equally deficient and draws on lessons previewed earlier in the book concerning the importance of rule of law and U.N.-centered collective action. Still, he makes a forceful case for doubling down on R2P's more legalistic formulation for containing and channeling the interventionist tendencies of great powers.

Thakur's book is also an important contribution to the expanding literature on the United Nations' evolving role in the rapidly changing international system. R2P, as the author asserts, provides a promising legalistic framework for restoring the rule of law to the use of force in order to solve international crises. To avoid delegitimizing the very global security system it helped build, the United States and its allies must recommit themselves to the United Nations and its central mission, despite its inevitable frustrations. Thakur is both optimistic and realistic about the prospects of achieving this lofty goal. Though dense and multifaceted at times, his passionate analysis makes for a compelling read.

However, the author leaves the reader wondering how the political implementation of R2P can be realized. Thakur's principled argument is persuasive, but few pages focus on how the body can capture the attention and buy-in of major powers such as the United States, as well as emerging powers like China, to carry out this mandate. While the *why* behind R2P is convincingly argued, the *how* remains, perhaps, beyond the ability of anyone to guess. In the meantime, it will be difficult to restrain coalitions of the willing, such as in Kosovo, from answering the call for global peace and stability by operating outside the calcified U.N. system.

Thakur's argument becomes all the more urgent in the United States' newfound commitment to an "America First" foreign and domestic policy. Although the book seemingly

predates the shift in the United States' global role since the 2016 election, it nonetheless highlights the consequences likely to result from America's refusal to play a central role in the U.N. project. Abandoning this commitment would signal to other rising powers, including the BRICS (Brazil, Russia, India, China, South Africa) that international laws and norms are no longer binding. As the most influential military and economic global power today, the United States retains the clout necessary to set the standards for state behavior. This will not be the case forever. As the centers of power become more diffuse in an emerging multipolar system, America's ability help implement R2P will inevitably wane.

Mega-Regional Trade Agreements: CETA, TTIP, and TiSA; New Orientations for EU External Economic Relations. Edited by Stefan Griller, Walter Obwexer, and Erich Vranes. Oxford, United Kingdom; Oxford University Press, 2017. Pp. v, 323. \$95 (hardcover).

REVIEWED BY ALEXANDRA MAURER

The post-war international economic order is at a crossroads. As the multilateral World Trade Organization (WTO) has been plagued by stalemate, culminating in the unsuccessful conclusion of the Doha Round in 2015, countries have looked to mega-regional trade agreements as a possible panacea. However, worldwide populist backlash against globalization has promised to derail these agreements even before they can be enacted. Amidst these new challenges the European Union, as the second largest consumer market in the world, is uniquely positioned to leverage these mega-regional trade agreements to transform its continental standards into global ones.

The book focuses on the three mega-regionals that the European Union is currently party to: the E.U.–Canada Comprehensive Economic Agreement (CETA), the Transatlantic Trade and Investment Partnership (TTIP), and the Trade in Services Agreement (TiSA). The editors have organized papers and discussion from the “TTIP, CETA, TiSA – New Orientations for EU External Economic Relations?” conference, held in Salzburg in 2016 (Salzburg Conference), into three parts and sixteen chapters. The first two essays in Part I serve

as a quick introduction to mega-regionals and the issues that often accompany them. Part II delves deeper into eight specific sectoral issues at play in the agreements. Finally, Part III consists of essays written after the Salzburg Conference that build off issues raised during panel discussions. Given the breadth of issues at play in these mega-regional agreements, each essay discusses discrete issues under this general umbrella, and the tone of the book is often fragmented. In the preface, the editors themselves concede that given the size and scope of these agreements—CETA’s current text is almost 1,600 pages—the diversity of issues raised is inevitable. The sectoral issues discussed in Part II are often specific enough that they presume a level of sophistication from the reader which the high-level contextual summary in Part I is unable to provide. It is clear that these papers are primarily targeted at academics and other serious students of international economic law.

There are several overarching themes that the majority of the book’s essays touch upon. First is the idea that these mega-regional agreements seek to go far beyond traditional notions of trade liberalization. WTO negotiations have successfully reduced tariffs to very low levels and, as a result, non-tariff barriers, such as conflicting regulatory schemes, are now the primary impediment to trade. Further deepening economic integration requires a level of policy harmonization that extends beyond the traditional economic sphere. As a result, many of the issues at stake raise important social, political, and legal concerns that have resulted in domestic pushback.

Additionally, present in many of the issues discussed in the essays is the struggle to successfully integrate the international economic order with domestic governance. Many of the critiques around these agreements focus on the legitimacy of these bodies, as well as concerns over loss of sovereignty. This leaves open the question of where these agreements fit within the already complicated European “multilevel system.”

Finally, there is a debate about whether mega-regionals can be viewed as a shift away from a traditional economic order—as embodied by the WTO—or merely as an updated tool to aid in worldwide negotiations. Most of the essay authors agree that the rise of regional trade agreements is pragmatic given the stalemate in the WTO arising from the increasing number of members, growth in bargaining power of non-West-

ern countries, and consensus requirement. Still, none of the authors advocate for an absolute rejection of what has historically been a very successful international forum. In fact, many hope that the agreements will constitute a “WTO-plus” that may serve as a baseline to expedite the next round of negotiations. As a result, many papers discuss barriers that may block reintegration, including the fragmentation of international economic law.

In the first chapter, the three editors summarize why it is so important that we continue with multilateral trade negotiations. Not only do the resulting agreements encompass a huge share of the global GDP—the economies in TTIP alone constitutes \$34 trillion—but they also serve as important foreign policy. Both the European Union and the United States, and to a lesser extent China, view these agreements as blueprints for establishing standards on core global issues, ranging from labor standards to privacy laws. Given the failure of the Doha Round, countries are negotiating larger regional agreements in hopes that they will be able to iron out issues that were unresolvable in the multilateral forum.

