

## BOOK ANNOTATIONS

*The Geoconomics of Money in the Digital Age*. By Nicola Bilotta. London/New York: Routledge, 2025. Pp. ix, 91. \$50.24 (hardback).

REVIEWED BY PRANAV BHANDARKAR

The realm of international relations is not merely governed by the machinations of conflict and diplomacy. Just as integral, if not more so in the present era, is the realm of *geoeconomics*, which is defined as the melding of “geopolitical objectives and economic mechanisms” on the part of states and international organizations.<sup>1</sup> Moreover, geoeconomics is a multifaceted field, as heavily dominated by global financial policy and the domain of money and currency as it is “sanctions, export restrictions, [and] domestic subsidies to incentivize reshoring.”<sup>2</sup> For a more casual observer of international law and politics, approaching the topic of geoeconomics may prove daunting, especially given the requisite economic knowledge often needed to comfortably approach the subject. Yet, with crisp and accessible prose, deft organization, and a formidable scope, Nicola Bilotta’s *The Geoconomics of Money in the Digital Age* illuminates the often-inscrutable realm of international finance and monetary policy. Bilotta thoughtfully surveys whether states and regional and international organizations are meeting the moment of a digitized money sphere and approaches the current international monetary order with a perceptiveness to its shortcomings, while also looking ahead to its future with appropriately sober realism. While Bilotta’s book is a mostly descriptive (rather than argumentative) work and treats the subject matter with an approach that may be more elementary for advanced readers, the summation of its strengths nonetheless makes it an essential resource for students of international law, economics, and policy.

Within its abridged page length, the approach that Bilotta’s book takes is respectably sweeping. Bilotta uses the opening chapters as a vehicle for exposition by describing the natural tendency of the global economy towards a hegemonic currency, as well as the value of such a currency for the purposes of facilitating international transactions. As Bilotta lays out, the current international architecture of money has come to be dominated by the U.S. dollar. This was set in motion by

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1. Nicola Bilotta, *The Geoconomics of Money in the Digital Age* 19 (2025).

2. *Id.*

the post-World War II Bretton Woods agreement, and the subsequent international economic architecture it created allowed for the U.S. dollar to become, and remain, a hegemonic currency. Yet, as Bilotta describes at length, potential threats and challenges to this hegemony of the U.S. dollar abound, from efforts at de-dollarizing in the Global South for cross-border transactions to the prospect of usurpation by digital currencies. However, how truly genuine and sizable these threats are to the U.S. dollar's dominance is far from settled.

Bilotta tackles these developments, and the questions they raise, head on in subsequent chapters. First, Bilotta outlines the post-Cold War changes to the U.S.-led international order and the effects these changes have on potentially threatening the U.S. dollar's continued dominant role. Bilotta then surveys the emerging world of digital currencies, including crypto assets, stablecoins, and, importantly, the Central Bank Digital Currencies (CBDCs). Bilotta next questions whether these emerging currencies hold the potential to disrupt the current order of U.S. dollar hegemony. Bilotta's focus for the next two chapters then becomes regional. He surveys China and the European Union in two major respects: first, the potential of both the renminbi and the euro to become hegemonic currencies; and second, the status of CBDCs and other currency digitization initiatives in China and the European Union. Bilotta, in turn, puts these regional surveys in comparative context with the United States, providing a comparative assessment as to the degree to which the U.S. has (or has not) kept up with current CBDC and currency digitization initiatives. In concluding his work, Bilotta provides assessments of currency digitization among the BRICS and other Global South regions and closing assessments of whether we are on the cusp of a new international monetary order.

In doing so, Bilotta considers three possibilities. First, Bilotta considers whether recent developments in currency digitization, de-dollarization, and overall trends towards a more broadly multilateral world in the realm of international affairs merely represent a slight qualification to the dominance of the U.S. dollar since Bretton Woods, and we can expect that dominance to continue. Second, Bilotta considers whether we can instead expect the mantle of the U.S. dollar to be taken over by a competing hegemonic currency, be it a national currency like the renminbi, a regional currency like the euro, or a new CBDC or other digital currency. Third and finally, Bilotta considers whether the present geoeconomic order in the international currency and monetary space will merely mirror the more fragmented and multipolar geopolitical order, and if we can no longer expect to see a hegemonic currency going forward.

Within its expansive threefold survey of “economic dislocation, evolving geopolitical relations, and technology,”<sup>3</sup> some of Bilotta’s most valuable contributions are in the third-chapter discussions regarding digital currency schemes. Given the explosive growth of these forms in recent years, it may be difficult for the casual follower of financial news to keep these distinct, and another work might have chosen to gloss these terms over. Yet, in this chapter, Bilotta not only meticulously categorizes these growing crypto assets, such as stablecoins and Bitcoin, as well as Central Bank Digital Currencies (CBDCs), but Bilotta also sets out what features they require for their successful deployment in a cross-border context.

Bilotta’s book also provides great value when it steps away from well-treaded discussions of “great power” geoconomics to focus on developments unfolding elsewhere in the world. For instance, Bilotta’s seventh chapter is particularly compelling for its treatment of Latin American and Indian de-dollarization efforts. It is also especially commendable for its survey of the digital financial ecosystem in Africa, which includes a considerable examination of digital payment schemes on the continent, as well as the prospects of continental, regional, and national CBDCs in Africa. In terms of the large body of literature in development economics that has often looked at financial inclusion, readers with interests that trend more into *microeconomics* of international development (rather than the *macroeconomics* of international development that Bilotta’s book mostly concerns itself with) may particularly latch on to these discussions.

