BOOK ANNOTATIONS

Superfast Primetime Ultimate Nation: The Relentless Invention of Modern India. By Adam Roberts. New York, NY: Public Affairs, 2017. Pp. xxi, 312. $28.00 (paperback).

Reviewed by Collier Bowling

Commentators assert that India is going through massive changes and is a country in transition. Many Indians would support the notion that India is changing for the better. In *Superfast Primetime Ultimate Nation*, Adam Roberts argues India can relatively soon become a successful, global power if it is able to effectively control and improve upon four of its major facets: economy, politics, foreign relations, and diverse society.

In the beginning of the book, Adam Roberts details a story about his experience with a charismatic fortune teller who predicts that India will soon be the number one country in the world—and even win the World Cup. Roberts shares the fortune teller's enthusiasm of India's potential, believing that India can relatively soon become a superpower if it addresses numerous challenges within the four areas identified. Roberts divides the book into four parts, each covering one of the four major facets—Part 1 (Superfast) covers India's economy, Part 2 (Primetime) covers India's politics, Part 3 (Ultimate) covers India's foreign relations, and Part 4 (Nation) covers issues of domestic tensions regarding the notion of the Indian nation. With each facet of the book divided into well-organized chapters, it is easy to explore each of Roberts' main points.

Readers should pause at the prophecy of India becoming a superpower in the near future. India currently faces many challenges, and Roberts even readily admits that India is not succeeding to the level that China has on many of the fronts that have allowed China to arguably recently develop into a superpower. Roberts's prediction thus is susceptible to criticism. It could be said that the level of change in India that Roberts hopes will occur, would alter Indian culture and values to an unacceptable degree. Many of the change that Roberts proposes could be criticized as being too focused on Western values and ignoring many cultural practices that Indians

hold dear. Clearly there are certain changes that Roberts suggests that should be universally supported, such as better hygiene and educational opportunities. However, there would likely be merit to the potential criticism that Roberts wants to "Westernize" India and thus strip it of many of its cultural qualities that Indians adore. For example, Roberts criticizes the Indian electoral practice that essentially condones electoral bribery. However, somewhat significant gifts are at least occasionally given out to poor Indians in a party-like atmosphere and there may be no desire to change this cultural practice. Putting the potential cultural whitewashing argument aside, Roberts does provide an effective check to much of the criticism regarding India's capacity to develop into a superpower. He does so through providing detail on numerous factors that strongly weigh in India's favor, such as India's democratic government and the relatively model-developing economies of particular Indian states.

Despite the above criticism, Roberts provides a colorful insight on India that should be read by anyone who is interested in learning more about India's current opportunities and challenges. No background in India is necessary to enjoy Robert's book. Deftly explaining his perception of India based on a lively narrative from his time as *The Economist*'s South Asia correspondent, Roberts provides an interesting, conversational quick read. For readers looking for an extensive academic foray into the forces that are driving India, they would be better served looking elsewhere. Roberts prophesizes that India will be propelled into developing a stronger economy, larger political clout, better standard of living, and a model Asian democracy. It seems that Roberts bases his rather bold, optimistic prediction of India on the ability of Indian leaders to control rising Hindu nationalism, to pursue economic reforms, and reduce its large levels of poverty. Broadly speaking, Roberts believes India's greatest strength in combatting Hindu nationalism is its "confidently secular, multi-religious [democratic]" past, and the resulting custom upholding this norm. Roberts claims economic reform will come from a combination of increasing educational opportunities and market reforms, and that poverty will be reduced through the resulting economic growth he sees stemming from these opportunities and reforms.

Readers cannot help but be drawn into imagining themselves standing beside Roberts as he travels across India meeting fascinating people and exploring spirited places. As Roberts describes moments such as exploring Sufi shrines in Delhi or religious pilgrimages in the Kashmiri mountaintops, it is hard to resist romanticizing India. The insights he provides are both entertaining to the casual reader and educational to those trying to gain a greater knowledge of the country. This is not to say that Roberts provides a completely positive portrait of India—he often recalls saddening memories, including a visit to the village of Muzaffarnagar in September 2013, immediately after religious clashes displaced forty thousand Muslims and resulted in many deaths. In another part of the book, Roberts recalls his experience of the "[Indian] disregard for public goods, shared spaces, air and water." He recounts one instance, on a hike in the Kashmiri mountains, where the valley "had the despoiled air of a refugee camp: paths were slippery with mud and excrement." For such a beautiful and significant locale, it is easy to sense the disappointment Roberts feels about how the environment is treated and regarded in India. Roberts discusses how political activism, in its regulations and programs, could solve many of these environmental issues. However, Roberts then concedes how various Indian states have failed to cooperate with government initiatives and how Prime Minister Modi has "offered mostly gestures" in the environmental sphere. These sorrowful moments provide a powerful check to the optimistic view Roberts theorizes for India's future.

