

BOOK ANNOTATIONS

Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West. By Michael J. Broyde. New York, NY: Oxford University Press, 2017. Pp. xxvi, 282. \$67.99 (hardcover).

REVIEWED BY JUSTIN ADAMSON

In this book, Michael Broyde discusses the impact of religious arbitration within the secular legal system of the United States, as well as its role in the future. For much of the history of the United States, U.S. law was in harmony with what Broyde calls “Judeo-Christian values.” Throughout the last few decades, however, the number of individuals who consider themselves areligious, agnostic, or atheist has drastically increased. Consistent with such an increase, the values that shape the legal system within the United States have followed a similar path. Since the 1960s, a collective shift towards a more progressive and liberal ideology has become the norm for U.S. society. Members of the Jewish, Islamic, and Christian faiths are now presented with new societal norms that no longer sufficiently reflect their values. Broyde argues religious arbitration is a viable option for settling religious disputes that may not fit within the norms and framework of the U.S. legal system—as long as the outcomes of such arbitrations are judicially enforceable.

The author begins with an outline of how the development of contract law in the nineteenth and twentieth centuries laid the groundwork for arbitration and other forms of alternative dispute resolution as substitutes for the state or federal court systems. As long as both parties to a contract or agreement agree on a forum for arbitration, the Federal Arbitration Act (FAA) allows for the dispute resolution to take place in that separate forum. The FAA has deep roots in the contract approach to dispute resolution. The FAA respects an agreement that not only has a choice-of-forum clause, but also choice-of-law provisions. This creates a space for religious arbitration within the U.S. legal system, though it remains the re-

sponsibility of the different religious communities to create the appropriate system to provide legitimacy within the state.

Religious groups often have difficulty integrating their beliefs into a legally enforceable system. In Judaism and Islam there is a strict internal system of law that members of the faith are expected to observe. The observance of legal rules is based on what they believe God has revealed. Therefore, when it comes to matters of divorce, custody, and commercial disputes, their faiths require a set of substantive laws different from what is provided by the State. The substantive law they wish to follow is often enforced only in religious courts. However, these religious courts lack enforcement capability and legitimacy under U.S. law. This is because secular courts feel uncomfortable upholding decisions made in a system of procedural and substantive law with which they are unfamiliar. In 1960, the Beth Din of America (BDA) was founded in order to provide a system—complete with procedural elements such as rules of evidence and an appellate process—for Jews that lived in accordance with Jewish religious law, *halakha*. Broyde argues that the actions taken by the BDA are a perfect example of what other religious groups would need to do in order to have effective religious arbitration.

Broyde argues that the measures that the BDA took provide a framework for professional dispute resolutions that secular courts can trust and enforce. His thesis focuses on the need for procedural norms in dispute resolution in order to create legitimacy. He emphasizes six crucial steps in order to achieve this legitimacy. These include: the adoption and publication of formal, law-like rules; development of a system of internal review and appeal; demonstrated respect for secular law and policy in addition to religious norms and values; the use of common commercial custom and equitable principles in decision-making processes; the employment of arbitrators with expertise in both religious law and relevant secular fields; and the assumption of an active leadership role within the religious communities.

By implementing these same measures, Broyde argues that the American Muslim community could institute a faith-based arbitration system that would have legitimacy in the United States. In 2007, the Muslim Arbitration Tribunal (MAT) was established in the United Kingdom in order for British Muslims to settle disputes in accordance with Islamic

legal norms. Although previously there were Islamic courts, none of their judgments were enforceable under U.K. law. However, the MAT developed formal requirements in order to gain the respect of the British courts in a manner similar to how the BDA functions in the United States. American Muslims could have similar success if they modeled a new system similar to the Muslim Arbitration Tribunal, which has gained legitimacy under the British Government.

To conclude his analysis, Broyde discusses the arguments for and against religious arbitration within the United States. He posits that the benefits of religious arbitration significantly outweigh any drawbacks and will offer a more standardized means of providing different religious groups with dispute resolution methods that conform with their desire for freedom of religion. Furthermore, he explains how more regulated religious arbitration can help counter the argument that religious arbitration cannot adequately be policed or regulated in a state that is committed to religious freedom because it would force governments to make rulings on the interpretation of a religious doctrine.

Broyde's discussion of the history of the FAA and religious arbitration in the United States engages the reader in the topic and does well to prepare the groundwork as to how religious arbitration may fall into the scope of legal proceedings beyond the courts. Very early on in the book, Broyde describes how arbitration in general is enforceable and legitimate, which prepares the reader to accept how religious arbitration could be legitimized within the legal framework of the United States. However, while Broyde brings the reader to sympathize with individuals who feel at a loss in countries where their values are no longer reflected in the law, he fails to discuss in depth the apprehension some members of religious communities would feel in bringing their dispute resolution into such a framework.

The author too readily bunches different religious groups together. In reality, the backgrounds of the members of the different faiths are varied, and a one-size-fits-all solution might not be the right answer when belief systems are diverse in practice. For example, the author discusses briefly that within Islamic law the adjudication process does not allow for a formal right of appeal and is not hierarchical. This is just one aspect of Islamic law that would not fit nicely into the six steps neces-

sary for an arbitration body to perform effectively in the United States. For orthodox members of a faith, it could be seen as inappropriate to compromise some aspects of their faith merely to satisfy the requirements of a secular government. Broyde does not address this question, and in failing to do so does not clearly account for the more human aspects of religion and dispute resolution. He does acknowledge that the MAT refused to implement an appeal process, but simply glosses over the fact without discussing the effect that implementing one would have on those who adhere to Islamic law.

The author also does not discuss in detail the response that the Jewish community had to the implementation of the BDA. His analysis would be stronger if he included the opinions and reactions of the more orthodox members of these faiths who are subject to a system tied into the framework of secular law. While Broyde does emphasize the importance of party consent to subject themselves to arbitration before it is enforceable, he does not respond to an obvious problem that could arise if there were members of a faith that did not believe that religious arbitration placed in a secular framework accurately or sufficiently represented the religious law to which they wish to be subject. Broyde's description of the process does not entirely consider how the everyday member of a religion would respond to the implementations that he proposes.

The differences between the procedural and substantive law present in each religion discussed should have been emphasized, as the author tries to assert the need to fit each religious law into a specific procedural framework—though it is worth noting he spends only a few paragraphs discussing Christian arbitration. Each of the three faiths discussed are very different, and though he does mention some of the intricacies within each faith, it would have been more effective if he had devoted more time detailing the specifics as to why religious groups might not want to implement the procedural norms that he proposed. The use of phrases such as “Judeo-Christian,” also lumps the different faiths into a single category, while not emphasizing the extreme differences within each religion.

The most effective point Broyde makes is that there are already existing non-government bodies that enforce faith-based law. By describing in detail the efficacy and legitimacy of

the BDA and MAT, his argument for religious arbitration gains credence. This point could have been made even more effectively with more specific examples, or by showing what other groups have done that have caused religious arbitrations to fail. He describes the failures only very briefly, without anything concrete to follow. If he would have further explored the shortcomings of other groups, the contrast would have been starker and would have given the reader greater understanding of the importance of groups like the BDA and MAT.

It is important to note that Broyde's analysis of religious arbitration is limited to the United States and the United Kingdom. He argues that to effectively create a legitimate governing body to resolve disputes of commercial, custom, family, and divorce proceedings based on a religious law, the same six-part framework that was implemented in the BDA and MAT would be necessary. He limits the scope of his analysis to these countries. It would have been interesting if the discussion were broader and included how an international religious arbitration body might function and what challenges it might face.

This discussion of broader international religious arbitration would have been especially useful considering that interactions between members of a similar faith extend beyond state borders. With members of the same faith present in multiple jurisdictions and constantly moving between them, separate religious arbitration bodies would be insufficient to satisfy a dispute that transcends borders. Problems would also arise if arbitration agreements were unequally enforced between Europe and the United States. An international religious tribunal would provide a way to have a higher sense of unity within a faith. The creation of a system of International Religious Arbitration, to be enforced by secular states, but run by members of any given faith, would provide a more effective resolution for disputes than any secular adjudication model. The parties that have opted for religious arbitration would be more satisfied with the outcome because they would be subject to laws that reflect their cultural and religious values, rather than secular laws that would perhaps not understand the scope, background, or cultural weight of the matters at issue.

Religious arbitration is presented by Broyde as a solution to the issue of secular enforcement where members of different faiths live. Yet, without discussing the specific issues that each religious group would face in aligning their religious law

to secular law, it is difficult to understand the entire scope of the issue. However, as presented, religious arbitration developed in accordance with secular law does provide an answer for religious individuals looking for dispute resolution outside of secular courts.

The Changing Security Dynamics of the Persian Gulf. Edited by Kristian Coates Ulrichsen. New York, NY: Oxford University Press, 2017. Pp. xi, 271. \$34.95 (paperback).

REVIEWED BY NIKTA DAIJAVAD

In *The Changing Security Dynamics of the Persian Gulf*, Kristian Coates Ulrichsen applies a broad notion of security to the Persian Gulf's most recent political developments. As Ulrichsen explains in his introductory chapter, he seeks to conceptualize security not through the traditional realist notions of *balance of power* and *balance of threat*, but rather through a broader lens that emphasizes both internal and external threats to security. The diverse collection of essays seeks to prove a fundamental point: in order to preserve their security, the Gulf regimes must reckon not only with changing regional and international contexts but also with contestation from within their own societies. Ulrichsen's definition of security appears at first to risk sacrificing conceptual clarity, but it proves effective overall. It presents a nuanced understanding of the state that recognizes the competing interests between various stakeholders rather than assuming internal cohesion. His collection does, however, contain several crucial gaps, including a shallow discussion of state-society relations and a limited definition of "Persian Gulf" that excludes Iran.

Although Ulrichsen emphasizes the need for a broader conception of security, he does include a number of essays assessing conventionally understood Gulf security threats. For example, in a chapter by Nussaibah Younis entitled "The Rise of ISIS: Iraq and Persian Gulf Security," Younis discusses the need for a collective Gulf Cooperation Council (GCC) security framework in light of the rise of the Islamic State in Iraq and Syria (ISIS). She argues that when the GCC faces significant threats to its collective security, it is more able to rally together in order to develop a cohesive regional policy than in comparatively unthreatening times. This argument is consistent with

established balance of threat frameworks. Similarly, the chapter by Nader Entessar entitled “A Regional Great Game? Iran-Saudi Relations in Flux” uses realism’s conventional balance of power lens to explain escalating tensions between Iran and Saudi Arabia as a result of historical rivalries, the Joint Comprehensive Plan of Action (commonly called the Iran Nuclear Deal), and Saudi military interventions against Yemen’s Houthi rebels. Finally, Khalid Almezaini’s chapter entitled “The Transformation of UAE Foreign Policy Since 2011” explores why the United Arab Emirates has relied on the overt use of military diplomacy in Libya, against ISIS, and in Yemen, inconsistent with international relations theories of small-state behavior. He argues that the UAE is driven by its desire to become a strong and influential small-state by mixing both hard and soft power.

The most interesting pieces in Ulrichsen’s collection, however, are those that push the envelope of our traditional understanding of *security*. For example, in an essay discussing relations between the ruling elite and business elite in Abu Dhabi, Bahrain, and Oman, Marc Valeri argues that the GCC ruling families have dramatically increased their involvement in the private sector. Valeri asserts that this development may affect these regimes’ abilities to maintain the social contracts that provide the basis of their legitimacy. If the regimes are unable to continue providing economic favors such as access to oil revenues as a result of this increased involvement, he continues, they may fuel political frustrations and threaten their own stability. This is an example of an *internal* threat to security, one that allows us to understand the Gulf states not as billiard balls—in other words, internally consistent—but rather as being fraught with internal complexities and tensions between competing interests. Gawdat Bahgat and Joseph Kechichian’s contributions put forward other unconventional conceptions of security. In Bahgat’s chapter on the economic implications of the emerging energy landscape, he argues that the United States’ diversification of its energy sources has resulted in decreased oil revenues for the Gulf states, a development that could threaten the subsidies underpinning regime legitimacy. In Kechichian’s chapter on succession politics in Saudi Arabia, he argues that King Salman’s April 2015 political nominations had the effect of assuring the Saudi population

that the kingdom was in stable hands, effectively anticipating and mitigating potential internal pressures.