Bilotta’s book, for the most part, largely stays in the realm of the descriptive. However, when Bilotta does opine on the state of international currency developments, focusing mostly on the competitiveness of the United States in the digital currency space as well as vis-à-vis other geoconomic actors, his contributions, even if they do ultimately take a middle-of-the-road approach, are valuable. In his conclusory comments on the future of geoconomics, Bilotta ultimately concludes that the U.S. dollar’s post-Bretton Woods hegemony, while perhaps more qualified than it had been in the past, will likely remain the prevailing arrangement going forward. In his assessment of the alternatives, Bilotta argues that various legal and institutional structures will impose constraints on the euro and renminbi’s abilities to supplant the U.S. dollar. He further argues that the multipolar, fragmented nature of international affairs would prevent a new, single CBDC from doing the same, but that the new geoeconomic landscape would not fragment *enough* to dethrone the U.S. dollar.

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3. Bilotta, *supra* note 1 at 1.

Yet, Bilotta is also not one to allow the U.S. to rest on its Bretton Woods laurels. Throughout many of these chapters, Bilotta argues that the issues of de-dollarization in transactions, setting up alternative clearinghouses, and other movements away from the U.S. dollar are self-inflicted wounds, a reaction to the overreach of U.S. sanctions and a desire to be shielded from them. Conversely, as to the question of the U.S.'s own efforts at currency digitization, Bilotta argues that the U.S. is behind the curve in several respects, citing the failure of recent presidential administrations to concretely invest in and build capacity for a CBDC. Overall, Bilotta presents the U.S.'s position in the geo-economic landscape with a measured and even hand, refraining from sounding unnecessary alarm bells about the U.S.'s position in the currency landscape, but not shying away from criticality on both American sanctions overreach and the inadequacy of meeting the moment on digital currencies.

Bilotta's book, for the most part, is commendable for the breadth across time and space it can fit into its sub-100-page length, as well as the accessibility with which it broaches the often-inscrutable world of geoconomics it presents. However, the approach that Bilotta takes is not without its drawbacks. Namely, given its largely expository, descriptive approach, Bilotta's work likely fails to add much novelty to the space of international finance and monetary policy. Indeed, those who are well-versed in this domain might find this to be an elementary read. While not unwelcome to a reader who is not quite as abreast of monetary policy or 20<sup>th</sup> century economic history, more well-versed readers may find themselves glossing over this section. In particular, readers with a greater command of globalization studies might *find the second chapter, which details the shifting geopolitical tides of the post-Cold War era*—to largely be a retread of familiar territory. Indeed, Bilotta might have considered placing this content in a more abridged form in the book's introductory section. However, this does not relegate Bilotta's book to the realm of irrelevance; for what it lacks in novelty, the book amply makes up for in utility and accessibility.

Summarily, while perhaps not the most necessary read for those with pre-existing international economics or finance backgrounds, Bilotta's book proves itself to be a vital resource for a number of audiences: for lay readers, novices, those with budding interests in the domains of international economics or finance, or students of international affairs, law, or policy without the requisite knowledge. Amid the current landscape, where making out real geoeconomic trends from the noise feels daunting to many of us, Bilotta's book still comes highly recommended.

Colonial Bureaucracy and Contemporary Citizenship: Legacies of Race and Emergency in the Former British Empire. By Yael Berda. Cambridge, UK: Cambridge University Press, 2022. Pp. xiii, 215. \$106 (hardback).

REVIEWED BY CELINE CALPO

*Census forms. Travel permits. Identity cards . . . .* These regulatory tools form an objective correlative for the frustration, powerlessness, or a sense of overwhelm people may feel in the face of bureaucracy. *Arbitrariness. Complexity. Delays. . . .* Many people, myself included, would unfortunately agree that these are essential features of “paper-pushing.” But where do these technologies of power and institutional qualities come from, and why do they remain?

Yael Berda, a former human rights lawyer and scholar of Israeli bureaucracy, provides compelling and timely insight into the development of bureaucratic governance and population management in her book, *Colonial Bureaucracy and Contemporary Citizenship: Legacies of Race and Emergency in the Former British Empire*. She specifically argues that a combination of normalized legal emergency, the construction of a bureaucratic toolkit, and the implementation of racialized threat assessment created during the British colonial period logically outlasted the empire in modern-day Israel, India, and Cyprus. Like Berda’s first book, *Living Emergency: Israel’s Permit Regime in the Occupied West Bank*, this work is inspired by her time practicing in Israel.

In Israel, Berda witnessed the “arbitrary” but restrictive bureaucratic grip on Palestinians moving through the West Bank, Gaza, and East Jerusalem. She further observed that there was no way to challenge these administrative decisions in Israeli courts, which are often issued for “security reasons.” Absent a historical context, bureaucrats administering Israel’s permit regime appeared to operate in an extra-legal space, shielding them from accountability. Her interrogation of the Israeli bureaucracy reveals intriguing postcolonial hooks: Israel incorporated the British colonial Defence (Emergency) Regulations of 1945 into its modern administrative framework, and despite perceived arbitrariness, the bureaucracy consistently enforced a racialized hierarchy, maintained institutional opacity, and standardized forms across a sprawling administrative state.

Given the complexity of this topic, Berda set lofty, yet achievable, goals for *Colonial Bureaucracy*: tracing the origins of British colonial administration, charting its trajectory from the colonial era to modernity, and examining how imperial motivations and tools inform citizenship today. Again, these descriptive and diagnostic objectives were

ambitious, but Berda pared her project down, limiting her territorial case studies to Israel-Palestine, India, and Cyprus. She chose these former territories for their shared history of partition and the comparative value in their varying legal, political, and demographic fates.

*Colonial Bureaucracy* is a little over 200 pages, divided into three parts, and contains five chapters total. Given the amount of scholarship Berda relies on, she is clearly writing for scholarly peers in the fields of anthropology, sociology, history, and law. But ordinary readers should still be able to understand the broad and significant strokes of her work. Nothing she focuses on is esoteric, and she briefly but effectively explains terms of art. The only issue is that she aims to relate multiple moving parts, making some aspects of the text a bit overwhelming, like how some sentences are punctuated with multiple citations. Nevertheless, her prose should be digestible for lay, well-informed, adult audiences.