While India has many things working in its favor, it would be ignorant and foolish to ignore the clear issues India has faced and the ones that are likely to arise or worsen in the future. Roberts identifies issues that India faces in each part of the book, at times leaving the reader wondering why Roberts predicts superpower status for India. Roberts describes India's challenges with no persuasive follow-up on how the challenges will be overcome. The problems highlighted by Roberts often seem so insurmountable that they overpower the optimism about India's potential. The challenge likely to only worsen, based off Roberts's account, is rising Hindu nationalism. In describing the negative effects of the fervent Hindu nationalism, Roberts spares no detail in describing the religious violence, often promoted or condoned by religious leaders, that

has threatened the tolerant society that Roberts asserts has allowed India to succeed. One of the worst examples of religious intolerance he provides is the 2002 Gujarat riots that left around a thousand dead, mostly Muslims. Even more daunting is the fact that India's current Prime Minister, Narendra Modi, was Chief Minister of Gujarat during this time. Roberts seems to base his hope that India will overcome this strife through its historical culture of tolerance and its rather liberal constitution. Given the recent trend in religious violence, this hope seems unlikely.

India's future also hinges on how it manages the extreme tension with Pakistan. Arguably largely rooted in the violent religious clashes that occurred during Partition, tensions remain high today and have manifested in devastating terrorist attacks in India, thought to have been supported by at least some of Pakistan's army, and have contributed to the conflict in Kashmir. Consequently, not only has great violence and grief occurred, but India has also missed out on the opportunity to develop potentially lucrative economic relationships with Pakistan.

In addition to the descriptions Roberts gives on India's issues, Roberts describes great reasons for why India can succeed and then reasons for why India will potentially not be able to do so. The harshest critic would likely assert that Roberts bases his optimism solely on India's large population, which clearly faces numerous substantial obstacles. For example, Roberts believes India's numerous youth will power the economy's development. However, he concedes that this belief may be "only theoretical, because it depends on getting those extra people to be productive and useful." He then states elsewhere that "[w]hat is missing . . . is a much-needed push to develop more high-quality schools and colleges." For a country in great need of development with a massive population and acreage, this does not seem to be an easy objective that can simply be brushed aside in prophesizing. Without the additional and numerous high-quality educational facilities that Roberts says are needed, it seems impossible for India to succeed in the manner that Roberts predicts. The book's biggest downfall is this blind optimism in India.

Roberts does, however, provide compelling reasons for why India can succeed beyond India's immense and fast-growing population. Roberts's most persuasive argument is that

given India's underdeveloped status in many areas, such as not having a reliable electric grid, it has a relatively blank slate to work with in developing the nation. Additionally, Roberts details how Indian politicians can enact change when there is a driving force, as was the case when Delhi politicians, in an effort to reduce pollution, made 100,000 automobiles switch from diesel engines to electrified gas. He is quick to note that Delhi still faces exceptionally dangerous pollution, unacceptable to the developed world, but he does illustrate than India has proven that it can address its problems.

While there are large challenges that India needs to overcome in order to achieve superpower status, it becomes increasingly evident that Roberts did not intend to provide readers with all the answers as to how India will become a superpower. Instead, Roberts seems content on providing a fascinating factsheet on India. Personally, I was not aware of the high degree of cultural and economic diversity that existed in India, which Roberts strongly suggests could be one of India's greatest strengths. Regardless of a reader's knowledge about India, any reader is certain to walk away with new information on this fascinating and complex country. This factsheet does not lead to problem-solving conclusions, and Roberts never pretends to assume the role of an all-knowing problem solver. Rather, he lays the ground for others to step in and devise possible solutions to address the country's negative attributes and help it develop into a sustainable and richer democracy. Roberts is definitely biased in favor of India; however, he provides a fairly neutral basis for readers to come to their own conclusions. While the resulting product is an excellent overview of modern Indian society, the book may disappoint those who expect more. However, if readers understand this before reading Roberts's book, then they will not be disappointed by it.