Ernst-Ulrich Petersmann frenetically summarizes the social science trends and theories that dominate the public discourse surrounding international economic law today. After discussing the social, political, legal, and economic theories behind recent WTO struggles, he proposes that these mega-regional agreements may be used as a platform to build a “WTO 2020.” Additionally, he summarizes high-level disagreements over the role of liberalizing trade in general, especially whether these agreements conflict with the EU’s mandate to protect fundamental rights of its citizens in foreign relations, as required by its charter.

Part II begins with Erich Vranes’ summary of the contents of CETA, TTIP, and TiSA. The bulk of his analysis is focused on CETA, as the legal texts of TTIP and TiSA are not yet available. He notes several areas where the agreements have tried to respond to criticism of fragmentation. Unlike previous free trade agreements (FTA), CETA includes an interpretative guide which links directly to WTO law and precedent. However, given many of the structural differences between CETA and the WTO, it is unclear whether these provisions will be sufficient.

Chapters 4 and 5 confront one of the most controversial parts of modern international economic law—investor-state arbitration. Christian Teitje and Kevin Crow highlight that the root of many of the criticisms against international investment law is vagueness, both in key terms of agreements and in law itself. This vagueness has led to the creation of unelected, unaccountable arbitrators whose incorrect interpretations are not easily rectified by a state's government. Domestic politics are further frustrated by the fact that only investors are allowed to bring claims, and states are not. New agreements have tried to sidestep this ambiguity by clarifying key terms and disavowing interpretations that run contrary to domestic sentiment. Ultimately, the authors find these reforms insufficient as clarifications often simply codify common practices without dealing with systemic shortcomings. Instead, the authors argue that investment law should be restructured to allow states to bring claims. This would grant states a new mechanism to help rectify unfavorable interpretations beyond the onerous process of treaty renegotiation.

In Chapter 5, Stephan Schill looks at enforcement mechanisms in mega-regionals, specifically the TPP and CETA, in contrast to the WTO. He identifies two main areas of concern. The first concern is the fragmentation of international economic law. Schill notes that both the TPP and CETA work to harmonize the language of their agreements with WTO law to limit fragmentation. However, he fails to fully explore whether the proposed permanent tribunal for CETA might be counterproductive in this respect. The second concern is over the legitimacy of ad hoc panels, stemming from a lack of accountability. Although Schill believes the permanent tribunal will further exacerbate this problem, he does find new provisions that increase transparency and further clarify principles. As a result, he is optimistic that CETA is taking important steps in the right direction.

Chapters 6 and 7 discuss new issues that have arisen as a result of the recently burgeoning tech industry. Thomas Cottier discusses how these mega-regional agreements missed a prime opportunity to modernize international intellectual property (IP) laws. Although he notes some interesting commitments to establishing a proper balance between exclusive rights and public domain, these commitments lack operational provisions. He also notes several areas of international

IP law that need to be updated in the free trade context—such as including IP in impact assessment for different policy fields. Cottier argues that to prevent future conflict the negotiations should move back to the WTO so that the foundation of the system can be further clarified.

Walter Berka discusses the issue of data protection in mega-regional agreements, specifically the gulf between the European Union's strict right to privacy and data localization rules and the United States' more laissez-faire approach. Ultimately, he decides that harmonization is unlikely in TTIP and the two positions are irreconcilable. Berka fails to explore why correctly balanced privacy protection laws are so integral to modern economic liberalization, given how important internet services are to the U.S. and European economies. By focusing primarily on the social context behind privacy laws, his somewhat fatalistic conclusion appears more like a reasonable compromise rather than a significant barrier to trade.

The following several chapters discuss the opportunities mega-regionals offer to expand and harmonize regulatory protection. Cristoph Ohler argues that financial services should be included in future trade agreements given their highly mobile nature. However, he believes negotiators find the huge variation between regulatory schemes daunting. As there is no sufficient alternative forum, Ohler believes that CETA and TTIP's combined substantive and procedural outline would be a good place to start building a global financial regulations framework—even if a multilateral approach ultimately is necessary. Lorand Bartels, on the other hand, parses the various obligations in CETA that address human rights and environment protection, which create a mechanism to ensure “high standards of protection” from domestic laws and regulations. Despite this promising standard, the actual implementation language in the agreements is significantly watered down, even below the standard set by EU agreements with other countries.

Chapters 10 and 11 introduce issues of particular importance to EU governance structure. Panagiotis Delimatsis assesses critiques leveled against the lack of transparency in negotiations given the unique constitutional and political requirement for transparency under European law. Delimatsis contrasts the opaque negotiations surrounding CETA and TiSA with those surrounding TTIP, which he believes went beyond their legal requirements when they disclosed their nego-

tiating directives. Stefan Mayr discusses how the governance structure in the European Union affects the implementation of mega-regionals. He thinks the mega-regionals should be considered “mixed agreements” given the breadth of issues covered, with modifications or additions requiring approval by the European Parliament rather than simple notification. Finally, Mayr suggests that the dispute settlement mechanism (DSM) in CETA may come into conflict with the autonomy of the EU legal order. Although DSMs are not illegal *per se*, certain rules and procedures in the agreement might be violative.

Finally, in Part III, fundamental questions concerning mega-regional agreements are discussed. Christopher Moser, an economist, finds that the economic benefits of TTIP for the United States and European Union would be substantial if its focus remained on non-tariff barriers to trade. That said, given the size of the two economies, there would be substantial harm towards non-party economies that would see trade diverted. Sonja Puntischer Riekmann focuses on how secrecy is incompatible with democracy, as secrecy prevents citizens from feeling their voices are being heard in government. Stefan Griller discusses how the treatment of technical barriers to trade in CETA may limit regulatory autonomy. Verena Madner provides a critical view of international agreements in general to end the book. Not only does she believe that the benefits are overstated, but she, like Griller, does not believe CETA has done enough to protect the domestic regulatory space.

As John Kerry said, “foreign policy today is more than ever economic policy.” This book effectively illustrates that what are ostensibly economic documents have consequences that extend far beyond their traditional spheres. Additionally, the effectiveness of the dispute settlement mechanisms in the WTO and FTAs mean that the standards agreed upon will be enforced. These new mega-regional agreements provide an important glimpse of what the future international order may look like.