This reviewer, however, is not exactly a lay reader. I have a background in U.S. judicial administration and acknowledge both its role in past colonization and lingering influence. I am also in a law school clinic focused on legal empowerment and judicial independence, where I have learned much about systemic corruption, erosion of the rule of law, and transitional justice. My experiences attracted me to Berda's work along with its relevance to the question of Palestine. Consequently, I began the book with expectations as high as Berda's and was not disappointed.

Part I of Berda's mammoth project describes conceptual bricolage: she proposes a new organizational model for analyzing colonial institutions: the "hybrid bureaucracy." Her model fills a neglected gap in organizational theory, which has long been dominated by Max Weber's rational-legal theory of authority.

The Weberian rational-legal bureaucratic model emphasizes quintessential administrative qualities like speed, efficiency, consistency, predictability, impersonality, and neutrality. Berda's main contention is that the Weberian model does not acknowledge the complexity of British colonial administration, in which officials fused its elements with the use of race, emergency laws, and personalized decision-making to stratify colonial populations and engorge bureaucratic power to move and quell colonial subjects. She makes a powerful case that the hybrid bureaucracy model fittingly reconciles Weber's model and the realities of colonial administration.

In my view, this section is where Berda's multidisciplinary approach shines the brightest. Berda makes up for the shortcomings of the Weberian model through strong supplementation: first with political philosopher Hannah Arendt, who links imperial bureaucratic rule

to racialized hierarchy among subjects, then through the concept of legal emergency, which empowered bureaucrats to bypass normal legal procedures and make ad hoc decisions to thwart threats within their colonial jurisdictions. Throughout this cumulative synthesis, Berda turns to a wide range of archival materials—mainly the official and personal papers of colonial administrators, such as Lord Cromer (who served in India and Egypt)—for factual support. She is a weaver of theory and fact, sociology and law, and readers will want to follow each string.

In Part II, Berda analyzes the motivations and mechanisms animating colonial administration, specifically focusing on suspicion and the imperial census. As Berda explains, British colonial officers in India, as well as Cyprus and Mandatory Palestine, respectively inherited the census from the Mughal and Ottoman Empires. She then refers to accounts of census revisions, revealing how colonial administrators adapted the tool to enforce an “axis of suspicion.” Bureaucrats predominantly classified subjects based on the malleable and multifaceted category of race as a proxy for loyalty, and these decisions were highly dependent on the positional relationship between them and the individuals they were evaluating. This enabled the colonial government to limit the right to political representation and mobility to certain portions of the population. Each census revision or individual bureaucratic decision redefined interaction among subjects, and these sociopolitical rearrangements would last beyond the time of the empire, manifestly through partition along ethno-religious lines.

Berda also notes the view from the other side: the imperial census became a “communal battleground,” prompting subgroups of colonized populations to negotiate classifications to their advantage. Negotiations were not solely between officers and subjects, but between communities, as well. I appreciated this acknowledgment, as Berda’s book does not necessarily focus on the interiority of those subjected to colonial rule. Much of her evidence, obtained from government archives, focuses on the bureaucrat or administrator and their sublegal statecraft in the colonial space. The one-sidedness is probably inherent in the material available to Berda, but it nevertheless paints an incomplete picture of the impact of colonial operations. In my view, her incisive point about personalized bureaucratic decision-making loses force without much evidence of individualized experiences interacting with these bureaucrats.

In Part III, Berda circles back to themes of suspicion and emergency by showing how India, Cyprus, and Israel inherited and adapted the hybrid bureaucracy model after gaining independence. She fills a significant scholarship gap by explaining how the exclusionary and

purgative processes for civil service systems in Cyprus, India, and Israel perpetuate the axis of suspicion that shaped the British colonial era.

These accounts may resonate strongly with my American compatriots. This is especially true for Berda's discussion of Israeli "purification committees," which are tasked with expelling bureaucrats who served under the former British Mandate. They draw a general connection, as I do, between Israel's dismissal process and the Trump Administration's ongoing mass reductions in force. Through opaque administrative procedures, the Israeli and U.S. civil service systems were recomposed to bolster institutional loyalty and limit public participation. *Colonial Bureaucracy* should remind many of this simple yet consequential reality: power is only as good as those who wield it.

Berda also revisits the modern Israeli permit regime in Part III. The permit system enables Israeli bureaucrats to impose micro-oppres-sions through checkpoints, documents, and daily administrative encounters, underscoring that mobility is integral to citizenship. By centering on the ways that these small, repetitive encounters with bureaucracy structure access to political rights and community, she also illustrates how mundane elements of government, which comfortable citizens may take for granted, can sustain the afterlife of an empire.

While eyes remain on Palestine, I recommend *Colonial Bureaucracy* to anyone seeking a richer, sharper perspective on Israel-Palestine relations. But the significance of Berda's work extends beyond what is covered in her book. There is a heated debate about the lawfulness and ethics of modern immigration regimes, national security apparatuses, and intelligence-gathering. I am eager to see if Berda's hybrid bureaucracy model may explain how these systems evolved in other countries.

*The Political Economy of Investment Arbitration.* By Zoe Phillips Williams. Oxford: Oxford University Press, 2022. Pp. xii, 156. \$125 (paperback).

REVIEWED BY ARCHER CHEN

Zoe Phillips Williams's *The Political Economy of Investment Arbitration* explores the baffling phenomenon of investor-state dispute settlement (ISDS) and the international investment arbitration mechanisms thereof. States are fully aware of the legal and financial exposure that ISDS entails but still take executive action and pass legislation that triggers investor-state disputes and ensuing arbitrations. Williams explores which factors contribute to this phenomenon. Her central thesis is that investor-state disputes do not arise from technical compliance failures or random legal accidents on the investor level. Rather, the disputes are

primarily the product of two other state-level causal pathways: first, shifts in domestic preferences through democratic elections of governments and the influence of powerful interest groups, and second, deficiencies in bureaucratic capacity due to subpar institutional designs and policy incoherence. By examining ISDS from a political economy perspective, Williams shows that international investment arbitration is best understood as a manifestation of domestic conflicts over policy stability and state sovereignty, instead of a technical, narrow, and juridical product of international treaties and laws.