After reading Robert's account on India, it seems fair to assert that it is not likely that India will be able to reach superpower status in the near future. While Roberts provides the means for readers to sift through his bias and illustrations and come to critical conclusions, it is easy to fall into the trap of blindly agreeing with Roberts's prophecy. For comprehensive conclusions, readers would likely have to conduct further research on India and gather more perspectives. However, the

extremely readable and concise nature of *Superfast Primetime Ultimate Nation* is a great place to begin.

The American Convention on Human Rights. By Thomas M. Antkowiak & Alejandra Gonza. New York, NY: Oxford University Press, 2017. Pp. xiii, 416. $100.00 (hardcover).

REVIEWED BY MELINA DE BONA

In 1969, States from across the Americas came together in Costa Rica to reaffirm their "intention to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man."[1] In order to do this, the States adopted the American Convention on Human Rights (the American Convention), and later created and charged two bodies—the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights—with interpreting the Convention. Pioneering in some respects and taking steps back in others, the jurisprudence developed by the Court and the Commission is anything but easy to deconstruct. Yet, this is the brave task that Thomas Antkowiak and Alejandra Gonza undertake in *The American Convention on Human Rights*. The book seeks to offer a thorough, critical, and accessible analysis of the American Convention. While focusing on accessibility and breadth, however, the authors compromise the depth and critical value of their work.

The authors' book is a refreshing shift from the overly specific and convoluted literature on the American Convention. The book begins with a clear introductory chapter that provides a quick history and explains the basics of the Convention, the Court, and the Commission. In addition to presenting basic information, ranging from the diverse bases for the Court's jurisdiction to its assessment of evidence and burden of proof, the introductory chapter offers a short, but valuable, description of the power dynamic between the Court and the Commission. The authors explain the simultaneous roles that the Commission is forced to play when confronted with the question of whether to recommend a case to the Court—the

1. American Convention on Human Rights pmbl., Nov. 21, 1969, 1144 U.N.T.S. 143.

Commission transforms itself from a quasi-judicial body that assesses matters of fact and law, to a procedural party before the Court. Furthermore, the authors explain that as the ultimate interpreter and sole judicial organ of the American Convention, the Court has the power to examine and review all actions of the Commission—which is conceptualized merely as an "auxiliary of the judiciary." By providing background and explaining the legal bodies' relationship, the authors clarify the institutions' often-misunderstood roles and interactions, painting an accurate and useful picture of the Inter-American system's skeleton early on in their book.

The rest of the chapters' prose and structure make the work extremely accessible to any reader. In addition, the authors constantly define international law concepts, such as *jus cogens* and positive and negative State obligations, making it accessible to an audience that lacks knowledge of international law.

While not disregarding the importance of other human rights, the authors chose to only focus on what they call the Convention's "essential rights"—those rights that have been most developed by the Court and Commission: the rights to equality (Article 24), life (Article 4), humane treatment (Article 5), personal liberty (Article 7), property (Article 21), due process and judicial protection (Articles 8 and 25), as well as the freedom of expression (Article 13) and reparations (Article 63). The authors logically devote one chapter to each essential right, making the work a total of nine chapters. Each chapter contains (1) an Introduction that compares the American Convention right's formulation with parallel rights in other international and regional treaties, (2) a Background section that considers the right's negotiation history, (3) a Scope of Protection section that analyzes the right's provisions, and (4) a Limitations section to study the limitations to the right.

While each chapter surveys and makes multiple normative suggestions about the jurisprudence of the right in question, the authors skillfully tie the chapters together by identifying multiple reoccurring, and often troubling, trends throughout the book. These include a divergence from the *pro homine* principle in recent case law vis-à-vis a decrease in the transparency and rigor of the Court's assessment of potential rights violations and reparations, an increased deference to States, and a

tendency to favor the application of certain Convention Articles at the expense of others.