Ulrichsen's broad understanding of security at times risks sacrificing conceptual clarity. If the Gulf's most pressing national, regional, and international issues can all be conceived of as security concerns, one is left wondering whether *everything* can be conceived of as a security concern. Nevertheless, his introductory chapter effectively orients the reader towards understanding that, in a region where regime legitimacy is always in question, anything that may threaten that legitimacy has long-term implications for domestic stability and, in turn, regional security. Ulrichsen's own article, in which he discusses links between domestic and regional security, reinforces this understanding by reminding the reader of the intimate relationship between internal and external security threats. The significance of ISIS for Gulf security cannot be understood without considering the internal threats presented to Gulf regimes by populations vulnerable to the extremist sectarian narratives espoused by ISIS. Similarly, the significance of the United States' perceived pivot towards Iran with the nuclear deal cannot be understood without considering Gulf regimes' concerns over Iranian "meddling" in the region.

However, Ulrichsen's collection suffers from two crucial gaps. The first is a limited discussion of state-society relations and the implications of these relations for the Gulf regimes' stability. For all his talk of broadening our conception of security to encompass both external and internal dimensions, Ulrichsen, for the most part, ignores the most significant internal threat to the Gulf regimes: their own populations. There is only one chapter that explores political protest movements in any level of detail. That discussion occurs in the chapter by Alanoud Alsharekh, entitled "Youth, Protest, and the New Elite: Domestic Security and Dignity in Kuwait." Alsharekh's piece is nuanced in its discussion of the political concessions granted by the Kuwaiti government as a result of the Nabiha Khamsa protests in 2006 and further youth protests in 2012, as well as in its explanation of the costs of corrective security measures. However, Alsharekh herself points to Kuwait's unique position as a Gulf state where citizens have historically enjoyed a degree of free expression and democratic participation. Her article is an important addition to the collection, but it is limited in what it can tell us about state-society relations in the

rest of the Gulf states. Although several authors hint at the necessity of keeping these states' populations happy—Valeri and Bahgat both discuss the potential disruption of the social contract on which Gulf regime legitimacy has been based in the era of oil wealth, for example—no authors aside from Al-sharekh explore the political consciousness of the Arab street and its implications for regional stability.

The other significant gap in Ulrichsen's collection comes from his understanding of the "Persian Gulf." Without ever explaining his reasons for doing so, Ulrichsen defines the Persian Gulf from the perspective of the GCC states; his own writing and his curated articles espouse a view of Iran not as an integral part of the Persian Gulf that will feel the effects of any major threats to regional security, but instead only as a potential source of threat to this region. In his introduction, Ulrichsen asserts that the volume seeks to analyze the "region as a whole, rather than through a GCC-centric or Iranian-focused approach," but he then goes on to contradict this by excluding any Iranian perspectives on emerging security threats. Indeed, the only mention of the Iranian perspective comes from the conclusion of Entessar's article, where he discusses Tehran's perception that it has suffered from "strategic loneliness" as a majority Shi'a Persian state surrounded by Sunnis and Arabs. Ulrichsen's approach reinforces notions of Gulf security as a zero-sum game between the GCC states and Iran. Rather than highlighting any common challenges faced by these regimes—youth dissatisfaction, potential for spillover conflict from Iraq and Syria, or decreased oil revenues—Ulrichsen discusses challenges only from the perspective of the GCC states. By ignoring their similarities, he feeds into notions of regional rivalry, rather than bringing light to opportunities for strategic partnership.

Ulrichsen's collection of articles challenges our traditional understandings of security, pushing us to consider not only international and regional threats to Gulf stability but also threats posed from within. His book draws attention to the competing centers of power within Gulf states, reminding us that states are not monolithic but are rather defined by the tensions between various networks of influence. Although future work will need to pay greater attention to the influence of the Arab street on the changing political landscape within the Gulf states and to the role of Iran as an integral part of the

Persian Gulf, Ulrichsen's collection is nevertheless a considerable contribution to our understanding of recent developments in the security dynamics of the Gulf region.

Commentary on the Second Geneva Convention: Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Compiled by International Committee of the Red Cross. Cambridge, UK: Cambridge University Press, 2017. Pp. xxii, 1331. \$105.00 (paperback).

REVIEWED BY WILLIAM S. DAWLEY

Replacing the original commentary published between 1952 and 1960, *Commentary on the Second Geneva Convention: Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea* (hereinafter *Commentary*) provides detailed, article-by-article analysis of Convention (II) of the Second Geneva Convention (hereinafter Convention (II)). *Commentary* is part of a larger effort by the International Committee of the Red Cross (ICRC) to publish updated commentaries on all four 1949 Geneva Conventions and the 1977 Additional Protocols. Broadly speaking, Convention (II) codifies the basic principle underlying all four Geneva Conventions—belief in the humanity and dignity of every human being—with respect to armed conflicts occurring at sea. The ICRC was mostly successful in creating an updated *Commentary* which provides useful, authoritative explanation and interpretation of Convention (II) for practitioners of international humanitarian law, as well as legal scholars and other academics. Such success can be explained by either the enduring relevance of Convention (II)'s text or the *Commentary*'s willingness to progressively develop the law where Convention (II)'s text is outdated, although such international lawmaking by the ICRC is likely to be controversial.

The *Commentary* was finalized after an extensive process of consultation and review—an ICRC project team working with external contributors produced early drafts, and subsequent drafts were reviewed by an Editorial Committee and submitted to a group of scholars and practitioners of international humanitarian law for peer review. The drafters of the *Commentary* followed the rules of interpretation codified in Articles 31 and

32 of the Vienna Convention on the Law of Treaties, beginning with the ordinary meaning of the terms of Convention (II) considered “in their context” and “in the light of [the treaty’s] object and purpose,” then taking into account any subsequent agreements or practice or relevant rules of international law, and finally reviewing “the preparatory work of the treaty and the circumstances of its conclusion.” The drafters also looked to other areas and sources of international law for context, such as international criminal law, international human rights law, customary international law, the 1982 UN Convention on the Law of the Seas, and other treaty law governing conduct in international waters. After a brief introductory chapter, the *Commentary* provides for each article of Convention (II) a short introduction, historical background, detailed discussion and interpretation, and a selected bibliography of further reading.

Much of the *Commentary* is a testament to the enduring importance of Convention (II). The analysis provided by the *Commentary* reaffirms the continuing applicability of the underlying treaty language. For example, Article 2 states that “the present Convention shall apply to all cases of declared war or of any other armed conflict.” The *Commentary* notes that the addition of “armed conflict” in Article 2—one of the “Common Articles” that appear in all four 1949 Geneva Conventions—expands the application of Convention (II) by assuring that its application does not require a formal declaration of war. While there is debate about what constitutes an “armed conflict”—for example, the *Commentary* suggests that the use of force by a state’s non-military personnel against a foreign private vessel may or may not constitute an international armed conflict depending on the specific circumstances of the confrontation—this seemingly simple addition was a revolutionary and critical change in the development of international humanitarian law and is thoroughly emphasized throughout the *Commentary*’s analysis.

Elsewhere, the *Commentary* looks beyond the text of Convention (II) to ensure its continued relevance in international humanitarian law despite changes in the nature of warfare and armed conflict. *Commentary*’s discussion of Articles 18 and 43 provides two useful examples of this kind of interpretation. Article 18 states that “[a]fter each engagement, Parties to the conflict shall, without delay, take all possible measures to

search for and collect the shipwrecked, wounded and sick . . .” Application of this provision is straightforward in a traditional military confrontation between two warships in close proximity, but the meaning of this positive obligation to search for and collect the shipwrecked, wounded, and sick is more complicated when combat involves longer-range and unmanned weapon systems which have made warfare increasingly remote. Giving meaning and structure to this vague treaty provision, the *Commentary* clarifies that the meaning of “all possible measures” is dependent on the circumstances of the particular engagement. In some circumstances, “all possible measures” may mean notifying the enemy party or some neutral party of the geographical location of an attacked vessel or aircraft. By interpreting the standard for applying Article 18 to imply a contextual analysis, *Commentary* ensures that this provision continues to have meaning today.

Article 43 specifies that hospital ships and qualifying life-boat crafts that enjoy protection under Convention (II) shall be painted white and marked with one or more large red crosses to ensure they are easily identifiable. Although this provision is certainly practical if you think about one large ship coming across another large ship at sea, the provision becomes less useful with the introduction of submarines or of other methods of identification other than close-range visual identification. To accommodate changing circumstances, Article 43 provides that “[p]arties to the conflict shall at all times endeavor to conclude mutual agreements, in order to use the most modern methods available to facilitate the identification of hospital ships,” but does not include a similar provision for ships other than hospital ships that enjoy similar protections under Convention (II). Given that there is no reason such a gap should exist in Convention (II), the *Commentary* reads into the treaty language a new provision stating that “there is no reason why the ‘mutual agreements’ could not pertain to other categories of vessels protected under [Convention (II)].” The discussion of Articles 18 and 43 demonstrate the incredible power of the *Commentary* to not only state what the law is, but proactively contribute to its development.

Although the *Commentary*’s lawmaking or law-developing function is not particularly controversial in the context of a straightforward provision like Article 43, such a function gives the ICRC a tremendous amount of power to shape the devel-

opment of international humanitarian law. The *Commentary's* discussion of Article 12 exemplifies this power and the potential for controversy. Article 12, which provides that “[m]embers of the armed forces and other persons mentioned in the following Article, who are at sea and who are wounded, sick or shipwrecked, shall be respected and protected in all circumstances . . . ,” is described by the *Commentary* as “the foundation on which today’s legal protection of wounded, sick and shipwrecked persons is built.”

Despite its foundational status, Article 12 does not explicitly define what it means to “respect” the wounded, sick, or shipwrecked. Although the *Commentary* states the uncontroversial principle that the obligation to respect means that a state cannot directly target the wounded, sick, or shipwrecked, the treaty language does not provide a clear answer to whether that means such protected persons must be considered in a state’s proportionality assessment when considering whether to use force and deciding what force should be used. After acknowledging that this question is “controversial,” the *Commentary* admits that there is no clear answer from the preparatory work for Article 12 of Convention (II) or from the preparatory work for Article 51 of Additional Protocol I which mentions civilians, but not the wounded, sick, or shipwrecked, in establishing the standard for “indiscriminate” use of force. However, the *Commentary* goes on to declare that the wounded, sick, and shipwrecked must be considered in a state’s proportionality assessment given the broad purpose of the principle of proportionality underlying Article 51 of Additional Protocol I. In its interpretation of Article 12, the ICRC is creating a positive obligation for states that is not explicitly provided for in the text of Convention (II). Only time will tell if such interpretation is challenged on the grounds that the ICRC is not empowered to create such an obligation from Convention (II)’s ambiguous language.

Despite the *Commentary's* overall success in creating a useful guide to Convention (II), some of its discussion is inapplicable to modern circumstances. The changing nature of warfare at sea has rendered some provisions of Convention (II) entirely unnecessary. The clearest example of such an outdated provision is Article 28, which states that “[s]hould fighting occur on board a warship, the sickbays shall be respected and spared as far as possible.” The *Commentary* concedes that

this provision had only minor practical relevance when it was initially introduced in the 1907 Hague Convention (X) and has even less relevance today.