Williams studies the subject through an impressive mix of methodologies. First, she constructs and qualitatively codes a dataset of roughly 900 publicly available ISDS awards in ICSID, UNCITRAL, and other arbitration fora from 1990 to 2016. From this dataset, she extracts patterns about industries, state responses and actions, and domestic institutions implicated in disputes. According to Williams's qualitative research, a plurality of disputes arose from administrative proceedings (e.g., permits withheld or revoked, tariffs reset, or contracts reinterpreted), and two-thirds of such proceedings targeted specific investors rather than entire industries. On the other hand, legislative acts also matter. While administrative decision-making dominates the events that trigger an investor-state dispute, legislative actions often play important roles in developing state policies or regulations that ultimately lead to those triggering events. Also, investor-state disputes are concentrated in strategic sectors, such as oil, gas, mining, electricity and heat, construction, and transportation, where regulation is intensive and economic stakes are high.

Next, Williams runs a quantitative large-N statistical analysis, including zero-inflated negative binomial models that explore the incidence of claims at the country-year level. According to Williams's quantitative research, government effectiveness and control of corruption are negatively correlated with claim incidence on the capacity side. From a political perspective, how democratic a state's political system is and occurrences of elections are positively correlated with claim incidence, suggesting that shifts in preferences driven by organized publics and partisan turnover are central. These results support Williams's view that both limited state capacity and shifts in policy preferences resulting from democratic elections contribute to state policies that investors challenge in international arbitration.

Finally, Williams illustrates the results of her qualitative and quantitative analyses in three case studies, the most exemplary of which is *Bilcon of Delaware et al. v. Government of Canada*, PCA Case No. 2009-04 (PCA, award Jan. 10, 2019).

## I. DOMESTIC LENS OF INTERNATIONAL ARBITRATION & A “MENS REA VIEWPOINT” OF STATE DECISION- MAKING

Williams helpfully points out that domestic policy concerns and political struggles can drive international investment arbitration. More implicitly, Williams seems to apply a “mens rea viewpoint” of state decision-making. Essentially, Williams argues that on the “knowing” end, state governments consciously weigh political benefits against expected ISDS arbitration costs and proceed to adopt a policy or action when their domestic payoffs are compelling. This reflects an economically rational decision-making approach. On the “negligent” end, state governments inadvertently failed to comply with international laws and treaties, thus generating ISDS disputes. Williams’s book lays out this spectrum of mens rea and supplies explanations that fill in the content underlying each mens rea of state decision-making. She grounds this spectrum in concrete domestic processes: democratic elections, interest-group mobilization, administrative proceedings, and more. This framework is intuitive and easily understandable, serving as a lucid starting point for readers who are interested in scrutinizing international arbitration from a political economy perspective.

## II. THE PROBLEMS OF THE “MENS REA VIEWPOINT” OF STATE DECISION-MAKING

However, Williams’s “mens rea” metaphor exposes a crucial analytical dilemma: what, or who exactly, is the “state” that knows or neglects? Like corporations, a state is not a unitary mind. Instead, each state is constituted by a multitude of players with different objectives, ideologies, and powers in both public and private arenas. Williams expressly divides each state into a government and a public populace, whose preferences channel to the top-level government and affect its decisions on investment and industrial policies. This is a sound starting point in studying the mechanisms underlying state decision-making, but in my opinion, a sharper disaggregation can improve our understanding of how state decision-making works and how that affects its policies that, in turn, affect investor-state disputes.

Specifically, we need to be aware of three layers of internal contradiction that recur within a state. First, each state government is internally contradictory. Federal officials trump provincial ones, experts dissent from politicians, legislators act against executives and judges, and officials within a department or apparatus can fight with each other. Political players with different objectives, ideologies, ranks, and powers disagree and struggle with each other rather than act as a united and coherent body. Williams

implicitly and partially addresses this contradiction in the development of her theory. While generally referring to the “state” as a unitary body, Williams is thoughtful in differentiating the legislative and administrative branches. However, this differentiation paints the branches as parallel rather than actively conflicting channels. Moreover, Williams’s analyses of these political mechanisms are largely premised on democratic institutions, thus omitting the entirely different political ecosystems in hybrid or authoritarian regimes.

Second, each state’s public populace is also internally contradictory. A populace, a blob of millions of citizens or more, is deeply divided due to their diverging interests, ideologies, and private powers. How does such a divided and loosely connected populace produce legible “public preferences” for the government to digest and translate into policies and actions? Williams expressly recognizes this internal division among constituencies and points out that energy, natural resource, and infrastructure industries are much more vocal and effective than other interest groups in channeling their interests and preferences into the state government, especially in the context of investment policies and laws that affect investor-state disputes.

Finally, each individual citizen or official is internally contradictory. An individual has multiple overlapping or conflicting identities and incentives, and unavoidably must juggle and balance them. In what ways does such an individual decide its political preference, and how do a given state’s political and legal institutions aggregate such preferences? We have to answer these questions before exploring how government actors translate those preferences into actual policies that affect investor-state disputes. In addition, these questions also help us understand how individual arbitrators or judges rule on particular investor-state disputes. Williams does not address this individual-level internal contradiction and focuses on the state-level and government-level dynamics. This is understandable given the nature and scope of Williams’s studies. Further studies into such individual-level dynamics would provide extremely valuable insight for Williams’s already thorough body of work. Accordingly, when analyzing what factors contribute to state policies that inflame investor-state disputes, it is helpful to recognize these three layers of internal contradictions in order to perfect Williams’s original framework that attributes “intent” or “negligence” to a monolithic “state.”