Throughout the chapters, the authors successfully emphasize the distinctiveness of the Inter-American system and its institutions—ranging from the fact that the Court is the only international body with binding jurisdiction that has consistently ordered a full range of reparations, to explaining the influence that the Court has had on the jurisprudence of indigenous property law and forced disappearances law throughout the hemisphere. This is especially valuable since it contextualizes the development of the Court and Commission in their unique Latin American and Anglo-American context, and since it reminds readers and skeptics of the international value of the Inter-American system in developing human rights case law, treaties, and practice.

The authors' individual observations within each chapter are undeniably well supported with a vast amount of case law. However, their jurisprudential critiques and their alternative conceptual approaches—analyses where the book's value would have been showcased—are often brief and are sprinkled throughout the text. While the authors understandingly denounce the Court's judgments as lengthy yet empty of in-depth conceptual developments, and therefore as a constraint in their book's analysis, the authors could have capitalized upon their own backgrounds to create a more substantial and sophisticated analysis.

The writers possessed an incredible advantage—they are lawyers as well as academics, and they have vast experience working and litigating within the Court and the Commission. Especially relevant is Antkowiak's experience as the Director of the Latin America Program at Seattle University School of Law, his experience litigating several matters before the Court and the Commission, as well as his experience serving as a senior attorney at the Court. Gonza's background as an Argentine lawyer who graduated from Tucumán University, as a graduate from Pontifical University of Salamanca's Masters Program in Spain, and as a senior attorney at the Court and the Commission gave the authors the opportunity to create a unique comparison of viewpoints, and to therefore expand the range of jurisdictional and political perspectives found in the literature of the Inter-American system.

Unfortunately, the authors do not exploit their firsthand experiences to more deeply explore various aspects of the legal bodies that would have been of explanatory value to the reader. More specifically, while they admit that they examine the case law from a victim-centered perspective, they do not explain the way in which their experiences may have informed their opinions of the Inter-American system or informed the normative claims and alternative conceptual proposals that they suggest. Such a simple action would greatly have substantiated the book's content.

In addition, the authors merely nod to the Court and the Commission's internal politics and dynamics. The brief mentions of politics occur in the book's Introductory chapter—when explaining that the 2011 "movement to reform" the Commission by State parties was a façade for an attack on the institution's independence and power—and in the Background section of each chapter. The truth is that the complicated politics of the Court and the Commission—not only found in the diverging opinion of State parties during crucial moments, but also found within the every-day bureaucratic functioning of the institutions—is one of the most influential factors upon the Inter-American system's jurisprudential development or stagnation. While they identify the specific cases that serve as turning points for the Inter-American system's case law, the authors, as experienced Inter-American system attorneys, could have capitalized on their understanding of the political reality of the Court and the Commission to explain the sometimes abrupt and unexpected changes in the Inter-American system's jurisprudential direction. While an in-depth or controversial political analysis would not have been necessary, a general description of the swings in political attitude and routine bureaucratic obstacles, and their effect on jurisprudence, would not only have made the authors' identification of past jurisprudential development more comprehensive and intelligible, but would also have provided the reader with a tool to make an informed prediction of the system's future jurisprudence.

The book's value rests upon its accessibility and the breadth of case law covered. It clearly compiles decades of crucial Inter-American jurisprudence and identifies key trends in the area. This type of book is of an undeniable value both to the lay reader, and also to human rights practitioners and aca-

demics. Yet, the value of the authors' experiences—their proximity to those political and bureaucratic nuances that translate to jurisprudential developments—was left largely untapped.

Weapons of Choice: Small Arms and the Culture of Military Innovation. By Matthew Ford. New York, NY: Oxford University Press, 2017. Pp. v, 248. $40 (paperback).

Reviewed by Ari Goldberg

In *Weapons of Choice: Small Arms and the Culture of Military Innovation,* Matthew Ford seeks to highlight the weaknesses of the top-down and bottom-up approaches generally used in the analysis of military innovation. In his view, it is obvious that there are "all sorts of influences on weapon design and selection" for western militaries. No one particular group has on their own dictated the path and trajectory of western military innovation or determined technological outcomes. Rather, according to Ford, military innovation is driven by a number of different group and societal factors. The development of the rifle, though seemingly simplistic, showcases how military innovations are the product of many different calculations and catalysts. Indeed, the first inclination of many when thinking about the history of the rifle might be that its development followed a linear path. However, in reality, the development of small arms, owing to divergent influences, took different paths at different times and places.