More problematic than outdated provisions in Convention (II) are instances in which the *Commentary* overlooks relevant issues in its analysis, leaving gaps in the interpretation of the law. The discussion of Article 3 in *Commentary* includes such oversights. Article 3—another “Common Article” of the 1949 Geneva Conventions—defines the obligations of state and non-state participants engaged in an “armed conflict not of an international character.” Despite the obvious relevance of this article today as conflicts increasingly involve non-state actors, the *Commentary* fails to clearly identify how an “armed conflict not of an international character” would manifest itself specifically at sea, how non-state groups would participate in an armed conflict at sea, and how the obligations of non-state groups under Article 3 can be practicably enforced. As the *Commentary* itself states that “the vast majority of recent armed conflicts have been non-international in character and have generated a level of suffering that is no less than that encountered in international armed conflict,” such omissions in the *Commentary*’s analysis are particularly stunning. The *Commentary*’s analysis of Article 3 could have been more successful if it had focused more explicitly on operationalizing Article 3 for non-international armed conflicts at sea, rather than dedicating so much of the discussion to explaining non-international armed conflicts generally.

Although the *Commentary* has its shortcomings, its publication is no doubt a welcome addition to the literature on international humanitarian law. The *Commentary* provides useful clarification and analysis of Convention (II). However, given that warfare involving hostilities at sea has become quite rare, one can fairly question the ICRC’s decision to prioritize the *Commentary* for publication before the forthcoming commentaries on the Convention (III) Relative to the Treatment of Prisoners of War or Convention (IV) Relative to the Protection of Civilian Persons in Time of War. While it appears that the ICRC is simply publishing the commentaries in their formal order, it would have been more pragmatic, given the changing nature of armed conflicts in international relations, to have prioritized the commentaries on the rules governing the treatment of prisoners of war and the protection of civilians before

the commentary on the treatment of wounded, sick, and shipwrecked members of the armed forces at sea.

Sovereignty and Status in East Asian International Relations. Edited by Seo-Hyun Park. Cambridge, UK: Cambridge University Press, 2017. Pp. v, 212. \$74.36 (hardcover).

REVIEWED BY ISAIAH EVANS

In *Sovereignty and Status in East Asia International Relations*, Seo-Hyun Park ambitiously attempts to redefine the tenets underlying Northeast Asian politics. Park explains why concepts like “hierarchy” and “sovereign autonomy” must be explored and analyzed to gain an understanding of the domestic and international politics of Japan and Korea. Park’s book is insightful and clear. Someone without background knowledge on Japanese or Korean politics could read this work, despite that fact that at several moments her argument suffers from a noted lack of counter-analysis.

Park begins her story with an historical analysis of the political landscape of Korea and Japan. In the first chapter she whisks the reader away to an Asia that existed a millennium ago. The newly unified Korea under Joseon rule (1392–1897), and the Ashikaga Shogunate in Japan, (1338–1573) were two powers that were dwarfed culturally, economically, and militarily by China. In response to their inferior position, the Korean Court and the Japanese Shogunate initiated a series of historical interactions that would come to define the region. While both countries initially adopted Chinese customs and culture, they later diverged. Korea, situated on a small peninsula on the periphery of China’s borders, felt the influence of the Sinosphere more acutely, and took extensive measures to ingratiate itself in the Chinese cultural sphere. Park writes about how for centuries Koreans considered themselves to be models of the tributary system, enjoying diplomatic rights and privileges that countries such as Japan were not granted. In fact, Korea internalized the system to such an extent that its own foreign relations with other countries began to reflect the Chinese way of doing business. In this system, Korea viewed its relations with China as deferential and *sadae* (사대) [serving-the-Great], while its relations with other countries in the

sphere were deemed *gyorin* (교린) [connoting neighborly relations of powers at parity].

Japan adopted a less deferential attitude towards China. Both because it was an island separated from the Chinese mainland by the East China Sea and due to domestic politics, the Japanese Shoguns adopted a hardline stance in relations with China. The Tokugawa *bakufu* (幕府) [meaning shogunate, literally “office in the tent”], like previous regimes, was constantly under threat of civil war and exerted itself managing the extensive array of feudal domains that famously characterized the Japanese Archipelago at this time. The Tokugawa Shoguns were less focused on a threat from the Chinese mainland and refrained from actively engaging in the Sinosphere. This is not to say that Japan was isolated. While many historians remark about Japan’s isolationist policy of *sakoku* (鎖国) [chained country], Park reminds the reader that even before Japan let in Dutch traders the country maintained indirect trade with the Sinosphere by utilizing the lords of Tsushima, an island that lies between Japan and Korea, and the people of the Ryukyu islands as economic intermediaries.

One of Park’s main observations is the effect that hierarchal systems in East Asia have on a country’s internal politics. For example, Yi Seong-gye, the founder of the Joseon State, relied on imperial investiture from China in order to legitimize his rule. As he was not of royal birth, the Chinese legitimization was all that he could rely on to justify his coup in 1392. The Tokugawa Shogunate, on the other hand, encouraged the idea of Japan as its own Middle Kingdom and created “its own ideological centrality.” Through wily relations with other lesser actors in the Sinosphere, such as Vietnam, and addressing the Shogun as *taikun* (大君) [Great Prince of Japan], the Tokugawa Shogunate enshrined its own authority and maintained a hardline stance on incoming culture and influence. Indeed, it was the apparent loss of its gatekeeping power in the nineteenth century that led to an uprising of *tozama daimyo* (外様大名) [outer clansman, referring to the clans that were subjugated by the Shogunate after the Battle of Sekigahara in 1600 and thereafter prevented from obtaining high office within the Shogunate government], that would usher in the Meiji Restoration and the rise of Imperial Japan.

Later in the book, Park applies her hierarchal framework to nineteenth century Japan and Korea with the caveat that

after that period the hierarchal system expanded beyond the confines of East Asia. Indeed, for her the key benchmark era is not the end of the Second World War, like it is for many East Asian scholars, but the period of upheaval in the nineteenth century. After the nineteenth century, Europe and eventually America would occupy the top of the hierarchy which was formerly claimed by China. Japan, long an outlier of the original Sinosphere, swiftly ingratiated itself into this new sphere and attempted to impress and emulate its new Western-sphere leaders. Reformation of the Japanese state and the eventual imperial wars can all be traced to this development. On the other hand, Korea, still beholden to the declining Qing empire, was unable to successfully adapt to the new hierarchal system and was eventually swallowed by imperial Japan.

Park ends her book with an analysis of modern politics. She convincingly demonstrates why her theory of autonomy within hierarchal systems explains much about the modern politics of Japan and Korea. Seemingly disparate political developments are woven together into the hierarchal web and one comes to understand that much of the modern state of affairs is really history on repeat. While the key characters may have changed, and today's Sinosphere remains a shadow of its former self, the conversations between, say, current Japanese Prime Minister Shinzo Abe and his cabinet mimic those of the Ashikaga Shogunate centuries prior.

It is impossible to separate modern events from their historical ties. Park's analysis supplements the current discussion and adds another layer to the existing discussion around East Asian politics. The region is infamous for having a long memory, with the history of Chinese civilization stretching back several millennia. Any discussion of modern politics thus warrants an historical analysis. What is perhaps the most insightful aspect of Park's book is that it focuses on the smaller actors of the region. With the rise of China, modern scholarship on East Asia has largely centered on the Chinese state. Korea, a now-divided country that was historically seen as a small fish between the whales of China and Japan, a country that many view as having peaked, fails to garner the same levels of attention. However, Park's analysis reminds us of the importance of acknowledging all systemic actors. Even beyond the fact that the domestic politics of smaller actors affects the relationships and politics of the greater powers, it is impossible to under-

stand a system unless analysis is carried out on the smaller scale.

Historically, Korea was the model tributary state. It adopted Chinese Confucian ideology and a bureaucrat testing system modeled on the Chinese system. The Yi dynasty that ruled premodern Korea revered Chinese culture and much of their domestic politics revolved around appeasing their larger neighbor. However, centuries of deference to the Chinese state turned Korea into a nation that was utterly unprepared for the arrival of Western gunboats and the international expansion of the hierarchal system. Ironically, Korea was swallowed up by its neighbor Japan, the country it had long viewed as a *gyorin* nation. In modern times, South Korea seems to both embrace its junior role within the American-led hierarchy while also experiencing reoccurring episodes of anti-American sentiment. With Park's analysis, the mystery of modern Korea unravels like a seventeenth century scroll. After a millennium of deferential kowtowing to the Chinese civilization state, it would make sense that there would now be an innate tension in Korea's relationship with its sphere leader.

Unlike its neighbor, Japan avoided fully integrating into the Sinosphere. Japan enjoyed a degree of cultural and political freedom that Korea did not, allowing it to modernize in the nineteenth century without China's consent. Interestingly, it appears that Japan's lack of tributary history might have enabled it to better adapt to the current regional framework led by America. For example, after some initial political spats in the first decades after the second World War, Japanese politicians have ceased debating the virtues of the American alliance. While Park in her analysis speaks of more recent controversy surrounding the American military presence in Okinawa, the tensions that arose during that controversy were centered in Okinawa and not the Japanese home islands.

While the book may well influence the debate on interstate relations in the East Asia region, it is likely to have a more limited effect with respect to domestic politics. While Park does an excellent job laying out her case for why legitimization and autonomy play such important roles in domestic politics, one cannot help but wonder if she is skipping over other considerations that may be at least as, if not more, important to the analysis. Such gaps in her arguments appear throughout the book. For example, at one point in the book Park writes

that “physical proximity to, or distance from, the Chinese mainland did not determine Korean and Japanese security strategies.” Park never truly expounds on why this may be the case. In order to bolster her analysis, she omits an in-depth discussion of the effects of geographical location, probably because it would detract from her own argument. However, common sense dictates that there is a huge difference between being located on a small peninsula that juts off of China’s northern border rather than a long archipelago a sea away.

Park, to her credit, does not attempt to transform the discussion on how Asian political systems function. She does not claim that her way of analysis should be adopted as the sole hammer to be used in the analysis toolbox. Park admits in some places that there are other theories that might account for the general political trends she speaks of but they miss certain key nuanced factors, like when she speaks of “other theoretical explanations” that explain modern U.S. ties with Japan and Korea. In this way, the author makes clear her mission, and for the most part succeeds in this respect. If legitimacy politics and politicization of sovereign autonomy are factors that can explain to what extent, for example, Japan will support U.S. troop involvement during a foreign entanglement, then an analysis like the one provided by Park is immensely useful. While this book will not revolutionize the field, it provides a framework that can be used to deepen one’s understanding of the political world of North East Asia, and largely accomplishes the author’s goals.

Human Rights in China: A Social Practice in the Shadows of Authoritarianism. By Eva Pils. Cambridge, UK: Polity Press, 2018. Pp. xv, 152. \$22.95 (paperback).

REVIEWED BY EMMA IANNINI

In light of the resurgent global trend towards authoritarianism, does any hope remain for the greater protection of human rights in the People’s Republic of China? Eva Pils’ *Human Rights in China: A Social Practice in the Shadows of Authoritarianism* provides an informative and necessary update on this issue against the backdrop of current Communist Party Secretary Xi Jin Ping’s (习近平) crackdown on civil society. In this six-chapter work, Pils addresses human rights as a “social prac-

tice” by illuminating how the Party-State, citizen victims, and domestic and foreign advocates cooperate and confront one another in the journalistic, legislative, and judicial arenas. The book’s thesis seems to be that, despite the challenges facing human rights advocates, domestic grassroots activism has become embedded as a social practice in Chinese civil society that the Party-State cannot easily uproot. Pils asserts, somewhat unconvincingly, that the ranks of human rights advocates in China will only continue to grow in both volume and power throughout the coming decades, due to growing socio-economic inequality, the spread of social media, and the increasing use of subtler organizing tactics. Her contention, which would be difficult to prove without further collection of testimony from a range of PRC citizens on the ground, assumes that the Party-State will not be successful in co-opting a large enough portion of China’s upper-middle class to numb the yearning for Western-style human rights protections.