Invisible: Surviving the Cambodian Genocide, The Memoirs of Mac and Simone Leng. By Frances T. Pilch. Bandon, OR: Robert D. Reed Publishers, 2017. Pp. 156. \$11.95 (paperback).

REVIEWED BY MATTHEW KELLEHER

In *Invisible: Surviving the Cambodian Genocide*, Frances Pilch delivers the heart-wrenching account of a young Cambodian family's unlikely survival of the Cambodian Genocide, told through the words of Mac and Simone Leng. The author, Professor Emeritus of Political Science at the U.S. Air Force Academy, came to know the Lengs through their annual guest appearances in Pilch's class, "War Crimes, Genocide, and Human Rights." Although Mac Leng had grown accustomed to telling his story—he was a technical advisor to the Academy Award-winning film *The Killing Fields*—Simone had long been silenced by timidity and the weight of her haunting memories. Based on hundreds of hours of interviews with the couple and their children, Pilch captures their incredible story. It is one of unknowable loss, courage, and perseverance under terrifying circumstances.

The Lengs' story exposes one of the deadliest and least understood mass atrocities of our era, largely due to the fact that the Khmer Rouge strictly banned all news media during its brutal reign. Upon assuming power in 1975, the iron-fisted Khmer Rouge closed Cambodia's borders, expelled foreign journalists, evacuated urban populations to rural labor camps, exterminated the intelligentsia and ethnic minorities, and starved the people into obedience to *Angkar*, as the new regime was known. An estimated two million people—more than a quarter of the population—perished during the four-year genocide. The Lengs' story of a nuclear family emerging mostly intact is rare, given the paucity of survivors and even scarcer number of people willing to discuss the horrors of their experiences.

The book traces the Lengs from their arranged marriage at a young age to their everyday life under the Khmer Rouge—a period that lasted three years, eight months, and twenty days—and finally to their escape to Thailand and asylum in the United States. Along the way, they endured forced evacuations from their home, separation from extended family, and physical labor to the point of exhaustion. Mac worked as a fish-

erman, farmer, grave digger, and hut builder, while Simone worked in the fields and built dams. They devoted any extra energy they could muster to keeping their starving children alive. Although their three eldest children lived, their baby son Leng Banana Root, named for the food source that kept the family alive, starved to death at just six months old after 50-pound Simone could no longer produce milk to feed him.

Life under the Khmer Rouge was one of unspeakable brutality. In a quest to eliminate Western influences and revert the country to “Year Zero,” the Maoist-oriented regime, led by Pol Pot, eradicated symbols of the country’s history and culture. Schools, hospitals, courts, and religious institutions were shuttered. Educated citizens—particularly doctors, lawyers, teachers, and property owners—were exterminated. The government confiscated private property, abolished money, and conscripted its citizens into forced labor. With journalists and news media banned, the population became vulnerable to Khmer Rouge propaganda. Regular forced population “transports” were carefully designed to prevent the forging of community ties that might challenge the Khmer Rouge’s power grip. A ruthless network of spies and informants pitted citizens against each other.

From the day the Khmer Rouge took over, the Lengs were prime targets for “elimination.” Mac, a highly-educated school principal and an army intelligence officer in Lon Nol’s pro-American predecessor government, represented the “Western” influences that the new regime was determined to erase. Simone, a light-skinned woman with a penchant for keeping herself well-groomed, resembled a “city person” and was inherently suspect. They lived in constant fear of their past being discovered; the slightest slip of the tongue or a betrayal by those who knew them would likely have brought about their immediate death.

The Lengs developed various survival tactics to keep themselves and their family alive. For Mac, it was to remain *invisible*; if the Khmer Rouge developed an inkling of his former existence, he was certain to be killed. *Dam kor* (“keep your mouth shut”) was his modus operandi. He labored silently and obediently, shed his former identity, and pretended to be an uneducated farmer and fisherman. He blended in by picking up local dialects, wearing tattered clothes, and maintaining an unkempt appearance. His training as an intelligence officer

helped him outsmart Khmer Rouge operatives during daily “meetings” designed to surreptitiously interrogate and expose those masking their pasts.

Simone relied on her entrepreneurial spirit, using her tailoring and cooking skills at every turn to make goods that she bartered for scarce essential items. Her acts of kindness to the people she encountered also helped the family survive. On one occasion, she rescued a dying woman and nursed her back to health, generously sharing scarce food that her starving family desperately needed. The woman later taught Simone how to make honey cakes, which turned out to be wildly popular, and which Simone was able to sell in order to fund their escape trip to Thailand. As the Lengs recall in their memoirs, “the challenge was not just to survive, but to survive without losing our humanity.”

Having banned private property and personal crop cultivation, the Khmer Rouge strictly rationed food and starved the Cambodian population into submission. The Lengs ate mice, bats, snakes, insects, papaya bark, and banana leaf. Diseased cow head and rat soup were rare delicacies. Mac and Simone recall the silence that overcame the country as starving Cambodians ate every cricket and toad they could find. It did not take long for the Lengs to become unrecognizable to their former selves: they lost their hair, their teeth rotted, and they had no soap with which to bathe in the corpse-ridden waters. They recall dead animals and human bodies surrounding them everywhere. It was not until 1979, almost four years after the start of the regime, that Soviet-backed Vietnamese troops invaded Cambodia, deposing Pol Pot and sending the Khmer Rouge fleeing to the northwest. The Lengs recall their improbable escape through the jungle and across the border into Thailand, where they lived in a refugee camp before miraculously being processed for asylum to the United States.