### III. THE TRIPLE INTERNAL CONTRADICTIONS IN *BILCON V. CANADA*

Admittedly, it would be challenging and cumbersome to develop universal and abstract theories that explicate how governments, the populace, and each individual make decisions. This risks digression that distracts us from our inquiry centered on international investment arbitration. A better

approach would be to consider these questions in each specific case, as Williams does in her book. Next, I will use *Bilcon v. Canada* as an example to illustrate the “triple internal contradiction” in state decision-making, and how it can be important in exploring why states adopt policies that tend to espouse ISDS.

*Bilcon v. Canada* is the most illuminating case study for the “triple internal contradictions” framework. In this case, Bilcon, a U.S.-based construction and aggregates company, proposed a Whites Point quarry and marine terminal in Nova Scotia. This proposal triggered a joint environmental assessment by a panel set up by the Canadian and Nova Scotia provincial governments. The panel ultimately recommended against undertaking the project, emphasizing “core community values,” and both the Canadian and Nova Scotia governments adopted the panel’s recommendation. In response, Bilcon initiated an arbitration under Chapter 11 of the North American Free Trade Agreement (NAFTA) pursuant to the UNCITRAL Arbitration Rules, alleging that Canada had breached NAFTA Articles 1102, 1103, and 1105. NAFTA was a regional trade and investment treaty among Canada, the United States, and Mexico that granted investors the right to bring claims directly against a state or violations of specified investment protections. Under NAFTA, Bilcon claimed that Canada failed to accord its investment the minimum standard of treatment required by international law, including fair and equitable treatment and full protection and security, and that Canada failed to provide treatment no less favorable than that accorded to domestic investors in like circumstances. The Tribunal found that the Canadian and Nova Scotia governments failed to meet these two NAFTA requirements, while a dissent warned against international arbitrators second-guessing domestic frameworks of evaluating energy and environmental policies. The whole process from Bilcon’s proposal to the conclusion of the arbitration demonstrates the three internal contradictions at work.

First, governmental contradictions dominated in *Bilcon*. The misalignment of the Nova Scotia and Canadian governments surfaced on multiple fronts. As Williams explains, throughout the arbitration, Nova Scotia actively courted extractive investment, while Canadian agencies at the national level flagged habitat risks. In addition, both levels of government forged an independent panel that considered the interests of Nova Scotia and Canada, but was supposed to analyze the issue on provincial grounds. The ensuing panel finding based on “core community values” proved to be a suboptimal attempt to reconcile and aggregate such misaligned considerations, which was intensely questioned by international arbitrators. Moreover, Canada, as the NAFTA respondent, bore liability for a process anchored in provincial law and for an independent panel’s recommendation. Accordingly, even though the government of Canada went on as a single

litigant against *Bilcon*, the series of events before the arbitration proves that “the government of Canada” bore contradictory concerns and was far from a unitary and coherent party. This series of misalignments between different bodies of domestic laws, interests, administrative roles, and risks produced substantial uncertainty and disrupted Canada’s arbitration strategies in the actual arbitration proceedings.

Second, the public contradictions in *Bilcon* were stark. In response to *Bilcon*’s proposal, local fishers, environmental NGOs, and tourism operators mobilized around environmental and social risks such as ballast-water contamination threatening lobster and scallop fisheries, right whale habitat, navigational safety, eco-tourism revenues, and quality-of-life detriments. Other interest groups emphasized economic rationales that centered on jobs and a broader development agenda consistent with the province’s economic growth strategy. The “public,” therefore, was not a single constituency but various contending coalitions with different leverage, narratives, and time horizons. The division in the public parallels the division in the government bodies. When “the government of Canada” was tasked with representing all these interests, it inevitably adopted mixed or even incoherent litigation strategies.

Finally, individual contradictions were subtle. As mentioned above, understandably, Williams does not recognize the role of individual contradictions anywhere. Prominent individuals in this case were the three arbitrators: Judge Bruno Simma, Professor Donald McRae, and Professor Bryan Schwartz. They came from vastly different professional and cultural traditions and carried distinct views on the proper scope of investor-state dispute arbitration. Their disagreement over whether the panel’s reliance on “core community values” violated NAFTA standards reflected deeper divergences about deference to domestic regulatory processes. These individualized perspectives, though less visible than governmental or public conflicts, shaped the tribunal’s split rulings and contributed to the uncertainty surrounding the final award.

*Bilcon* thereby validates Williams’s core claims and clarifies their limits. While a state government can be seen as somewhat conscious and intentional when it adopts certain policies or actions that inflame investor-state disputes, public-level and government-level internal contradictions might produce much uncertainty and lead a state government to adopt incoherent policies or actions, and in an ISDS or arbitration, incoherent litigation strategies. None of this is completely captured by attributing a single “mens rea” to “Canada.” Rather, it is the joint product of multiple domestic actors’ concurrent behaviors and strategies.

#### IV. CONCLUSION

Williams's work gives us an illuminating political-economic perspective of international arbitration, specifically over investor-state disputes. She theorizes that these disputes are primarily the product of shifts in domestic political preferences and deficiencies in bureaucratic capacities. Specifically, she points out the intuition that, for various domestic reasons, state governments can be "intentional" or "negligent" in making policies or taking actions that trigger investor-state disputes. Nonetheless, as *Bilcon v. Canada* underscores, attributing intent to a presumptively unitary "state" can be analytically problematic. Specifically, in determining which and how certain actors contributed to state-level policies that engender investor-state disputes, we should recognize the three layers of contradictions among governmental actors, across publics, and within individuals. Williams, to varying degrees, considers these contradictions and uses them to sharpen her foundational framework. In future works, scholars may more explicitly recognize these contradictions and the uncertainty they generate when understanding how domestic dynamics can translate into volatility in international law and international investment arbitration.

*W.E.B. Du Bois: International Thought*. By W. E. B. Du Bois, Edited by Adom Getachew and Jennifer Pitts. Cambridge, United Kingdom: Cambridge University Press, 2022. Pp. vi, 310. \$95.00 (hardback).