In the introduction, Pils takes her audience back to the rosier days of the 1990s, several years after the fall of the Berlin Wall and the crackdown on student protestors in Tiananmen Square by the Chinese Communist Party (CCP). Wishing to join the WTO and other multilateral international organizations and restore its reputation post-Tianamen, the Party-State committed itself to meeting the “lofty goal” of human rights and acceded to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Social, Economic and Cultural Rights (ICSECR). Indeed, for much of the thirty years before Xi’s ascent to power in 2012, many China watchers predicted that the country was on a stable, albeit long trajectory towards eventual democratization and liberalization. The common hypothesis was that as more and more citizens in China’s booming coastal port cities acquired wealth, ordinary Chinese would inevitably demand that the Party-State ensure their ability to defend their assets by providing enforceable legal remedies against violations of their property rights. These hopes, as Pils explains, have dwindled since Xi’s rise to power in 2012, and especially since the 7-09 Crackdown in July of 2015—an event which saw the arrest and imprisonment of many of the country’s leading human rights advocates.

Chapter One, titled “Human Rights and Competing Conceptions of Justice, Law and Power,” introduces Pils’s audience

to three competing conceptions of human rights in China: the Western-based notion of individual civil and political rights, known in Chinese as *renquan* (人权) [rights]; the indigenous Chinese tradition of relying on the “father-mother” official or the emperor to redress *yuan* (冤) [wrongs]; and the contemporary Party-State’s assertion that it itself is synonymous with the rule of law and is the vanguard through which human rights must be, and are, protected. Pils notes that in recent decades domestic grassroots advocates have increasingly harmonized the former two approaches, *renquan* and *yuan*, with human rights to form a combined front against the narrative espoused by the Party-State. Pils suggests that the *yuan*-based framework is a less effective method for achieving justice than its rights-based, Western-inspired counterpart as it is fundamentally limited by its reliance on the institutions of the Party-State.

In Chapter Three Pils paints an illuminating, if horrid portrait of the abuse of human rights in China, through a discussion of the Party-State’s use of capital punishment and torture. Although Pils notes that China has followed through on its promise to “*shao sha*” (少杀) [kill fewer] and reduced the number of crimes for which the death penalty can be imposed to a record low of forty six, a lack of transparency continues to cloud the true state of affairs. The Party-State continues to keep secret the number of official executions carried out each year. Likewise, and despite domestic laws that prohibit coercive interrogation, torture is widespread as a means for obtaining confessions and conducting “thought reformation” for political dissidents. Pils makes one of the book’s more interesting connections here. Chinese society maintains a longstanding tradition of *yuan*, or seeking redress for wrongs through pleading before the emperor, his official, or nowadays the Party-State cadre. Pils asserts that this culturally embedded thirst for justice furnishes the practice of capital punishment in China with widespread popular support. Many PRC citizens are therefore comfortable with the idea extinguishing a human life *if* such an individual has acted in a way justifying redress. To this point, Pils highlights a recent survey indicating that at least 58% of Chinese condone the Party-State’s use of capital punishment. Further research might be warranted into the reasons behind the Party-State’s adoption of the “kill fewer” policy despite rather broad public endorsement to the contrary.

The status of socio-economic rights in China is the focus of Chapter Five, which provides a compelling discussion of how state-controlled processes of migration, property, and development since China's 1978 *gai ge kai fang* (改革开放) [Reform and Opening] have exacerbated inequities between China's rural and urban populations. In a carefully constructed critique, Pils challenges the Party-State's argument that socio-economic rights—i.e. subsistence rights or *sheng cun quan* (生存权) [right to exist]—must take precedence over the protection of social and political rights in order to continue the national goal of “lifting millions out of poverty.”

Under the reign of Xi and previous leaders, the state-controlled process of property development and directed migration towards planned cities and trade zones, like the Shenzhen and Pudong District in Shanghai, have come at the cost of widespread housing rights violations. Tens of thousands of Chinese have been displaced from their homes “in the public interest” of developing the national economy, with the Party-State advocating through its propaganda organs that dissenters are traitorously and selfishly complaining instead of properly sacrificing their own wellbeing for the sake of the social collective. Bulldozed swathes of *hu tong* (胡同) [centuries-old lanes and alleys] in Shanghai and Beijing in recent years testify to this socially destructive practice. Many residents from these communities, whose families have often dwelled on these plots for generations, are uprooted without market-value compensation. Fearful of being “disappeared” by the CCP's Public Security Ministry or suffering other means of Party-State reprisal, the vast majority of these individuals choose not to file complaints with human rights advocates or to speak with journalists about their experiences.

This casts doubt on Pils's claims about the growing power of human rights as a social practice. If most citizen victims believe the cost of attempting to assert their rights is simply too high, the human rights community in China will face an uphill battle against the now deeply enrooted institutions of the CCP. Just as predictions of Chinese democratization and liberalization “in the coming decades” by scholars in the 1990s proved overly optimistic, Pils perhaps steps into the same pitfall with her projection about the ability of the “social practice” of human rights to effectively resist twenty-first century style authoritarianism in China.

In the book's final chapter, labeled "Rights Defenders," Pils highlights the vital importance of citizen complainants, international human rights organizations, journalists, and attorneys as actors in the social practice of human rights in the country. Noting that rights lawyers often face the harshest punishments as "targets of stability maintenance" by the police and Public Security Ministry, she laments the forced fleeing of Teng Biao, the founder of the Open Constitution Initiative, and other prominent human rights lawyers from the country since Xi became Party Secretary in 2012. Here again Pils highlights the use of social media, flash mobs, "civic meals" and other creative forms of spontaneous "organization-less" organizing, by both advocates and citizen complainants to find new, less detectable ways to thwart the regime. It is through these methods of resistance, she contends, that rights advocacy as a social practice in China will continue to flourish. The remaining question is whether the attractive draw of these tactics will be strong enough to pull in new participants from different sections of Chinese society and if they will succeed in engaging a critical mass large enough to produce tangible, lasting change.

A thread that Pils weaves with finesse throughout the book is the potential impact that China's disrespect for human rights will have around the world in this time of resurgent global authoritarianism. Even as concerns deepen in Western states over their own domestic rights violations, observers cannot afford to disregard the state of affairs in China. Pils reminds her audience that rights violations, no matter where they occur, threaten the safety of all individuals through the normalization of violence. Letting the Chinese Party-State trample upon the rights of its citizens is not something that Western observers should take lightly, even if the suffering caused seems remote and unimportant. Authoritarians derive legitimacy from one another, and it is no coincidence that Xi's crackdown coincides with the *mise en place* of similarly restrictive policies towards freedom of speech and migration by far-right leaders in countries such as Austria, Turkey, Poland, Hungary, the United States, and Russia. These observations make paying attention to the situation in China and continuing to denounce and combat the rights violations undertaken by the Party-State all the more critical.

In closing, Pils tries to inspire optimism in her audience that the hope for liberal, democratic reform springs eternal—even in today’s semi-totalitarian China. Driven by the intrinsic human desire for better guarantees of individual liberty and expression, Chinese human rights advocates will not cease to resist the Xi regime. Although Pils casts doubt on the ability of indigenously derived systems such as *yuan* redress and the Chinese judiciary to achieve progress, she harkens back to the power of social media and innovative organizing techniques to aid in the strengthening of the opposition. Although China does not have Twitter, Facebook, or Google, it does have homegrown platforms like WeChat and Weibo, which have already become, and will continue to be, critical venues on which citizens can engage in the social practice of human rights. Her enthusiasm, however, should be met with a healthy dose of skepticism. Given the “The Great Firewall’s” blockage of most Western media sources and genuine fear of reprisal against citizens who do not respect its boundaries, it can be very difficult to divine general Chinese public opinion on human rights. As such, limited episodes of grassroots resistance to events such as the 7-09 Crackdown should not be mischaracterized as potential embers sparking the fire towards a larger social movement.

There will undoubtedly continue to be a community of human rights advocates in and outside the PRC that will remain active and aware of the Party-State’s violation of international legal obligations. The more interesting question, however, is whether the average member of the Chinese middle class is willing to become an active participant in, or even a mere tacit ally of, this community. The mind of such individuals is the decisive arena in which the battle between the Party-State and its opposition over the social practice of human rights will occur.

Environmental Protection and Transitions from Conflict to Peace. Edited by Carsten Stahn, Jens Iverson and Jennifer S. Easterday. New York, NY: Oxford University Press, 2017. Pp. xlii, 461. \$150 (hardcover).

REVIEWED BY CHIHIRO ISOZAKI

Environmental Protection and Transitions from Conflict to Peace examines the role and utility of the concept of *jus post bellum* in relation to environmental protection in a post-conflict setting. In the introductory chapter, the editors distinguish the concept from that of *jus in bello*—international humanitarian law that governs the way that warfare is conducted—and that of *jus ad bellum*, the rules governing the justification and prevention of war. Through exploration of *jus post bellum*, they assert the need to think about environmental damage caused during armed conflict as separate from the two former concepts. The editors' thesis is based on the assumptions that natural resource depletion, combined with a severe lack of government institutions equipped to deal with environmental protection or natural resource management, can undercut peacebuilding processes and risk renewal of armed conflict, and that "environmental integrity is an essential part of breaking cycles of conflict, restoring societies and re-establishing rule of law."

The book consists of an introduction and eighteen chapters, subdivided into four parts. Part I is titled "Foundations," and contains two chapters, the first arguing for a broader approach to a *jus post bellum* framework, and the second examining definitions of "environment" that can further a *jus post bellum* approach to environmental damage. Part II is titled "Legal Norms and Frameworks," consisting of eight chapters discussing various frameworks governing the protection of the environment and natural resources within the transitional post-conflict period. The authors distinguish between legal and "normative" frameworks—normative meaning extra-legal agreements that are not legally enforceable, but are upheld due to reputational, political, or economic pressures by the international community. The frameworks dealt with in this section range from international environmental law and various multilateral environmental treaties to international humanitarian law and domestic law. Part III, titled "Tensions and Dilemmas," contains three chapters identifying specific points of ten-

sion that should be addressed in thinking about environmental harms in a post-conflict setting: the problem of shared responsibility, the regulation of private actors, and the threat that environmental degradation itself poses to post-conflict peace and security. Finally, Part IV, "Remedying and Preventing Damage and Harm," examines ways in which magnitude of harm and responsibility can be measured, allocated, and enforced. The discussion analyzes and draws lessons from the environmental program of the United Nations Compensation Commission as well as international humanitarian law, in addition to focusing on problem areas such as landmines and toxic waste removal. The editors' organization of the book chapters into four discrete sections, coupled with the introduction, gives readers a helpful framework through which to understand the goals, implications, and challenges in the *jus post bellum* scheme.

In the introduction, the editors lay out three different ways to frame the concept of *jus post bellum*. First, as a system of norms and principles that operate together to create a common understanding of how to deal with environmental damage post-conflict. Second, as a framework of ordering of existing principles and norms. Third, and finally, as a way to inform context-based interpretation of normative concepts. Though not forming any broad or definitive conclusions about which of the three framing approaches seems most suitable, the editors shape the discussions of the contributing authors through these lenses, allowing readers to follow along and form linkages between the discrete issues discussed in each chapter. For instance, Cymie Payne's discussion of the definition of "environment" in Chapter 2 seems to point to the third function of *jus post bellum*: that is, looking at a post-conflict setting as a backdrop against which to newly define existing terms in international environmental law and international treaties. On the other hand, Kirsten Stefanik's, Karen Hulme's, and Matthew Gillett's examinations of existing frameworks in Part II seem to demonstrate the second function of *jus post bellum*—as a framework of ordering existing principles from international humanitarian and environmental law. Through this approach, the authors examine the relevance of existing frameworks from international law within the context of a post-conflict setting, and begin creating a new order of operation for *jus post bellum*-specific cases.