The book is admittedly personal; its primary purpose is to recount the Lengs’ incredible story. As such, it largely forgoes a broader discussion of the international political and legal significance of the Cambodian Genocide. Still, a few critical themes emerge from the Lengs’ account, as well as from Pilch’s epilogue and the “Author’s Commentary” sections that are interspersed throughout the book. Most importantly, *Invisible* raises the difficult question of how to serve justice to the perpetrators of mass atrocities such as the Cambodian Geno-

cide. Unfortunately, on this front, progress has been unremarkable. Although the Cambodian Government agreed in 2003 to establish the Extraordinary Chambers in the Courts of Cambodia (ECCC), a U.N. backed “hybrid” tribunal to prosecute the perpetrators of the Khmer Rouge’s reign of terror, to date it has brought only five cases and achieved just three convictions.

A practical challenge plaguing the tribunal is that many senior Khmer leaders, including Pol Pot, either died or fled before they could be prosecuted. The tribunal also has been accused of extreme corruption and inefficiency. Most worryingly, the tribunal has received weak support from the Cambodian government—many leaders of which were tied to the early Khmer Rouge movement. Pilch reveals that in some cases the government has actively thwarted attempts to prosecute the perpetrators of the genocide. In fact, in 2010 Cambodian Prime Minister Hun Sen publicly declared his opposition to additional trials. The tribunal stands as a telltale symbol of the limited capacity for the international legal system to achieve justice without the support of the national governments involved. For this reason, the future prospects of the ECCC appear bleak.

The book also discusses various factors that may have created the perfect storm that facilitated the Khmer Rouge’s ascent, suggesting the difficulty of assigning individual responsibility for the inconceivable tragedy that ensued. Pilch posits that U.S. involvement in the Vietnam War played a significant part in the Khmer Rouge’s rise to power. By the early 1970s, Cambodia had become a proxy front for the U.S.-led campaign against North Vietnamese targets. During Operation Menu, U.S. B-52s peppered the Cambodian border regions, destroying towns and leaving thousands of people homeless. Many of these displaced individuals, including countless impressionable teenagers, were recruited by the Khmer Rouge and indoctrinated with its anti-American propaganda. Through its effective recruitment efforts, the Khmer Rouge transformed itself from a small band of guerrilla fighters to an unstoppable force within a few short years.

Invisible offers some clues as to how a peaceful population can be manipulated into supporting an atrocious regime. It successfully navigates a delicate topic, recognizing that while the Khmer Rouge boasted no heroes, its ranks may not have

comprised exclusively villains. Facing otherwise inevitable death or starvation, many Cambodians reluctantly joined or collaborated with the regime to boost their chances of survival. Others were deluded and manipulated into supporting the regime; indeed, a sizeable portion of its members were teenagers who believed they were fighting a war against American imperialism. Even the Lengs, whose lives were turned upside down, recognize that they survived at least in part because of occasional acts of kindness by regime collaborators at critical times. Although most of Mac's former students joined the Khmer Rouge, miraculously, none of them ever betrayed him by turning him in. Throughout the book, the Lengs recall these gestures of humanity that stand in stark contrast to their otherwise brutal experience.

Invisible is a must-read for anyone seeking to understand life under the Khmer Rouge and the human toll of the Cambodian Genocide. It is an important story of survival and humanity in the face of unimaginable tragedy. The book's memoir format—told directly through the Lengs' own words—makes it an exceptionally personal read that is accessible to all audiences.

The Thin Justice of International Law. By Steven R. Ratner. Oxford, United Kingdom: Oxford University Press, 2015. Pp. xii, 471. \$85.00 (paperback).

REVIEWED BY LAURA KAUFMANN

Steven R. Ratner's *The Thin Justice of International Law* is a much-needed call for an interdisciplinary approach to global justice and international law. Moral philosophers concerned with the ethics of global justice and international lawyers have tended to steer clear of the other's work, to the detriment of both fields in designing a more just world order. International law is a critical instrument in enacting global justice through legally binding rules. It can help moral philosophers understand and assess the vision of global justice that current international rules and structures represent. On the other hand, international lawyers should consider the ethical choices that structure much of their field. Ratner offers a framework of "thin justice" to bridge the divide. Thin justice aims to assess the ethics of the basic norms of international law and propose

a realistic standard of “thicker justice” that international law should meet.

The standard of thin justice is relatively conservative and realistic in the sense that it takes account of the capacities and limitations of international law and is less demanding than a vision of global justice that mirrors justice in domestic legal systems. Indeed, Ratner sees domestic law as the proper and more feasible location for a more robust vision of justice—emphasizing the reality of the strong role of states in the international system. Thin justice is grounded in the core values that Ratner sees as permeating international affairs: the preservation of international peace, and respect for human rights. It is a distillation of these values into two pillars of justice against which the ethics of the core norms of international law are to be measured. Thin justice requires that a norm promote international peace and not interfere with basic human rights. In designing the thin justice standard, Ratner eschews ideal theory, instead adopting a perspective that “sees the world as it is and finds a way to make it better rather than assuming away the most difficult obstacles to the better path.” Thin justice conforms to the values to which states have already agreed and to those which international law as a whole can realistically be expected to accomplish given the predominant role of states, the capacities and limitations of institutions, and the uneven distribution of power in the international system.

Under Ratner’s framework, a norm is just if it can pass muster under both pillars of thin justice. If a norm promotes peace, it is presumptively just, and the inquiry then shifts to assessing whether it interferes with basic human rights. If it does not promote peace, it is presumptively unjust, and is only justified if it is necessary for facilitating respect for human rights and minimally interferes with peace. If the norm interferes with human rights, the framework asks us to explore alternatives that cause minimal disruption to peace. Applying this standard to various core norms of international law, Ratner argues that thin justice permits, prohibits, and, sometimes requires a particular norm if it passes scrutiny under the framework when no other norm would. For example, Ratner finds that the norms on the use of force—namely the U.N. Charter’s ban on the use of force in Article 2(4) and the self-defense exception in Article 51—are thinly just, as both are

critical to preserving domestic and international peace and usually advance human rights.

Ratner methodically and precisely identifies the core norms of international law across an extensive array of areas, covering the norms of statehood, human rights, and the global economy. The account is both ambitious in scope and satisfyingly thorough in its assessment of the international legal system. Ratner concludes that although most core international norms are thinly just, including the norms on the use of force, non-intervention, and self-determination, some important norms are not, including aspects of sovereign equality, admission to and decision-making in international organizations, and the presumption of a territorially limited scope of human rights protection.