REVIEWED BY ADRIANNA ESPINAL

*W.E.B. Du Bois: International Thought*, compiled and edited by Adom Getachew and Jennifer Pitts, brings together 24 essays and speeches by W.E.B. Du Bois that chronicle Du Bois's thought development from 1900 to 1956 on the subject of international politics. The works are sourced from Du Bois's various contributions to social science journals, publications, and panels. Leaving Du Bois's writing largely untouched Getachew and Pitts preserve his capitalizations and spelling of proper nouns, place names, and the racial slurs he used in quotes. Their comments on the volume are contained within the critical introduction, editorial footnotes that provide biographical and historical background to the writings, and small introductions to each work.

The critical introduction puts forth Getachew and Pitts's claim that Du Bois's work in this area is increasingly relevant in the current international context, as Du Bois grappled with the ever-present "relationship between democracy and empire" along the "global color line" that still seems to underlie international law and politics. Articulated in Du Bois's *Souls of Black Folk* and later in a speech in this collection, Du Bois's color line theory scrutinized racial stratification and called into question how "far

differences of race . . . are going to be made . . . the basis of denying to over half the world the right of sharing to their utmost ability the opportunities and privileges of modern civilization.”<sup>4</sup> The introduction emphasizes Du Bois’s continuous recognition of the nexus of empire, democracy, and race. It describes his interpretations as being centered on exploring how democracy in the Global North was sustained by the creation of and belief in a racial hierarchy rooted in white supremacy that allowed supposedly democratic nation-states to engage in unbridled imperial expansion and subjugation, particularly in Africa.

Du Bois’s essays and speeches are put forth by Getachew and Pitts as proof of his clarity on these linkages and evidence of his contribution and enduring importance to modern political thought. Jointly, Getachew and Pitts argue that Du Bois’s analysis is still an “instructive model of anti-imperial thinking” that deftly draws lasting connections between the domestic and international affairs that continue to inform the “global phenomenon . . . [of] racial domination.”<sup>5</sup> The pieces that follow the introduction track the evolution of Du Bois’s deconstruction of white democracy using his global color line theory and show the dramatic transformation of his thinking over this period. In an exceedingly troubling international landscape that is suffering under new permutations of global imperialism and racial domination, Du Bois’s analysis along the global color line remains useful.

Like Getachew and Pitts, I find Du Bois’s exploration of transnational and international politics astute, and I recognize the same need for expansive thinking and action across nation-state boundaries that Du Bois sought in the past, and that we still face now. Just as Du Bois, Getachew, and Pitts emphasize, the international community and international legal bodies, even more so in this political moment than in 2022, must embrace anti-imperial and transnational understandings in order to re-legitimize the claim of universal human rights. I argue that Du Bois’s model could again be turned towards international bodies to question how international legal practice—that is, ostensibly predicated on democratic ideals and politics—can function to protect universal human rights, or even survive as a legal system, while being consistently undermined by the implicit sanctioning of newer and more heinous violations and derogations.

#### I. THE GLOBAL COLOR LINE AS AN ANTI-IMPERIAL AND TRANSNATIONAL MODEL

In the first set of essays, Du Bois attempted to expand his conceptions of the color line from the American South to the Global South to include

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4. Du Bois, “To the Nations of the World” (1900), p. 19.

5. Getachew and Pitts, “Democracy and Empire: An Introduction,” p. xvii.

newly colonized nations. While Getachew and Pitts note that these early writings are limited by his contemporaneous aim to draw these new colonial subjects into the nation-state's fold and equalize their status by assuring them positive rights,<sup>6</sup> Du Bois nevertheless began building the foundation of his global color line analysis here. He argued that the problem of the color line rapidly became a global one when entire nations were "by common consent [of Global North citizens] for governance by white folk and economic subjection to them."<sup>7</sup> By analogizing between the racial segregation of Black people in the United States and the racial separation of people abroad in Puerto Rico, Guam, Cuba, Hawai'i, and the Philippines, the editors state that Du Bois successfully made the case that democracy could be re-legitimized by transnationalizing rights and incorporating out-groups internationally.

During the period spanning directly before World War I through World War II, Du Bois more thoroughly examined why democratic nations were rapidly colonizing and expanding their control. A particular standout, the essay "Of the Culture of White Folk," pushed Du Bois's global color line analysis further by making explicit the connection between pervasive international racial stratification across empire and white economic mobility in democratic Global North nations. Over this time, Du Bois argued that for the white lower and middle class to increase their wealth and status as promised, corporate and private exploitation of the Global South had to occur to supply the cheap labor white laborers were leaving behind. To allow for the othering of entire Global South populations without disturbing domestic democratic ideals and peace after war, "everything mean, bad, blundering, cheating and dishonorable" had to be non-white.<sup>8</sup> He emphasized race relations as grounded in the afterlife of the transatlantic slave trade; rather than end racial subjugation then, the editors make clear, the end of the slave trade meant the creation of new race-based labor structures. With these relations in mind, Du Bois's theoretical movements were propelled towards the consolidation of international Black solidarity, as exemplified in his writing for the Manifesto of the Second Pan-African Congress in 1921.

Expounding on these connections post-World War II, Du Bois was insistent on unifying the Global South around the global color line as a tool to fight white, capitalist imperialism in order to overcome subjugation. In

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6. Early on in his theorizing about the global color line and the ability for those suffering from a system of imposed racial stratification, Du Bois cites Britain as a positive example of an empire that afforded Black people the same rights as white Britons after the abolition of slavery. Du Bois, "The Present Outlook for the Dark Races of Mankind" (1900), p. 3.