Nevertheless, the temporal dimensions of *jus in bello*, *jus ad bellum*, and *jus post bellum* approaches are not always clear-cut, and thus lend themselves to the question of what the ultimate goal is in using a *jus post bellum* approach. In the sense that *jus post bellum* aims to supplement existing legal frameworks with preventative norm-setting through both legal and non-legal means, the editors' division of conflict into discrete temporal parts is not necessarily useful. Given that reparations for damage post-conflict are often also coupled with preventative aims and that cause-and-effect of environmental damage in conflict does not always operate on a strictly linear trajectory, it may be prudent to address issues of environmental justice in armed conflict situations as a whole, and do away with discrete temporal concepts altogether.

The framework does, however, center around the importance of environmental *effects* of actions taken during armed conflict and emphasizes that environmental justice does not and should not stop at monitoring behavior during conflict itself. As environmental harm often cannot be undone, it is crucial that there are systems in place to ensure that actors who cause such damage are held accountable for the consequences of their actions.

The substantive discussion of the book consists of a broad survey of the variety of environmental harms that may occur within a post-conflict situation. Existing legal and normative frameworks are evaluated for their ability to deal with such environmental harms, institutional and normative gaps are identified, and possible solutions are offered as a way of moving forward. The contributing authors examine a variety of specific situations within a post-conflict setting that may result in particularly large-scale damages on the environmental front, including scenarios involving non-state actors and outsourced contracts, and specific situations such as pillage, in which environmental exploitation may become a cause of conflict itself.

Thematically, the authors identify three key weaknesses and gaps in existing frameworks dealing with environmental damage in conflict settings: lack of accountability and recourse, the tendency to treat environment as incidental to humans and property, and the exclusion of non-state actors and non-international armed conflict (NIAC) settings within its scope.

With respect to lack of accountability and recourse, the authors identify several unique issues presented in dealing with environmental damage in post-conflict settings that make existing frameworks insufficient on their own. First, it is often impossible to restore the status quo ante at the point of *jus post bello*, and thus remedies must be forward-looking—focusing on reparation rather than restitution. Further, the book suggests, it may be productive to highlight environmental harm as an independent and free-standing issue for norm-setting purposes. The authors suggest that there is a tendency to approach environmental justice from an “anthropocentric” perspective—that is, incidental to that affecting humans and property. By using international criminal law as well as normative, extra-legal channels such as corporate social responsibility, the authors suggest that environmentally harmful actions within conflict can be morally condemned as crimes in and of themselves, thus encouraging actors to think about the environmental implications of their actions in a conflict setting.

Second, the cumulative effects of harm and the involvement of multiple parties in conflict scenarios make it necessary to confront the problem of shared responsibility through a framework that allows for broader distribution of burden-sharing. This burden-sharing should incorporate both the cost of reparations as well as a collective sharing of means and know-how to restore environmental damage and resolve problems of lack of capacity. Shared responsibility often creates additional difficulties in determining thresholds of harm sufficient to trigger reparations, as it is often impossible to identify the discrete harms caused by each actor. New frameworks must therefore address exactly how such thresholds will be defined and, when reparations are available, to what extent each party will be responsible.

The need to prioritize environmental damage in the *jus post bellum* landscape recurs as a theme through multiple chapters of the book, but is particularly prevalent in Chapter 2, where Cymie Payne discusses the need to define the term “environment” broadly and to avoid the pitfalls of more traditional anthropocentric definitions, which tend to focus on human rights at the expense and exclusion of environmental issues. The precise re-defining of key terms in a *jus post bellum*-specific context is crucial to establishing common principles

and norms on which to build a post-conflict environmental remediation framework.

Chapters 9 and 10 discuss the lack of existing frameworks that extend to both non-international conflicts and, specifically, to environmental harms within NIACs. In Chapter 10, Matthew Gillett assesses the scope of norms under international criminal law in addressing environmental malfeasance, pointing to criminal law's potential as a more enforceable solution to *jus post bellum* than international environmental law. Gillett examines provisions of the Rome Statute and observes that, though they are successful in specifically prohibiting attacks that cause intentional and disproportionate damage to the environment, their inapplicability to NIACs is problematic given that the bulk of global conflicts are NIACs, rather than international armed conflicts.

In Chapter 12, Jennifer Easterday and Hana Ivanhoe examine the failure of existing frameworks such as the Equator Principles or the Voluntary Principles on Security and Human Rights in capturing environmental malfeasance outside of a pure human rights context, suggesting the need to address responsibility of business enterprises and corporate actors in conflict situations. The authors discuss the need to enforce standards of sustainable development and environmental protection through United Nations Security Council sanctions and other international pressures, as well as through public-private sector multi-stakeholder initiatives. Moreover, they further suggest the utility of strategic norm-setting and incentive-based pressures within the private sector. They posit that this is achievable through methods such as requiring minimum corporate social responsibility (CSR) standards and donor conditionality agreements for loans and aid, as well as by establishing positive reinforcement mechanisms such as programs that privilege export markets complying with set minimum standards. In addition, the authors note, "media and NGO naming and shaming" via voluntary standards established by corporate actors through corporate social responsibility can serve as an important enforcement mechanism to fill the enforcement gaps created by non-binding international frameworks and insufficient enforcement of domestic legislation. They further identify the potential role of international actors, particularly the United Nations and international financial institutions, in providing a critical entry point for corporate social responsibil-

ity, such as through a United Nations multi-donor trust fund or United Nations work plans.

Environmental Protection and Transitions from Conflict to Peace sparks an important discussion on the lack of coherent frameworks surrounding environmental damage and malfeasance brought about during armed conflicts. Though the book is not overly technical, its tone is academic, and the discussion drawing on existing frameworks in international law assumes a base level of familiarity with various multilateral conventions and treaties. In addition, though the current book is self-contained in its arguments, it is the second of two books by the same editors exploring the idea of *jus post bellum*, and readers may benefit from reading the first in the series as well.

Collectively, the authors begin to address the pros and cons of various existing frameworks taken from international humanitarian, criminal, and environmental law, as well as from soft law, broad principles, extralegal norm-setting, and voluntary standards. Nevertheless, there is still work to be done in creating a more coherent discussion cross-cutting between the discrete issues addressed in each chapter and examining how the various existing frameworks may work in tandem. Given that the contributing authors often touch on common themes in their respective chapters, the editors could have fostered a structure that encouraged a more robust engagement with overlapping ideas introduced in the chapters and sections. Such a structure would have added a sense of direction and coherence to the ideas addressed in the book.

Though the introduction and four sections of the book begin to organize and consolidate various approaches that the authors take in addressing existing gaps, the volume as a whole fails to give a clear sense of what approach the editors think is best moving forward. To be sure, the editors have made a bold start at making sense of an area of law that is difficult to untangle, both thematically and temporally. The editors acknowledge the limited scope of their inquiry and take a deliberately open-ended approach in defining the *jus post bellum* framework. However, a more streamlined approach that clearly defines *jus post bellum* as either a completely new framework, or a background against which to order or redefine existing concepts, might have been useful in creating more interlinkages and connections between the ideas introduced in each chapter.

In sum, the book is best viewed as a launching pad for using *jus post bellum* in the environmental justice context, from which scholars can hopefully begin developing a more cohesive framework.

Constructing Civility: The Human Good in Christian and Islamic Political Theologies. By Richard S. Park, Notre Dame, IN: University of Notre Dame Press, 2017. Pp. xi, 271. \$45.00 (hardcover).

REVIEWED BY YOOJIN LEE

In *Constructing Civility: The Human Good in Christian and Islamic Political Theologies*, Richard Park aims to establish that a construction of the human good must be the foundation of public civility in order to enable peaceful coexistence in multicultural communities, particularly Christian and Muslim communities. Park's study of human good is inspired by his desire to put an end to the violence and lack of civility caused by religious conflicts. Park believes that public civility is the necessary framework for a world where plural societies can coexist peacefully—a framework that encompasses “the attitudes, affirmations, and actions consonant with deep mutual moral concern” which have local origins but global implications. Furthermore, he argues that the construction of public civility should be grounded in human good that is universally inherent to every human. Park relies on various scholars' theories and conceptualizations as well as his field work in Mindanao, Philippines, to corroborate his thesis. In this rather dense text, Park suggests a theoretical solution for the hostile conflict between communities that permeates the reality of many.

Park begins by laying out how the elements of public civility are conceptualized by various scholars and how he came to define those elements in his argument. He examines two types of public civility and argues that horizontal civility, which fosters civil social interactions, is the type of public civility he argues for—as opposed to vertical civility, which stresses the role of the state. In addition, he defines the scope of public civility through contrast from private civility which is limited to individuals and is therefore insufficient for the purpose of restoring peace in a multi-group world.

Through a survey of history and the words of other prominent scholars, Park explores how the relationships between civility, secularism, and morality evolved as societies reached modernity, to the detriment of the development of public civility. He argues that there were three key advances that occurred through time that have prevented the construction of public civility. First, as people created fictional public personality and banished the “true self” to the private sphere, public life declined. Second, public and private spheres were distorted through mutual “colonization.” As private matters were increasingly discussed in public, morality became an individualized idea rather than one shared amongst the public, causing the loss of deep moral engagement—a necessary condition of public civility. Finally, the professional sphere came into existence—a sphere in which members of society are bound to allegedly neutral and secular existence, rendering the society lacking in “moral order and an objective human teleology.”

Following this analysis, he examines theories of multiculturalism and legal pluralism, which other scholars have suggested as frameworks to amend the common public life that secular modernity has dismantled in a world where diverse groups coexist. Determining that multiculturalism is flawed in its disregard of moral dimension and that legal pluralism is problematic due to its relativistic nature, Park posits his alternative and ultimate solution that could overcome these shortcomings. He proposes that human good, defined as the essential attributes of being a human, namely relationality, purposivity, and rationality, is what universal morality could be grounded in to help construct public civility. As these are attributes that are inherent to every human, Park argues, they are not subject to relativism and lack of human telos.

Park goes on to explore the conceptions of human good promoted by Catholicism and Islam. Park argues that Catholic social teaching of common good and dignity, grounded in the concept of *imago Dei*, which is the idea that God created humans in his own image, resonates with his construction of human good. However, Catholic common good is insufficient as the foundation of public civility because it is not universal enough and leaves room for relativity. The Islamic concept of the human good, *fitra*, which embodies the natural human disposition to be Muslim, shares similarities with the idea of the human good as well as *imago Dei* but is inherently limited to

Islam and is inadequate on its own as a framework for public civility.

Park further attempts to illustrate his theory through the coexistence of Catholic and Muslim communities in Mindanao, Philippines, where he conducts interviews with the leaders of both Catholic and Muslim communities. Mindanao has suffered fatal violence because of the conflict between the Muslim citizens and the Catholic government. Park interviewed eight prominent leaders of both Muslim and Catholic communities in Mindanao about their ideas on constructing peace. Park found that the significant role that *sharia* plays in the Muslim community's lives impedes the movement towards peace and public civility. Park concludes from his field study that interreligious dialogues and engagement have played a critical role in mitigating the decades-long gap between the two communities.

Finally, Park offers moral cosmopolitanism, which he defines as “the obligations that human persons of one polity have toward those of another, irrespective of the political membership of either,” as a requirement for a global scope of public civility. In his view, the intergenerational and intergeographic dimensions of public civility should be fostered through a construction of morality just as encompassing—hence moral cosmopolitanism as opposed to nationalism. Such view, he argues, cultivates the gratitude and friendship that substantiates public civility.

Park guides the readers through an extensive defense of his theory with a very clear motive and well articulated goal. The book is generally effective in serving his one goal of delivering his point about human good as the foundation of public civility. By taking the readers through the chronology of his thought process, he assists readers in getting to his conclusion as well. However, although Park's writing is extremely meticulous and intelligible, his argument has its weaknesses.

First, given the subject matter of the book—emphasizing the human good present in every human in order to resolve the problem that affects humans globally—he presumably aimed for the book to be accessible for a wide range of readers. However, the many jargons, although thoroughly defined, are likely to limit the readership to the expert population, who would have an easier time getting to his gist than would lay

persons, who might find themselves running out of patience during the first few chapters of definitions.