Although the thin justice standard does not squarely fit within certain other areas of international law—namely international humanitarian law, international criminal law, and international environmental law—Ratner acknowledges the limitations of thin justice head on, devoting an entire chapter to this problem. Each of these areas of law is generally not amenable to straight-forward analysis under the pillars of peace and human rights, and might require an additional lens of analysis. To its credit, then, thin justice does not presume to be an implausibly all-encompassing, pre-packaged framework for assessing every international norm.

Those who prefer a more robust framework for assessing the ethics of international norms—and especially those who view distributive justice as the proper benchmark—will likely be disappointed. Foreseeing criticism from the human rights community, Ratner argues that the standard's focus on basic human rights is proper because it is unrealistic to expect international law writ large to shift its focus to the realization of all human rights when that is the proper role of international human rights law. Importantly, thin justice is a benchmark and a foundation upon which to layer the "thicker" justice Ratner proposes—it is not a goal in of itself. Moreover, the focus of thin justice on international peace recognizes, rightly, that an inquiry centered primarily on human rights would be excessively anthropocentric and would fail to consider the effects of conflict on non-human species. Although thin justice is a fairly minimalist standard, readers concerned with animal and envi-

ronmental welfare will view this ethical perspective as a welcome alternative to those concerned solely with human rights.

In addition to the thinness itself of thin justice, some readers might take issue with Ratner's somewhat conservative approach in assessing the core norms. For example, in assessing the justice of international trade and investment law, Ratner hesitates to conclude that either area is unjust to the global poor. Ratner advises caution in assessing the thin justice of international trade and investment law, as claims of causation between these areas of law and global poverty are as of yet unproved. Because the assessment of a norm's thin justice tells us whether or not the norm should be reconfigured, such hesitation might prevent the development of a more robust justice. Similarly, readers who view international law at large as playing the decisive role in promoting global justice may dispute Ratner's suggestion that addressing the adverse human rights effects of commerce might not be a proper role of trade and investment law.

Ultimately, Ratner proposes a thicker justice that international law realistically can, and ethically should, meet. Thick justice builds upon thin justice without disrupting either of its pillars. According to this account, thick justice should strive to reverse the order of the pillars of thin justice, making human rights the primary criterion. Instead of focusing on merely avoiding interference with basic human rights, thick justice should promote the full range of human rights. Problematically, this approach runs against one of the benefits of thin justice in placing the promotion of peace first and foremost in its inquiry: the impact of norms on non-human species. Ratner acknowledges this limitation, asserting that international law can and should tackle issues that are outside of global justice. However, such a response does not adequately address the issue of how to contend with potential conflicts between thick justice and the welfare of other species.

To achieve thicker justice, Ratner proposes several moves for international law participants and global justice theorists. Thick justice will require that the thin justice already accomplished is not compromised, that consideration is given to norms that expand the range of duty-holders or bearers of responsibility, and that there be an improvement in the capacities of international institutions to effect compliance.

Implementing this approach, Ratner proposes a series of specific revisions to those core norms identified earlier in his analysis. Among these revisions, Ratner proposes that under thicker justice the international law of self-determination could recognize a greater set of rights for peoples to be organized sub- or transnationally. With regards to sovereign equality, Ratner proposes the creation of mechanisms to give poor states the resources they need to participate as equals in international lawmaking and interpretation. He suggests altering rules on the immunity of states and former officials to enhance accountability for human rights violations. Ratner makes several suggestions for enhancing the justice of the territorial scope of human rights protection, including making universal jurisdiction over certain crimes mandatory, amending the black-letter law of humanitarian intervention to incorporate just war theory, and potentially creating a duty to assist states and individuals in the event of serious violations of economic and social rights.

Readers who champion a more demanding set of international norms will likely take issue with certain aspects of Ratner's proposed thicker justice. Similar to thin justice, thick justice is not based on ideal theory, and it incorporates the same assumptions about the strong role of states and the limitations of international law. Ratner emphasizes that the justice needed in the domestic context is necessarily more demanding on individuals and is more potent than is international law. In Ratner's view, whereas a more vigorous morality accepted by communities within discrete states shapes domestic justice, only a leaner, universal morality that reflects the values shared across diverse cultures can shape international law. As a result, Ratner's approach suggests that a more robust justice beyond his proposed thicker justice should be located in domestic, not international law.

On the whole, *The Thin Justice of International Law* is aimed at encouraging international lawyers and global justice theorists to "discover and build upon their common agendas" in realizing a more just world order. More broadly, the book will appeal to an audience interested in global justice and reconfiguring the norms and standards of international law. At certain points, and especially in the discussion of the philosophical underpinnings of the standard, the heavy theoretical account might prove inaccessible to non-academic readers.

Ratner's discussion of the core norms of international law and how they stack up to thin justice, however, is engaging, well-researched, and provides a great introduction to international law from a philosophical perspective.

The Thin Justice of International Law makes a valuable and vital contribution to international law and global justice scholarship. Despite its limitations, its comprehensive and nuanced analysis will likely provide more thoughtful direction to academics, legal practitioners, and international institutions shaping international norms and structures. By connecting two complementary but until now siloed fields, Ratner illuminates the critical role that ethical theory should play in constructing a more just world order. Ratner's account of thin justice should be part of the education of every international lawyer and global justice theorist.

Russian Approaches to International Law. By Lauri Mälksoo. Oxford, UK: Oxford University Press, 2015. Pp. xii, 225. \$39.95 (paperback).