7. Du Bois, "The African Roots of War" (1915), p. 28.

8. Du Bois, "Of the Culture of White Folk" (1917), p. 43.

his belief, as Getachew and Pitts claim, even as more robust international legal organizations emerged to address the atrocities of WWII, these organizations walked the global color line and did nothing to work against global imperialism. Rather than reorganize the international community under a set of universal rights from their inception, international legal bodies like the United Nations were another forum for the interests of the large empires of the Global North that obscured the structures of domination within these nation-states that sustained themselves through colonization (e.g., Belgium representing the Congo on the international stage). Even so, Du Bois was intent on internationalizing the global color line issue through the discourse of human rights and saw the potential for organizing around universal rights inherent to all without the call of a nation-state.

Getachew and Pitts are correct that Du Bois, from the very first instances of theorizing on the global color line, was engaging in a comprehensive thought practice that lends itself to contemporary political issues even at its introductory stage. As Du Bois fumbled through his initial conceptions of an anti-imperial, transnational model that sought to unify a Global South in opposition to empire, he made clear that a sustained anti-imperial project at any point would need to employ imaginative conceptions that could respond to the shapeshifting nature of imperialism (later neocolonialism) over time. In utilizing the Black experience in the United States as a foundational model for his global color line theory, Du Bois elucidated the type of knowledge-making practice necessary to upend mounting imperialism. Relating the split-consciousness of the Black person in the U.S. to a global rights struggle for all beneath the color line, Du Bois was illustrating the intellectual leaps other subjugated people should make toward each other.

Du Bois's consistent push forward down the global color line to include an acknowledgment and understanding of the political economy of racial capitalism later modeled how these intellectual leaps could identify imperial violence and spur action. The coalescence of Black international solidarities around these ideas in pan-African coalitions allowed people beneath the global color line to define their own morals, ideals, and politics outside of the ideological system that made them racial subjects. While Du Bois's global color line seemingly centered racial stratification, the Global South was (and is) able to use his theory as a tool to shed the race classifications placed upon them by white people. In doing so, those beneath the global color line were able to advocate for further self-rule and self-determination on terms that would shift lofty democratic ideals towards being truly all-encompassing. This is useful for a Global South today, which is suffering from the same relegation to the lower strata.

Similarly, Du Bois's acknowledgement of the international legal community's role in ensuring universal rights in an anti-imperial and

transnational model is an example that we need to return to today. Du Bois's failure to completely scale the global color line analysis in the international legal community is not reflective of the global color line's usefulness in the present moment of international law and politics. Where Du Bois was blocked from addressing international organizations and from injecting the understandings of the global color line in international law, due to the United States' distrust of his writings on the "common political project" between communist social ideals and American skills,<sup>9</sup> its visibility today allows for theorists and practitioners to bring the global color line to the fore.

## II. RE-LEGITIMIZING UNIVERSAL HUMAN RIGHTS AND THE INTERNATIONAL LEGAL STRUCTURE

As it stands, while Du Bois's approach was at times simplistic and reductionist in its flattening of certain issues or ignorance of others,<sup>10</sup> his global color line models how an all-inclusive anti-imperial scheme operates in relation to knowledge production and praxis. It is a welcome addition and critique of the current international landscape. Turning this model and its analysis back towards the international legal fora, I believe that Du Bois's teachings here lend themselves to a critique of the claim of universal human rights. Just as Du Bois looked to the Black experience in the South to reach transnational issues, the international community can and should look into its own backyard for reflections of the larger international political ideology.

As a first-generation U.S. citizen, like Du Bois, I look to the immigrant experience under the second Trump administration and the impunity with which Immigration and Customs Enforcement is conducting arrests and removals, completing third-country deportations, and imprisoning and potentially disappearing immigrants in detention centers. This migrant experience reflects that of migrants in Europe, in Asia, and in the Caribbean under other administrations. Nor is the Global North's forced migration practice the only instance of the modern international community accepting gross violations and derogations under the pressures of persisting imperialism and neocolonialism. As international legal institutions struggle to respond and to spur action that pierces the veil of sovereignty of nation-states, the international legal community is called to acknowledge the same issue that Du Bois raised almost 100 years prior: are universal human rights

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9. Getachew and Pitts, "Democracy and Empire: An Introduction," p. lv.

10. Editors make note of how Du Bois condoned Japanese imperialism as outside of the confines of the global color line, ignored indigenous rights, and encountered problems by way of his alignment with Stalinist Russia. Getachew and Pitts, "Democracy and Empire: An Introduction," pp. xvi-xvii.

universal to the Global North only? As certain racialized populations have their human rights diminished without reproach, it seems so.

One of the only ways, it seems, to re-legitimize universal human rights in response to this question is to wholly adopt an anti-imperial model that is responsive to the current international situation. Du Bois's own global color line theory is just one of such models. Scaling his theory to the international realm, international human rights and its sweeping claim of universalism must be subjected to this line of critique under the global color line. This community must question what legitimacy it rests on when Global North nations abrogate their responsibilities under international law. By drawing from and building upon existing commentary from Third World Approaches to International Law (TWAIL) and cultural relativist theory, scholars can use the global color line to reinvigorate human rights by helping international law and politics once again tap into the kind of border-crossing knowledge production necessary for coalition building. As a supplement and booster to existing tools, the global color line reifies the need for an upheaval of international human rights law's current claims.

*Warmonger: Vladimir Putin's Imperial Wars*. By Alex J. Bellamy. Newcastle upon Tyne, England: Agenda Publishing, 2023. Pp. CC, 200. \$30 (paperback), \$110 (hardcover).