Furthermore, the logical leaps the author takes from a process of elimination to the preference of his own arguments can be jarring for the reader. Park explores and lays out for the readers each and every archaic concept that his argument consists of in great detail through the words of various scholars who have written on those concepts. However, rather than positively arguing for his conviction of the human good as the basis of public civility, he shapes most of his argument through disagreeing with the scholars that he mentions. It is not certain that the scholars that he has brought up in the book represent all of those who have spoken on the issue, and therefore the fact that their opinions are problematic does not quite directly lead to the conclusion that his opinion must be right. As much as his keen critical view of every idea is appreciated, his own argument would have been more convincing if he had a more active voice in positing it.

Furthermore, although the field study gives an example application of his theory, the field study seems insufficient to directly corroborate his argument. First, he does not explain the objective of the field study and therefore the readers are left wondering what he was trying to find and whether the conclusion he came to indeed aligns with his objectives. Therefore, the field study seems a little disjointed from the thesis, challenging its effectiveness as support for the conclusion of the argument. Moreover, the interviews he conducted were with scholars and religious leaders who cannot speak for the experience of every individual of the community. That the human good can be fostered in reality in each individual is crucial as a premise of his argument, but because his field study fails to exemplify this presumption, his argument remains contained to the realm of theory even after his field study. Had he clarified the methodology of the field study including the choice of his participants—specifically the choice of prominent leaders over lay members of the communities—or the interview questions, perhaps this discrepancy between the field study and the thesis could have been mitigated.

Perhaps *Constructing Civility: The Human Good in Christian and Islamic Political Theologies* should be taken as a preliminary study for a bigger study that could, in the future, fulfill Park's ambition to construct a framework for peaceful coexistence

between Christianity and Islam. Park's argument is sufficient as a proposal of his idea, but not as proof. Further empirical support that demonstrates the positive role of human good in constructing public civility would be needed for readers to actually arrive at the same conclusion as Park.

Guardians of the Arab State: When Militaries Intervene in Politics, from Iraq to Mauritania. By Florence Gaub. New York, NY: Oxford University Press, 2017. Pp. vii, 272. \$45 (hardcover).

REVIEWED BY ANJALI MEHTA

In her book *Guardians of the Arab State: When Militaries Intervene in Politics, from Iraq to Mauritania*, author Florence Gaub undertakes an analysis of why military forces in the Arab State become involved in politics. Interestingly, Gaub does not limit her analysis to military coup d'états, but rather looks to the "many other forms" of political involvement by the military. Based on a thorough analysis of case studies across the region along with data collected from interviews with officers and others on the ground, Gaub suggests that military forces need four essential phenomena fulfilled before they attempt to engage in a transformation of politics. These phenomena are both "military intrinsic," because they can and want to, and "military extrinsic," because nobody else can do it and they are allowed to.

If all that sounds like a lot to take on in just 180 pages or so, that is because it is. Gaub's five chapters are structured like a lengthy research article, with an introduction, two chapters dedicated to the military intrinsic and military extrinsic properties that enable military intervention in politics, and a conclusion. The thread amongst these chapters is Gaub's recognition that war is political, since both civilian leadership and military look to accomplish one inherently political task—protecting their sovereign nation.

Her introduction lays out the surprisingly sparse literature surrounding the reasons why militaries, particularly in the Arab region, intervene in politics. The literature that does exist, she suggests, tends to focus on one characteristic rather than the intersectionality of a variety of military and contextual elements. By attempting to address both this intersection-

ality as well as the “sequencing of these elements,” Gaub sets her book up as a synthesis of everything: a lofty task for one relatively short book. Though she does not explicitly confirm it, perhaps it is for this reason that Gaub chooses to focus exclusively on states in the Arab region, noticeably excluding case studies from Turkey, Thailand, and other states that have recently experienced military intervention in their political sphere.

Even so, Gaub’s geographical particularity does little to ease the complexity of the various causalities of military interventions in politics. She admits that, “for every one of these hypotheses there is a disproving case in the Arab world.” Indeed, the four chapters that serve as the meat of her argument attempt to distill these intersecting causalities, but ultimately provide so many contrasting and nuanced case studies that she should have dedicated 180 pages for each one individually.

Gaub begins with an analysis of the military intrinsic reasons that enable military intervention. Firstly, she asserts that militaries must have the physical capacity to intervene in politics, as it is in fact the capacity of the military to wage a war that enables it to stage a coup. A capable military is one in which a small number of higher level officers are able to mobilize a large group of people in one direction. This hive mentality is crucial for militaries, who often have to respond immediately and effectively to crises. A rigid chain-of-command also facilitates an unquestioning faith in the decisions of higher-ups. When those elements come together—a small group of people in power, able to control and mobilize large amounts of unquestioning followers in one direction—not only are wars more effectively waged, but so too are coup d’états.

Even so, just because a military *can* intervene in politics does not necessarily mean that they have the will to do so. Military intervention requires collective or institutional discontent, stemming often from a lack of funding, a lack of training, a lack of weapons, or a war or conflict where the military feels disappointed by the government. Here, Gaub contrasts Egypt’s coup in 1956, which erupted after the military felt unsupported by its government in the war of 1948, with the Lebanese and Tunisian armies—which have the capability of launching a coup but are content and feel that they have what they need from the government.

From a general and theoretical perspective, this makes sense. The details, however, are more complicated. For example, though officers are rarely involved in coups because they have too much to lose, Egypt serves as an example of a coup where mostly officers led the ranks. However, Nasser was a colonel when he mobilized his coup. With often contrasting examples, it is unclear how generalizable Gaub's hypotheses really are. Once again, in a tension that spans the book's entirety, Gaub finds herself straddling the line between painting broad strokes without overgeneralizing and detailing enough nuance without completely dissolving those broad strokes.

Gaub explicates that the military intrinsic capability and will to intervene in politics also require military extrinsic factors before a military intervention will take place. The first of these military extrinsic factors is that there is no other institution capable of intervention. This is, according to Gaub and a myriad of examples, the case when a government does not have legitimacy. The spectrum of legitimacy can range from situations in which the entire country and military does not believe that a civilian leadership has legitimacy, or to situations in which half of the military believes that a leadership has legitimacy, but the other half does not. This latter situation was the case in the 1960s, when half of the military attempted a coup against Jordanian King Hussain but were internally prevented from intervening by Bedouin military members who saw Hussain as a legitimate leader. The more overall legitimacy perceived by both civilians and the military, the less likely a successful coup becomes.

Finally, and surprisingly omitted from conversation until the very end, is the role that civilians play in military intervention. Considering that Gaub herself calls the military "embedded in a larger civilian system" and the government "their civilian counterparts," it is a welcome relief when her analysis finally shifts to the role of *actual* civilians. Gaub suggests that the higher approval rates of militaries from the perspective of civilians, the more likely militaries will feel empowered to intervene in politics. Indeed, approval ratings of Arab militaries tends to hover between 80–90%. This is likely due to the symbolic role of the military as a representation of bipartisan politics and fervent nationalism. In Lebanon, for example, soldiers are often greeted with "hello, Nation," because of the relationship that the military plays in representing a non-divisive State.

Despite this, it is clear that civilians may want military intervention in politics but do not want them to maintain their power. Though past leaders such as Gaddafi and Nasser remained in power post-coup, more recently, military members who take power in a nation tend to civilianize and open governance up for civilian leadership. This separation of government from the military has ensured that militaries do not confuse the individual in power with the collective military and nation writ-large.

Gaub suggests that this reflects a larger shift in military intervention, which is that militaries no longer represent revolution, but rather preserve systems and only change the *people* who gain power. However, she does not address the fact that these so-called guardian coups potentially call into question the collective and civilian-enabled forms of military intervention in favor of facilitating the rise to power of high-ranking military officials and their friends. This conservative shift in military intervention may thereby complicate the analysis that Gaub undertakes in her book.

What makes this analysis so difficult, particularly in the attempt to provide tangible examples, is that each of these four factors—military capability, military will, no other intervention possibility, and civilian allowance of intervention—exists on a spectrum and is in constant flux. The book evidences often paradoxical contexts between different states in the Arab world, and even among individual states in different political time periods. What Gaub does make clear is that looking to the past provides a useful, though highly nuanced, framework for understanding military intervention.

However, she ends with a forward-looking view that harkens back to the unhappy relationship between civil and military actors. Gaub describes the relationship between civil and military actors in Iraq as an unhappy marriage. Perhaps, though, the description of that unhappy marriage requires a bit more detail: civil and military actors across the Arab world and beyond are stuck in an unhappy and *inseverable* marriage in which one party, and one party only, has at least one weaponized tank.

Gaub suggests that since war is ultimately political, it necessitates collaboration between civilian leaders, civilian populations, and military actors. Though she ultimately does not

address how the underlying pulse of a hugely imbalanced power struggle in which the military weaponizes the physical force at its fingertips plays a role in that collaboration, her silence highlights the need for far more research. This is particularly the case since military intervention is not a historical phenomenon but one that permeates not only states in the Arab world but also democracies, republics, monarchies, and parliamentary nations around the globe.

Pakistan's Nuclear Bomb: A Story of Defiance, Deterrence and Deviance. By Hassan Abbas. New York, NY: Oxford University Press, 2018. Pp. x, 341. \$20.95 (hardcover).

REVIEWED BY COLE RABINOWITZ

In *Pakistan's Nuclear Bomb: A Story of Defiance, Deterrence and Deviance*, Hassan Abbas examines how and why Pakistan became a nuclear power by going beyond a historical narrative and delving deeper into the motivations and circumstances that led to the emergence of the nuclear state. Relationships at both the individual and nation-state levels feature heavily in the book, and provide a lens through which Abbas examines the various technocrats and politicians who were instrumental in Pakistan's development of nuclear weapons. He also looks to the key relationships Pakistan had with India, Iran, North Korea, and Libya, which motivated Pakistan to pursue the bomb and proliferate nuclear technology. Abbas structures this history into heavily segmented chapters, each with a particular focus and logical composition that leads to novel conclusions from each aspect addressed. These conclusions are then distilled into the final chapter, which helps elucidate how Pakistan attained nuclear weapons. However, while this approach succeeds in clarifying the series of events over the key period between 1970 and the present, the author does not rise above the noise of history, and fails to draw parallels that could tie each chapter into a narrative that informs today's thinkers.

Abbas begins outlining his argument with the observation that prior scholars of Pakistan's nuclear history have ignored the importance of the state's political and security concerns, as well as the impact of regional dynamics and international politics. The author advocates for expanding the analysis of Pakistan's nuclear trajectory beyond a focus on the personality

of lead scientist Dr. Abdul Qadeer (A.Q.) Khan, which his peers emphasize in their analyses of the topic. Instead, Abbas seeks to understand the role of domestic political upheaval in Pakistan's quest to acquire nuclear weapons technology and the causes of nuclear proliferation to Iran, North Korea, and Libya.

Next, the author surveys relevant international relations theory, including the debate between deterrence optimists and deterrence pessimists, and how these theories explain Pakistan's pursuit of nuclear weapons. Graham Allison's bureaucratic politics model is particularly useful to the discussion, as Abbas seeks to understand how the A.Q. Khan Network functioned as a component of Pakistan's bureaucracy and, with the help of key individuals within the military and civilian institutions, was able to manipulate the Pakistani political system in order to transfer nuclear technology to other countries. Lastly, Abbas discusses the key role that nuclear nationalism, the link between national sovereignty and possession of weapons of mass destruction, has played in Pakistan's decision to pursue nuclear weapons, as well as the responsibility the state is under to keep its nuclear stockpile secure against potential threats from terrorists and non-state actors.

With the theoretical foundation settled, the author delves into the history of the Pakistan-Indian rivalry and how associated security concerns fueled nuclear ambitions within the Pakistani political and military institutions. The narrative begins with the circumstances of Pakistani independence, covers the conflicts over the Kashmir and Jammu region, addresses the secession of Bangladesh in 1971, and looks at Pakistan's volatile relationship with the United States. From this Abbas concludes that it was rivalry with India that created the natural and probable consequence of military ascendance in the political affairs of Pakistan. This leadership believed that Pakistan's survival could not be guaranteed by an outside power, leading to the pursuit of means of military deterrence greater than that provided by conventional arms.