REVIEW BY AVELINO GARCIA

In a time where all things seem tied to Russia, Lauri Mälksoo presents a guide to what Russian academics have been arguing about behind closed doors for some time now. Lauri Mälksoo's *Russian Approaches to International Law* offers an extensively researched discussion focusing on pre- and post-Soviet scholarship about international law. The study is welcomed if only because it fills a gap in Western scholarship. Mälksoo points out that, after the fall of the Soviet Union, Western scholarship on Russia went out of fashion. Mälksoo suggests that the dearth of work on the subject could be due to a Western-dominated academic community, language barriers, and even suggests the possibility that scholars are to some extent limited by their governments. That phenomenon, combined with few translations of Russian scholarship, makes this book a fantastic starting point for anyone interested in the subject who is having a hard time finding a place to begin.

The main argument of the study is that "a crucial key to understanding the post-Soviet Russian approach to international law is the powerful idea of Russia's civilizational distinctiveness from the West." Essentially, Russia simply sees itself as

different from the rest of the world—or separate from it. Understanding Russia's approach to international law must be done with that basic fact in mind.

The author presents this argument in four chapters. Mälksoo uses the introductory chapter as an opportunity to outline his methodology and introduce leading experts of international law during Tsarist Russia and Soviet Russia. Mälksoo narrows the scope of the monograph by focusing on the intersection of history, legal theory and recent state practice without creating an “encyclopedia” for each. For such a short book, this warning is a helpful explanation of the limits of the study. Similarly, Mälksoo points out the necessity of using a comparative approach to analyze the topics—but says that he must limit its use as that analysis would quickly become unwieldy. Ultimately, Mälksoo's use of comparative analysis is well-tempered and reserved for explaining concepts best understood outside of a vacuum.

The second chapter sets the foundation for Mälksoo's ultimate argument as he provides an in-depth overview of the history of scholarly thought on international law in Russia—beginning with Imperial Russia and continuing through post-Soviet Russia. The author focuses on two different approaches to international law in Imperial Russia (i.e. pre-Bolshevik Revolution): the Western and the Slavophile. The former, which Mälksoo attributes primarily to Fyodor Fyodorovich (Friedrich) Mertens, sought to follow the legacy of Peter the Great and include Russia as part of the greater culture of Europe. Mälksoo claims this view contemplates Russia as a “disciple of Western Europe.” On the other hand, the Slavophile approach embraced the idea that Russia is separate from Europe. Nikolay Danilevsky—a scholar from the nineteenth century and the author's chosen source of the Slavophile school—regarded the entities as distinct, and even hostile, historical-cultural civilizations. Mälksoo accurately distills the point of contention between these two approaches by noting that the Slavophile school viewed Europe as a bad influence on Russia while the other viewed it as almost a big brother—or even a benevolent colonizer. As Mälksoo effectively argues, it seems clear that the second characterization would be less attractive to the Russian people. Mälksoo's analysis of the differences between these ideologies and how the Russian people received them gives the reader a better understanding of political

thought leading up to the change from Imperial to Soviet Russia.

Mälksoo then moves to the Soviet Era, illustrating the continuing struggle between the Western and Slavophile schools of thought by introducing their contemporary disciples. Mikhail Taube, Mertens' successor, argued that one cause of the revolution was the difference between the more European upper class and the more Slavophile lower class. Taube, ten years after the revolution, still expressed hope that the Western school of thought would prevail and Russia would introduce itself back to Europe. On the other side, Mälksoo presents Fyodor Ivanovich Kozhevnikov, who argued that Russia selflessly served the interests of Europe during the nineteenth and twentieth centuries. This is one notable point in the book, as Mälksoo does not delve into why Kozhevnikov arrived at this conclusion. Mälksoo does, however, do well to draw the reader's attention to Kozhevnikov's response to Taube. Kozhevnikov argued that Europe—and the Eurocentric scholars, such as Taube—overstate the backwardness of Russians during the Imperial and pre-Peter era. Instead, Kozhevnikov argues that Russia had quite progressive ideas regarding international law, as evidenced by their contribution to the sanctity of treaties. Mälksoo distills Kozhevnikov as expressing the “‘Eurasianist’ idea of Russia’s civilizational distinctiveness and in particular its moral superiority.” However, given the importance of this concept in understanding Russian approaches to international law, Mälksoo could have included more background on how this concept of Russian distinctiveness developed.

Mälksoo introduces more scholars, both native and foreign, to illustrate Russian political thought in later periods—but loses the unity and intrigue created by the clear dichotomy between the Western and Slavophile schools. The elimination of the dichotomy may be explained by an increased uniformity of thought as the academic trend moved towards the Slavophile school, or it could be an inadvertent lapse by Mälksoo. Mälksoo fails to explain this phenomenon. However, the chapter still serves as a wonderful foundation for understanding the history of Russian political thought.

The third chapter moves from an analysis of historical thought to contemporary thought. The author discusses a few themes which he argues define contemporary Russia’s theory

of international law. Perhaps the most prominent theme is the balancing act between state sovereignty and the individual. Russia has gone its own way in emphasizing state sovereignty (Statism) as opposed to the more Western approach of vesting sovereignty in the people. Mälksoo provides various examples of Russian academics toiling with this distinction and ultimately concluding that state sovereignty is the only valid course forward. A manifestation of this distinction lies in the controversy of subjecting individuals to international law. The Statist approach to international law does not allow for such a possibility because the state itself is viewed as the embodiment of the collective democratic interests of the people. That is the Russian government's approach. On the other hand, Western thought, which emphasizes that sovereignty rests in the people and not in the state itself, is much more open to the idea of subjecting individuals to international law. Mälksoo successfully describes these different approaches but fails to explain the implications of these differences.

Mälksoo then looks into the interplay between Russian domestic and international law. Nations fit into one of two categories when dealing with this two-legal-standards problem: dualist or monist. The former treats the two as separate, whereas the latter attempts to create a uniform body with priority given to international law. Interestingly, the Russian Constitution, formed after the fall of the Soviet Union, has a provision addressing this very situation. It clearly gives priority to international law when there is a conflict between international and domestic law. However, this seemingly straightforward language has since been interpreted as slightly more complex than written. To be sure, this appears to be more of a debate in the academic world rather than in the judiciary, as Mälksoo points out. Monists argue that international law is not self-executing and that monism only requires a post-hoc reconciliation of inconsistent domestic and international laws, rather than a hierarchy. Mälksoo again turns to history to explain the prevalence of these interpretations in Russia. Specifically, he points out that avoiding the primacy of international law helped the Soviet Union's state apparatus persist, because otherwise individuals would be able to address their concerns outside of that apparatus, thus weakening it. That heritage may still live on today and explain part of Russia's more introspective approach to this problem.