REVIEWED BY YUHAN KIM

The Russian invasion of Ukraine sparked no shortage of debate in international relations theory, largely falling into two camps: the liberal school, which saw Russia as violating all international norms under the leadership of an irrational madman, and the realist school, which argued that Russia had been forced into a corner by Western provocations and resorted to war. *Warmonger: Vladimir Putin's Imperial Wars* seems to fall squarely in the former camp. Alex Bellamy argues that war has been essential to Putin's goals, and that the invasion of Ukraine was the culmination of his efforts. *Warmonger* provides a succinct overview of how Russia became mired in a war in Ukraine. In my view, *Warmonger* is also valuable when read through the very realist lens it criticizes, particularly when contrasted with Bellamy's foundational belief that the Western neoliberal order was not an active antagonist to Russia. In showing how Putin took Russia into these wars, Bellamy inadvertently questions their inevitability. This idea is embedded in how Putin's wars themselves arose: "None of this [the wars] arrived fully formed in the president's mind, or in that of an advisor or political technologist. It developed contingently and incrementally in response to the practical challenges of sustaining and legitimizing rule in twenty-first century Russia" (Bellamy, 9). Those "practical challenges"

were not, contrary to what the realists argue, security threats posed by the West, but were domestic struggles to gain and retain power, as Bellamy explores from his liberal point of view.

*Warmonger* is less a military history of Putin's wars and more a succinct examination of each war as a case study that builds toward answering how Russia came to its current situation in Ukraine, a process which, Bellamy points out, was driven less by intent than by stumbling through different crises. Bellamy describes it as, "a clearly articulated political project, albeit one developed piecemeal over several years" (Bellamy, 6). Through the use of warfare, Putin consolidated his newfound and unstable presidential power, embracing the narrative of a need to restore Russia to greatness, something that could only come from a powerful state government.

Bellamy's take on international relations theory is that Putin sought a *Russkiy mir* (Russian world): a sphere of influence exerted by a great power, as opposed to the Western liberal world order. The idea of the *Russkiy mir* extends back to Peter and Catherine the Great. Bellamy asserts that "imperialism was interwoven into the very fabric of the Russian state, and of what it meant to be Russian" (Bellamy, 63). So deeply was this belief ingrained in Russian strategic culture that "to their mind, NATO and the EU were not voluntary associations...but rival spheres of influence" (Bellamy, 64). This is how Putin became convinced that conflict with the West was inevitable if he was to achieve his goals, and viewed the pro-Western shifts in former Soviet countries, be they through revolutions or elections, as part of an American-led conspiracy, with the overthrow of Putin being the final objective.

The current war in Ukraine is the culmination of Putin's foreign endeavors, waged "(1) to sustain Putin's uncontested grip on power; (2) to build or restore as much imperial control over Russia's neighbors as possible, and (3) by achieving the first two goals, re-establish Russia as a global superpower, a peer challenger to American hegemony capable of drawing others to it" (Bellamy, 8). But simply put, when Ukraine was choosing whether to stake its economic and security future with Russia or the West, the West had much more to offer. The initially apparent success of Putin's military campaigns is the result of a carefully curated media narrative. In reality, Putin has faced numerous setbacks in his imperial quest, and responded to each one with even more violence, from bombing civilians in Chechnya to the Bucha Massacre in Ukraine. Russia's escalatory behavior in response to being rebuffed only further drove Ukraine away. Indeed, Bellamy describes this misguided approach as the "paradox at the heart of Russian strategy to Ukraine," that is, it was the inevitable failure to win over the Ukrainian people through heavy-handed tactics (Bellamy, 175).

In a liberal world order, war is viewed as *Ultima Ratio Regum*: "the last argument of kings." For Putin, it has been a favored option regardless

of the consequences. Bellamy concludes that having failed to achieve a decisive victory, Putinism has met its end in the Ukrainian plains littered with charred BMP wrecks, regardless of whether Putin himself survives the fall-out from the war. Bellamy asserts that “War has finally caught up with the warmonger”. (Bellamy, 189).

With the exception of Belarus, Putin’s imperial dream has collapsed, as all of the former Soviet states have broken away from Russia politically and economically, reducing the chances of ever returning to a Russian sphere of influence. With the Baltic states and Finland scrambling to prepare for invasion, one can only hope that Ukraine will be where Putin’s ambitions die. Russia, too, seems to realize that it has lost in the West, and now looks East for new partners in China and the DPRK. But Bellamy is right to argue that the Russian imperial dream will be no more after Ukraine. This turn to the East is not an attempt to expand the Russian empire, but rather a recourse after the failure of ambitions in the West.

*Warmonger* does not answer whether Russia’s path under Putin was inevitable as a result of the challenges it faced, but seems to suggest that Russia never had a place with the West. Not even the West’s seeming appeasement to Putin’s fears of Western encroachment by keeping Georgia and Ukraine out of NATO helped. Rather, it only served to further embolden Putin’s aggression as both Georgia and Ukraine came under Russian invasion. In light of this reality, could Russia exist without its imperial ambition? Putin enjoys popular support in Russia, and his vision is one that Russians have embraced, with the last hope of popular opposition quashed in the 2021 protests and the death of Alexei Navalny in a Russian prison. Bellamy seems doubtful, implying that if Russia were to escape the shackles of the post-Soviet collapse, it could only do so through war. Indeed, from a realist view, when a country declines to expand its power, it opens itself up to attack by others. But there has always been a place for another sort of Russia, one that was both a European player and a power in its own right. As hard as it may be to imagine, there was once a time, 200 years ago, when Russian troops were celebrated in Central Europe as liberators from a Napoleonic tyrant, and the Tsar Alexander held a vision of European harmony through a balance of power, through which he helped create a long-unseen forty-year period of peace on the continent.

*Warmonger* was an excellent read, and for anyone looking for a bigger-picture overview of the war in Ukraine to tie together the overwhelming mountain of news articles on minute events, I strongly recommend it. While it does not explicitly outline international relations theory, it incorporates enough to provide an understanding of Russian imperialism under Putin. Bellamy leaves the long-winded theoretical arguments to others and sticks to the facts, even if their interpretations are up for debate. Thus, in exploring Putin’s countless violations of international law from a liberal

perspective that views Russia as acting against international norms through its use of warfare, *Warmonger* also offers much to readers approaching the subject from a realist lens by implying the seeming inevitability of Russia's trajectory under Putin.