The history of Pakistan's nuclear weapons program illuminates the key roles played by a cast of people beyond A.Q. Kahn. By outlining the rise and fall of Prime Minister Zulfikar Ali (Z.A.) Bhutto, the competitive dynamic between the national nuclear laboratories led by Munir Kahn and A.Q. Kahn, as well as the political pressures of strong military leadership

under General Zia, Abbas helps the reader gain a familiarity with dynamics that could take up several chapters by using direct quotations when possible and finding ways of showing the internal conflicts between personal inclinations and the state's strategic preferences.

The backdrop of Pakistani-Indian tensions sets the stage for the chapter on Pakistan's development of nuclear weapons, and the author's examination of whether the process of acquiring the relevant technology was linked to later proliferation activities. The chapter focuses on two key individuals: politician Z.A. Bhutto, and scientist A.Q. Khan. They were central in instilling nuclear ambitions within the Pakistani military and government. The duo also drove a strategy of approaching foreign powers, such as China, to circumvent antiproliferation measures and attain the requisite nuclear capabilities. Abbas concludes that domestic politics and civil-military relations, as well as a sense of betrayal because of the disparate treatment by the West of Pakistani and Indian nuclear weapons programs, galvanized the desire for nuclear weapons.

Abbas clearly demonstrates his expertise on the subject matter, through the detailed narratives discussing individual relationships and motivations, as well as security decisions made by governments on the basis of national-interest. As illuminating as the well-researched analysis is in clearing up the record of a murky period in Pakistani history, Abbas would benefit from interspersing more conclusions throughout the book to guide the reader on the significance of the stream of historical facts contained in each chapter. This would support the helpful, but overarching conclusions settled on at the end of each section.

Regarding Pakistan's ties to nuclear proliferation, Abbas examines the timelines surrounding Pakistani proliferation activities with Iran, North Korea, and Libya in great detail. The author's chronological approach captures whether these links connected at the governmental or individual level, the motivations driving each actor, and the benefits each party received from the relationship. By closing with the well-documented proliferation record between Pakistan and Libya, Abbas analyzes the causes of the unravelling of the A.Q. Khan Network and how these links broadened the possibilities for non-state actors to get involved in nuclear proliferation.

Abbas characterizes each of Pakistan's relationships with the covered states at the outset of their respective sections. This brief history provides context for the motivations of each state or individual as outlined by a variety of sources. In particular, the reliance on primary source interviews is particularly compelling, lending credibility to the views held in the Pakistani government and military at each juncture. Furthermore, the structuring of these chapters permits the reader to make his or her own observations from a solid factual basis, as Pakistan's ties with Iran, North Korea, and Libya all differ. However, readers are not left entirely on their own, as the author's summations highlight the most pertinent effects.

Although not explicitly intended, the details provided in the chapters examining Pakistan's nuclear proliferation links give a sense of how these proliferation activities came about. By discussing specific events, individuals, payments, and locations of meetings, Abbas pulls back the veil on a largely unknown, illicit trade. However, the book would have benefitted from some concluding observations at the end of the proliferation chapters on what facilitates nuclear proliferation in general and whether nation states, rogue individuals, or some combination of the two are the most likely proliferation threats.

Although Abbas is not focused solely on A.Q. Khan in the historical chapters, he devotes a later chapter to an examination of Khan's personal motivations, religious motivations, and anti-Western worldview. While portraying Khan as a narcissist, Abbas offers a deeper perspective into Khan's resentment of the West, and his sense of obligation to help other Muslim countries develop nuclear technology.

Before concluding, Abbas expands the scope of his analysis to evaluate how political and civil-military tussles factor into nuclear developments and proliferation activities within Pakistan. The author revisits his questions seeking to identify factors other than the influence of A.Q. Khan that were central to Pakistan's nuclear ambitions, and answers them in light of the historical analysis of the preceding chapters.

In his conclusion, the author distills his main points about the period of proliferation, and how Pakistan's nuclear ambitions motivated those activities. Giving special focus to A.Q. Khan's role, Abbas finds that Khan acted on behalf of the gov-

ernment in the initial stage of proliferation activities with Iran, but later worked with Pakistan's military leaders to go behind his country's civilian, political leadership to share nuclear secrets with North Korea. Ultimately, the scientist worked independently when setting up the Libyan deal. Finally, Abbas outlines several lessons that can reinforce prevention and pre-emption of future nuclear proliferation in light of the Khan Network's successes.

In using the later chapters to add a gloss to the historical chapters earlier in the book, the author is able to ensure the reader comes away with specific conclusions. These observations are clearly indicated and present arguments positing the reasons behind the A.Q. Khan Network nuclear proliferation activities; but similar conclusions are not reached to explain Pakistan's initial pursuit and development of nuclear weapons.

The final chapters start to focus solely on proliferation, and the specific role of the A.Q. Khan Network in these activities. While ultimately convincing and well-structured, the author's analysis of A.Q. Khan's motives focuses on the individual himself without much reference to Pakistan's overall inclinations with respect to these proliferation activities. Since the author's conclusions about Khan's motives include identifying his desire to help other Muslim countries develop nuclear technology and his frustration at the hurdles created by the West, it would seem logical to also examine whether these same motivations were shared by others in the Pakistani government. However, to this end, it is clear that the Pakistani government and military officials discussed in this analysis are still active. This dynamic situation reduces visibility into the motives of political and military leaders and introduces a confounding variable into Abbas's analysis.

The intense historical analysis offered by Abbas in this book is itself worthy of a read, as it offers much needed clarity to a frightening and convoluted situation. However, the author sets a higher bar for himself. As a result, the historical analysis goes beyond Pakistan's nuclear weapons programs, shedding light onto the shadow world of nuclear proliferation activities. This ambitious approach proves difficult, as historical facts are sometimes left without the necessary analysis that more frequent introspection and conclusions would offer.

Hunger and Fury: The Crisis of Democracy in the Balkans. By Jasmin Mujanovic. New York, NY: Oxford University Press, 2018. Pp. xii, 229. \$27.95 (paperback).

REVIEWED BY SOPHIA STALEY

In his book, *Hunger and Fury: The Crisis of Democracy in the Balkans*, Jasmin Mujanovic argues that genuine democracy has never taken hold in the Western Balkans because local elites thwarted such a transformation throughout the region's history: from the collapse of the Ottoman Empire at the end of the nineteenth century, to the dissolution of the Socialist Federal Republic of Yugoslavia (SFRJ) at the end of the Cold War, to today as the region experiences political and economic uncertainty. Mujanovic concludes that the Western Balkans can only achieve genuine democratic transformation if civil society and popular, grassroots social movements "contest, challenge, and eventually topple" these local elites.

Mujanovic should be commended for trying to move the literature on the Western Balkans beyond a single-minded focus on "ancient ethnic hatreds," which often prompts questions of when there will be another war in the region and thus hangs like a "rhetorical sword" over the heads of the peoples of the Western Balkans. However, his hypothesis that local elites are wholly to blame for impeding genuine democratic transformation over the last three hundred years is unconvincing for three reasons. First, while his hypothesis—that government officials in some Western Balkan countries thwart democratic reforms to retain their grip on power—may apply to today's context in some Western Balkan countries, it struggles in the context of the collapses of the Ottoman Empire and the SFRJ because he does not give concrete examples of local elites who were in power pre- and post-collapses. Second, Mujanovic's argument with regards to today's context, that local elites dabble in genuine democracy but defer commitments to entice Western financial and political support, gives the United States and the European Union too much credit. Perhaps this argument would carry more weight if Mujanovic included the GDPs of some Western Balkan countries and what percentage of those GDPs is Western financial support. Third, while it is elegant to have a hypothesis that applies to all Western Balkan countries, just as it is elegant to have a hypoth-

esis about all local elites spanning three hundred years, the reason why genuine democracy has not taken hold in the Western Balkans is not one size fits all, as evidenced by Croatia and Slovenia's membership in the European Union, and Albania, Croatia, Montenegro, and Slovenia's membership in the North Atlantic Treaty Organization.

Mujanovic's argument that local elites have an "unique ability to survive and thrive through repeated moments of otherwise total regime collapse" is unpersuasive because he does not give one example of a local elite who was in power pre- and post-collapse. If the Ottoman Empire's collapse and the SRFJ's dissolution violently upended the regimes and the region, then how did local elites make it out unscathed and retain their positions of power? Without pointing to a name and a position of power, Mujanovic's hypothesis is just hot air. Further, Mujanovic contends that local elites survived and thrived during the Ottoman Empire's collapse and the SRFJ's dissolution by stoking ethnic tensions in the region:

[T]ransformation of class antagonisms into ethno-national fratricide became a staple tactic of elites in the Yugoslav lands during the nineteenth century and a critical element of why democratic organization and analysis remain stunted to this day, especially in the context of nationalist revival. With a large, uneducated peasant population . . . promises of security became a popular means of obtaining support.

However, it seems counterintuitive that local elites would not fight tooth and nail to maintain the status quo of their regimes but instead would propagate ethnic tensions, because then they would be contributing to instability in the region and their positions of power would potentially be endangered. Mujanovic could have refuted this counterintuitive challenge to his hypothesis if he had given an example of a local elite who retained power through regime collapse by stoking ethnic tensions, but, again, he gave no such example. Additionally, it seems naïve that local elites are entirely to blame for impeding genuine democratic transformation in the region, especially at the time of the collapse of the Ottoman Empire—as there were arguably few full-fledged democracies in the nineteenth century. Separately, with regards to the time of the collapse of the SFRJ, there were debatably no elites, as the country was communist. Again, Mujanovic could have refuted these challenges and bolstered his hypothesis if only he had given con-

crete examples of local elites instead of relying on a general use of the term.

Mujanovic also asserts that, today, local elites “perch deliberately in the grey space between ‘partners in peace’ and ‘threats to peace’” and defer commitments to democratic reform “to continue receiving Western financial and political support and to maintain power through existing patrimonial structures and networks.” Thus, the United States and the European Union have created “perverse, inverted incentive structures for the region’s elite.” However, the argument that local elites toy with democratic reforms to entice Western financial support is unconvincing if one takes a cursory glance at the GDP of one of the Western Balkan countries. Serbia’s GDP was \$41.432 billion in 2017, and it has hovered around \$40 billion since 2007.¹ The U.S. Department of State reports that, since 2001, the United States has provided nearly \$1 billion in assistance to Serbia.² The White House announces that, from 2001 to 2015, the United States invested more than \$728 million to stimulate economic growth in Serbia.³ With some basic math, one can determine that U.S. assistance to Serbia never accounted for more than 0.1% of the country’s GDP per year (around \$40 million). Comparably, the Delegation of the European Union to the Republic of Serbia reports that, over the past 18 years, the European Union has donated _3.6 billion to Serbia.⁴ Therefore, E.U. assistance to Serbia was around 0.5% of the country’s GDP per year (around _200 million). While these investments of \$40 million and _200 million per year are not negligible, they are still only a fraction of Serbia’s GDP of \$40 billion per year. Thus, it is unpersuasive that local elites completely change their behavior and dabble in genuine democracy to maintain a steady stream of U.S. and E.U. investment, which does not even make a dent in their countries’

1. *G.D.P. (Current US\$): Serbia*, WORLD BANK, <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=rs> (last visited Jan. 28, 2019).

2. *U.S. Relations With Serbia*, U.S. DEP’T OF STATE (Sept. 26, 2018), <https://www.state.gov/r/pa/ei/bgn/5388.htm>.

3. *FACT SHEET: U.S.-Serbia Relations: Progress through Partnership*, WHITE HOUSE: PRESIDENT BARACK OBAMA (Aug. 16, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/08/16/fact-sheet-us-serbia-relations-progress-through-partnership>.