To finish the discussion of the Russian preference for Statism, Mälksoo studies the effect that Statism has had on various subfields of the law. For instance, Russia takes a hard-nosed approach to the self-determination of its people. Martens himself, back in the late nineteenth century, saw self-determination—and specifically its tendency towards the creation of states built around individual nationalities—as “capable of destroying a lot.” Much of Russian scholarship on the subject has a Statist twist. For example, scholars such as Biryukov argue that the Universal Declaration on Human Rights is not an accurate portrayal of customary international law. Mälksoo argues that Statists interpret an abundance of “human freedom and rights” as endangering the “territorial integrity” of countries. Similarly, other Statist scholars have simply questioned whether human rights should be prioritized over issues of sovereignty.

In the final chapter before his conclusion, Mälksoo shifts his focus from an analysis of history to one of contemporary Russian state practice. The author points out a disconnect between Russia’s stated stance on international law and its actual behavior. Russia references international law quite a bit in its communications with the outside world, but in reality rarely subjects itself to the jurisdiction of international courts. Mälksoo explores concrete examples focusing on human rights, economic law, and the prohibition of the use of force. An interesting example of Mälksoo’s case studies comes from his analysis of Russia’s annexation of Crimea. He points out the inconsistency between Russia’s asserted justification of self-determination as codified in the U.N. Charter, and an ICJ opinion which placed extreme limits on the ability of states to secede. Mälksoo says that is not the proper place to look when analyzing the Crimea incident. He argues that the Russian idea of a “Russian World” is the true driving factor behind the annexation, and to this end quotes Aleksandr Dugin, a political scientist, who in 2014 said that: “[w]e are building a different world order.”

Ultimately, this monograph is a well-researched and well-written resource for those seeking to understand more about the Russian enigma. The book is dense at points, but reads well and would be approachable to anyone with a penchant towards non-fiction. The real utility of this book lies in its compilation and synthesis of previously hidden work. Mälksoo does

a service by making these academic disputes available outside of Russia.

As for criticism, the author addresses his largest failing by stating that this is not meant to be an encyclopedia. There were times when it seemed that much more could be said on a particular subject. For example, Mälksoo does not spend much time on Russian international law philosophy during the Soviet Era, instead focusing on the before and after. The vast amount of resources already available on the subject may partially explain this. Perhaps the reason for not discussing Soviet legal philosophy is that Mälksoo's theory for explaining Russian international law has its roots much further back. In the end, the book offers a wealth of information far exceeding what a reader might expect from a 195-page book.

Mälksoo has done a remarkable job compiling centuries of Russian discourse on the topic of international law, distilling it to a guiding principle, and conveying it effectively. The book is extremely relevant today with news of Russian meddling in elections and Putin recently being reelected. This book should serve to give an insight into motivations for Russian actions on the global scene while giving the reader a taste of what is to come over the next six years of Putin and beyond. This is a must read for anyone interested in the subject who has a basic foundation in international law.

No Shortcut to Change: An Unlikely Path to a More Gender-Equitable World. By Kara Ellerby. New York, NY: New York University Press, 2017. Pp. xi, 265. \$30.00 (paperback).

REVIEWED BY LAURA DUANE

Women's inclusion policies in governance, the economy, and international development, especially in the last half-century, have brought a wave of global advances under the flag of gender equality. Kara Ellerby argues that calling these policies gender equality is a misnomer, and that doing so sets the bar too low for a conception of equality. While Ellerby acknowledges the accomplishments and efforts of feminist leaders and thinkers of the past, she promptly challenges the assumptions that current policies actually accomplish gender equality. The book is primarily a critique of the "add gender and stir" method of achieving gender equality, since the concept is exe-

cuted by simply adding some women. The main critique of Ellerby's book seems parallel to the concept of "greenwashing" in the environmental movement—the policies or advertisements do not live up to the branding of doing good. Here, women's inclusion policies do little to achieve gender equality, and at times undermine it by advancing the inclusion of some "elite" women at the continued subjugation of others by race, class, ability, or gender identity. Inclusion of some women in combination with the overrepresentation of men can frequently enhance gender binaries and increase racism, classism, and ableism.

Throughout, the book highlights the differences between sex and gender and the problems that arise from including women based on sex without addressing structural favoritism towards masculinities compared to femininities. Ellerby relies on other theorists; she does not spend much time explaining her own understanding of sex, gender, masculinities, or femininities. While explanations may be present in the literature, it is difficult to discern Ellerby's understanding of these identifiers. On the one hand, Ellerby critiques the self-perpetuating binary created by women's inclusion, especially in organizational structure and representation in government. On the other hand, she seems to prefer renaming gender equality measures as women's inclusion policies even though the current broader title has capacity for growth from within, especially in a legal context. The broader title of "gender equality," rather than "women's inclusion," is important for groups of people also disempowered by the kyriarchical structure, such as the LGBTQ community. For instance, if sex-based discrimination were named solely for discrimination against women, it would create a more difficult textual argument in applying sex-based discrimination protections to sexual orientation. While no lengthy analysis is dedicated specifically to LGBTQ rights, marriage equality is briefly examined and dismissed as a topic for another day for its role in joining an existing patriarchal tradition. In addition, challenges to sex discrimination based on men's exclusion have led to progressive changes in the law, at least in the United States. Perhaps it would be best to leave the goal of "gender equality" alone while still critiquing policies that fail to address more than just the inclusion of some women.