4. *EU Assistance to Serbia*, DELEGATION OF THE EUR. UNION TO SERB., <https://europa.rs/eu-assistance-to-serbia/?lang=e> (last visited Jan. 28, 2019).

GDPs. Instead, it makes more sense that local elites do not fully embrace genuine democracy because each Western Balkan country faces specific circumstances that are not conducive to such transformation. Yet, Mujanovic fails to grasp this and examine these specific circumstances impeding transformation because his hypothesis is one size fits all.

However, the reason why genuine democracy has not taken hold in the Western Balkans is clearly not one size fits all, as demonstrated by Croatia and Slovenia's membership in the European Union, and Albania, Croatia, Montenegro, and Slovenia's membership in the North Atlantic Treaty Organization. Focusing in on Serbia again, arguably civil society and popular, grassroots social movements have been entrenched there since 2000 when they brought about the fall of Slobodan Milošević. However, Mujanovic glosses over Serbia's active civil society and popular movements and instead lumps together all Western Balkan countries. Additionally, while it is respectable that Mujanovic tries to change the ethnic tension narrative of Western Balkan literature, one would be remiss to talk about Serbia's exclusion from the European Union and the North Atlantic Treaty Organization without talking about Kosovo. As Mujanovic resists engaging with the intricate ethnic tensions in the Western Balkans and lumps together all the countries, he hinders himself from being able to explain why genuine democracy has never taken hold in the region. Separately, to Mujanovic, the election of Donald Trump to President in the United States and the departure of the United Kingdom from the European Union indicate that the "Euro-Atlantic project in the region is on its last legs." The author continues that as the U.S. and E.U. state-building and democratization efforts wane, the likelihood that genuine democracy will take hold in the Western Balkans becomes more precarious than ever. However, if that is the case, then it is unclear why Serbia is closer now than ever before to recognizing Kosovo and acceding to the European Union and the North Atlantic Treaty Organization. Again, Mujanovic hinders himself from being able to explain the lack of genuine democracy in the Western Balkans by closing his eyes to the specific circumstances and intricacies of each Western Balkan country.

Although Mujanovic injects a breath of fresh air into Western Balkan literature with his "local elites" hypothesis, he would benefit from limiting his hypothesis to apply only to to-

day's context, and not stretching it too thin to cover the collapse of the Ottoman Empire and the dissolution of the SFRJ. While it is elegant to have a hypothesis that applies to all Western Balkan countries, he should not shy away from wrestling with the specific circumstances and intricacies of each Western Balkan country if he truly wants to explain why genuine democracy has never taken hold in the region.

Not Enough: Human Rights in an Unequal World. By Samuel Moyn. Cambridge, MA: The Belknap Press of Harvard University Press, 2018. Pp. xii, 277. \$29.95 (hardcover).

REVIEWED BY JANICE YOON

In *Not Enough: Human Rights in an Unequal World*, Samuel Moyn explores how and why today's transnational human rights movement allows and accepts increasing global inequality. He begins by drawing a critical distinction between sufficiency and equality: sufficiency involves ensuring that every person has some minimum provision of the good things in life, while equality deals with the relative distribution of those good things among all people. Moyn contends that as the global political economy shifted from national welfare to neoliberal globalization in the late twentieth century, the human rights movement conformed to and soon reflected the new neoliberal era of free markets, privatization, and deregulation by embracing sufficiency and abandoning equality. As rights activists rallied for solutions to poverty without challenging or acknowledging wealth, the rich got even richer. Deeply troubled by intensifying material hierarchy and inequality, Moyn argues that human rights in their current form—exclusively focused on sufficient provision—are simply not enough. It is high time we pursued and achieved distributional fairness among rich and poor individuals and countries.

Although Moyn pairs a remarkably comprehensive history of human rights with a compelling call for action, he does not offer much detailed instruction on precisely how to create and sustain a global welfare structure in the twenty-first century. Reminiscing about the egalitarian aspirations of the French Revolution and the post-World War II national welfare era, Moyn claims that the only way to achieve global justice is by jointly pursuing sufficiency and equality. While setting a hard

floor for the provision of basic needs, such as food, shelter, and clothing, we must simultaneously impose a strict ceiling on extreme wealth. Although Moyn recognizes human rights' successes as tools of status equalization, especially in advancing women and other subordinated groups, he ultimately dismisses the rights movement as unwilling and unable to inspire and effectuate material fairness. Moyn recommends we instead turn our attention to market redesign and redistribution mechanisms. The reader is left questioning the critical assumptions and practical implications of Moyn's argument, especially with regards to what market redesign would look like at the domestic and global level, and whether redistribution is feasible without the accompanying normative support of a redesigned human rights movement.

Moyn describes the evolution of human rights beginning with the French Revolution in order to show how the Jacobins' welfare-driven aspirations and legacy related to, and later inspired, mid-twentieth-century efforts to achieve social justice through economic governance. The French revolutionaries dreamed of a state that offered both sufficient provision and egalitarian citizenship. Similarly, after the Great Depression and World War II, many proponents of national welfare pushed for a formulation of human rights that addressed abject poverty as well as wealth inequality within their respective nations. The 1948 Universal Declaration of Human Rights, internationally drafted and agreed upon, served as a general template for national welfare.

The decolonization of the Global South marked a departure from the national welfare framework, which confined egalitarian aspirations within states' boundaries. Developing nations pushed for material equality among all states, arguing that it would be impossible to achieve distributive justice at home as long as inequality existed on the global level. Some even proposed an ambitious "New International Economic Order" (NIEO) explicitly aimed at coordinating diplomatic power to equalize wealth among rich and poor nations. While this proposal was short-lived, it demonstrated developing nations' early commitment to scaling up welfare to achieve global social justice.

Moyn observes that welfare states were clearly in crisis by the 1970s. While some states managed to secure a small degree of socioeconomic equality, their redistributive success was lim-

ited and largely tarnished due to the subordination of individuals based on their gender and race. Moreover, many developed countries strategically responded to NIEO demands with a new, unprecedented ethical commitment to the world's poor. By adopting global antipoverty as their common cause, developed countries shifted the world's focus away from equalizing wealth among countries to fulfilling the basic needs of individuals on a global scale. The United States government was particularly keen on pushing other nations to establish domestic protective floors in order to meet a globally scaled subsistence minimum for their citizens. This enabled the United States to excuse itself from any obligation to spend or redistribute American money to level the playing field among nations.

As basic needs became the centerpiece of development thinking in the 1970s, human rights rapidly ascended to global prominence as the world's much-needed moral justification for the Cold War's unrelenting violence. Disillusioned with the shortcomings of socialism, many globally-minded activist organizations like Human Rights Watch and Amnesty International put social justice on indefinite hold and instead focused on protecting individuals from the most deprived and extreme acts of degradation and abuse committed by state governments, such as torture, imprisonment, and the chilling of free speech. The United States and like-minded countries developed foreign policies aimed at ending violations of basic civil liberties abroad. The Universal Declaration was soon reimagined and remembered as a charter not for national welfare, but for sufficiently protecting civil and political liberties essential to democracy. In this sense, the human rights movement reinforced the subsistence ethic central to the global antipoverty campaign.

Moyn asserts that while the human rights movement did not directly cause or deliberately distract from economic inequality, it also failed to attack the extreme hierarchy of wealth erected during the neoliberal era. On the rare occasions when human rights addressed inequality, it involved a misdirected focus on the equality of opportunity within markets rather than the equality of outcomes imposed by social constraints on markets. By the turn of the twenty-first century, human rights activists no longer championed equal distribution either as a concrete goal or a lofty ambition; their attention had firmly

shifted to calling for sufficient humane protections in a rapidly globalizing political economy. Moreover, once the human rights movement discovered how much easier it was to name and shame state oppressors than to shame structural injustice, human rights were effectively reduced into simple political tools for informational politics. Moyn thus finds it unsurprising that advocates had nothing to say about the problems caused by free market fundamentalism and neoliberal politics. Human rights and economic inequality were fully capable of comfortably co-existing.

At the end of his book, Moyn urges us to save ourselves from our lowly ambitions and to take on the admittedly daunting challenge of institutionalizing a global welfare structure. He argues that because human rights law and politics have been stripped of any ethical normative value or practical capacity to fight inequality, we must concentrate on redesigning and imposing social constraints on national and international markets to secure distributive fairness at every scale. This argument presumes not only that the human rights movement presently lacks the norms and the will to advocate for material equality, but also that human rights can never be repurposed or transformed to push for equality in the future. However, it is conceivable that if every country subscribed to global social justice as a fundamental value or desirable outcome, human rights could serve as a tool in tandem with market forces. Naming and shaming states that decline to facilitate domestic wealth redistribution could actually incentivize governments to redistribute wealth, especially if tied to economic sanctions or other diplomatic consequences at the international level.

Beyond an obvious need for a general transfer of wealth from rich people and nations to their poorer counterparts, it is also unclear what this market redesign would look like at the domestic and global levels and whether redistribution is feasible without the normative support of human rights. The redistribution espoused by Moyn seems most viable in a developed country like the United States, where market-based norms and economic tools could incentivize market restructuring and wealth equalization without the help of human rights. People would need to convincingly cast increasing inequality as an economic problem and redistribution as the solution. Inequality would be found responsible for the impending collapse of America's increasingly burdened, highly unregulated debt

market and for the inevitable massive displacement of America's laborers by automation. Domestic market redesign would be established as necessary for saving the American economy from itself and strengthening the economy for all. Given that the United States resisted turning into a welfare state in the past and is a leading proponent of neoliberalism in the present, this would ultimately present an incredible uphill battle.

It is less likely that a developing country extremely dependent on foreign direct investment would achieve domestic market redesign without any rights-based support. This country would have a much harder time incentivizing its own redistribution purely based on economic justifications. Even if domestic wealth equalization benefited both its citizens and outside investors in the long run, risk-averse creditors and investors might nonetheless be unwilling to wait around for this less-than-certain return. This would be especially true if the short-term regulatory environment or tax structure brought about by redistribution was disadvantageous for these investors. Due to the possibility that investors would simply take their money to a comparable neighboring country that also relied on foreign investment but chose not to pursue redistribution, no one developing country in this situation would start redistributing without some guarantee that other states were redesigning their markets as well. This suggests a potential need for negotiations even at the regional level that would require agreement on both market-based and rights-based rhetoric and incentives.

It is highly unlikely that market-based redistribution could operate at a global level without the employment of human rights. Poorer countries would likely possess a strong economic incentive to restructure in order to participate in global redistribution and thus receive wealth, as long as there were no austerity measures involved that would preclude their self-reliance and determination. On the other hand, richer countries driven by self-interests would lack sufficient economic incentives to export their wealth, with no strings attached, simply in order to equalize wealth among nations—it would require an enforceable guarantee that every other powerful country was participating in this global redistribution. This is supported by Moyn's own findings on the long-standing difficulty in arguing for, adopting, and enforcing distributive obli-

gations beyond individual state's borders because of the enduring assumption that states are on their own in fulfilling the economic and social rights of their citizens.

Considering the extent to which national economies have become more integrated and interdependent than ever before, overcoming this collective action problem seemingly requires a transnational space. Despite the need for a multilateral, diplomatic platform, Moyn does not offer any alternatives to the international financial institutions and intergovernmental organizations he often dismisses as ineffective. Existing intergovernmental infrastructure like the United Nations and the World Bank should be reformed and relied on for the facilitation of global discussions on global redistribution. Such agreements would likely need to incorporate human rights norms and politics because the economic rationales for redistribution would be insufficient, especially if and when structuring the eventual regulation and enforcement of global wealth equalization.

Moyn takes on a considerable project in distilling the complex history of human rights and explaining why, in their current form, human rights are not enough. After impressively recounting how we got here, he tasks us with the even greater challenge of charting where the world goes from here. If global social justice is to be achieved in the twenty-first century, it is worth seriously contemplating what this justice would look like and whether human rights could and should be transformed to help market forces achieve distributive fairness at every level.