The first chapter introduces the concept of “add gender and stir,” and proposes that most instances of “gender” actually just mean “women.” Ellerby argues this lack of distinction and use of gender to mean women undermines progress towards equality. The chapter gives an overview of the flaws of this laissez-faire approach that assumes gender equality will be achieved by adding a few women who are considered qualified enough to join the men. Ellerby repeatedly rejects this “neoliberal feminist” method of achieving gender equality throughout the book. Foremost, poor implementation of policies intended to include women results in blaming gender differences. Then, women’s agency to affect social change is also bounded by the limits of the roles within the structures they seek to change. Another problem with women’s inclusion is that it reinforces and is reinforced by gender binaries and gender roles “understood as the categorizations of masculinized and feminized values in which masculinities are valued over femininities.”

Ellerby highlights the lack of intersectionality in most gender equality policies: women’s inclusion policies have “poor engagement with complexities of gender as an intersectional identity shaped by race and ethnicity, class, sexuality and geography.” The problem with substituting women’s inclusion policies for gender equality is the failure to ask “which women?” A lack of intersectionality in women’s inclusion policies can also result in the promotion of those women who fulfill the preferred masculinities attributed to leadership roles in government and business. Here, the book also recognizes the combination of these failures of women’s inclusion policies to address gender equality and argues that neoliberal feminist ideas have been “co-opted by global institutions” to reinforce gender difference and perpetuate a “gendered, neoliberal world order.” Ellerby essentially resists the neoliberal assumption that adding some women to the mix of political leadership and economic participation, balanced by increased protection from violence, will somehow sort out the issue of gender inequality in a kind of free-market rationale.

In the second chapter, Ellerby examines gender equality and the illusion of progress created by following the neoliberal feminist values of representation, recognition, and protection. Gender equality is a term used worldwide, especially now that it has been included as one of the United Nations’ seventeen

Sustainable Development Goals for 2030. Ellerby finds sweeping assumptions that have been made about the definition of this frequently-used term. Here, she gives a historical lens to the introduction of gender equality through three thematic routes: representation in government, recognition of women's economic rights, and protecting women from violence. Each section is supplemented by data on global trends from the 1970s, such as the presence of sex quotas in government, any presence of female leaders in government, women's property and financial rights policies, proliferation of violence against women policies, statistics on how many forms of violence against women are criminalized, and whether women are included in civil conflict peace proceedings. Despite achieving advances through some representation in government, improved economic participation, and increased laws regarding protection from violence, Ellerby considers "equality" a far-away goal. Naming minimal representation, low quality economic improvements, and continued subjugation to violence "equality" sets the bar extremely low in contrast to men's overrepresentation and differing outcomes due to sex alone.

In the third chapter, Ellerby outlines the history of the global gender equality movement and the goal of solely adding women as a marker of progress. This chapter outlines several phases of the push towards women's inclusion and distributes the progress across a timeline. Two forms of addressing women's inclusion are emphasized: the earlier, radical notion that a complete shift in the world order was necessary, and the more recent neoliberal emphasis on representation, recognition, and protection that joins the current global structure. Ellerby names the time before 1975 as a period for organization of women against women's exclusion, which then transitions into the UN-titled "Decade for Women" until 1985. This decade included the passage of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). At this point, Ellerby uses the representation, recognition, and protection model to analyze the milestones of the decade and critique the introduction of policy justifications based on women's inclusion as "good governance" or "good economics." Perhaps Ellerby's assessment of the earlier notion of radical gender equality is too nostalgic; the relative exclusion of women before 1975 to present day might have been seen as fairly radical.

Next, the book identifies the “move to gender” between 1985 and 1994. During this time, the “Women’s Rights as Human Rights” slogan appeared, and the same activists began using the term gender. Ellerby finds the use of gender to be a shortcut for discussing nuanced power dynamics. She suggests gender could easily be replaced with women and the discussion of “gender-based violence” still applies to women’s situations. However, for a book critiquing the narrow protections of women’s inclusion policies, the benefits of a broad terminology, especially in a legal context, appear to be dangerously overlooked. Instead of violence against women, gender-based violence legally offers broader protection than that which is based on one sex alone.

The next section identifies the Fourth World Conference on Women in 1995 as another milestone for the timeline of women’s inclusion. At the conference in Beijing, Ellerby observes the prominence of NGOs present to shape the platform for strategic development and the use of the term gender. Finally, Ellerby highlights UN Security Council Resolution 1325 (2000) on Women, Peace, and Security. This Resolution also focused on representation, recognition, and protection from violence.

In the next three chapters, Ellerby examines the “problem” with women’s representation in government, particularly with respect to recognizing women’s economic rights and protecting women from violence. The chapter on representation in government especially focuses on the use of quotas that emphasize gender inequalities. In addition, the representation of women in government frequently results in an emphasis on gender binaries and unequal representation within different gendered departments. In the chapter on recognizing women’s economic rights, Ellerby critiques the use of women as “smart economics” and highlights the use of economic tools that shift risk onto women. Even though microfinance has been lauded as an advancement towards “gender equality,” Ellerby notes this use of debt to reach greater equality shifts the risk onto women because of their socioeconomic class and frequently race. Ellerby highlights the importance of improving women’s access to funds to meet basic needs, and she also criticizes the use of a high-risk economic model, the credit market, to achieve the provision of small funds to women. In the chapter on protection from violence, Ellerby examines the for-

mal and informal barriers to recognition of forms of violence against women and the ways in which pervasive societal violence and violence in times of war interact. In all of these situations, the intersectional issue of “which women” are being represented, recognized, or protected is pervasive.

Finally, Ellerby concludes with suggestions for moving forward. She hopes to shift the dialogue away from solely creating policy around women, but also on the influences of gender dynamics on men. Though Ellerby critiques the language of gender equality being tied to a women’s inclusion model, the book spends a lot of time simply discussing women’s roles. Perhaps Ellerby intended to emphasize the massive gap left by solely discussing women in issues involving gender equality, since the book limits its scope. *No Shortcut to Change: An Unlikely Path to a More Gender-Equitable World* continues an important conversation on the role of women’s inclusion and energizes a new dialogue for reshaping and overturning policies to achieve a gender-equitable world in more than name.