Throughout the book, Ford lists the groups of people whom he believes play a part in the developmental trajectory of small arms. He starts off with the users: soldiers who are actually charged with using the weapon in training and in battle, as well as other higher ranking military officials. Ford details how the perspectives of soldiers have and have not shaped military innovation. He then introduces both engineers and scientists into the equation. Finally, he reaches industry and "explores how soldiers are turned into consumers."

From a lay perspective, one might assume that soldiers and the military more generally are the ones who drive the trajectory of technological development. After all, it is these men and women who are actually responsible for employing these systems, often in battle. Thus, it would make sense for their perspectives and needs to dominate and drive change.

Ford mostly dispels this notion and illuminates why, in reality, it is difficult for this type of bottom-up structure to function. The perspectives of soldiers often differ from soldier to soldier and unit to unit, let alone from one military to another. This is true for a number of reasons. For example, Ford details how special operators such as the Navy SEALs and British SAS have their own "acquisitions process" that is separate from the rest of the conventional forces. Furthermore, different missions may have different goals, and achieving them might require differing emphasis on certain features. One mission or conflict may require superior firepower; for another, the name of the game may be expert marksmanship. These features are sometimes contradictory. Enhancing one may mean failing to enhance another, or not being able to enhance the other to the same degree. The fully automatic rifle, for example, increases firepower but simultaneously impedes the accuracy of that fire. Soldiers are also influenced by culture, and the way in which soldiers see themselves may be different and therefore their views on how a rifle should look or function may likewise vary. These examples highlight how even within one group—the military—there is no uniform perspective on what kinds of systems should be prioritized or how systems should be modified moving forward.

User perspectives are not the only ones that suffer from a lack of uniformity. Such inconsistency of opinion reaches all the different groups that tend to affect military innovation. One concrete conclusion that Ford seems to reach is that as technologies have become more complicated, the initiative has shifted toward industry—what some might call the military-industrial complex—as the predominant driver of the developmental trajectory. Ford's conclusion is based on a number of factors. Foremost among these appears to be the notion that the military and the other government-related players, such as engineers and scientists, tend not to be able to rival the expertise and resources wielded by the military-industrial complex. This advantage in expertise and resources has allowed industry to take a dominant position relative to these other groups, establishing an almost forced reliance on the military-industrial complex as the status quo. Secondly, industry, given this advantage in expertise and resources, has been able to control the narrative so that while the military's desires might be driving change, in reality the military's desires are being

controlled by the paradigm into which the industry has forced them.

Upon first impression, Ford's conclusion does not seem overly surprising given the widespread notion that the military-industrial complex wields significant power in the United States. It also makes sense that the development of new technologies is driven by those that have an obvious interest in selling products and making a profit. Ford does a commendable job illuminating the complexities inherent in military development and tracing the principal catalysts of such innovation. This principal catalyst appears to have become mainly the military-industrial complex.

Where Ford's work falls short is in its assessment of how this development could have been avoided, or at least the extent to which he believes such an avoidance could have been possible. In his conclusion, Ford states, "If democratic principles and strategic sense are to prevail, then government needs to employ and empower more engineers to evaluate designs, educate users, model regulatory frameworks and shape policy formulation processes" (p. 182). Such a statement seems to imply that the growing power of industry is per se negative. It is hard to argue with Ford that the notion of the malevolent and supremely powerful military-industrial complex would appear to be a blight on our democracy. However, his proposed response seems overly simplistic. Ford fails to highlight some of the positives that come from allowing industry to drive development, as well as the inevitability of such a development. In regards to the former, Ford fails to consider that such a structure has developed because it is the most successful and functional. In regards to the latter, in a capitalist society such as ours, industry of all types will always yield significant political influence, and so the idea of being able to abruptly contain this pervasive clout seems unrealistic.

Another drawback of *Weapons of Choice* is that, at times, the trajectory of Ford's thesis is hard to follow. While the idea that many different groups have influenced the developmental trajectory of small arms and other weapons systems is clear, how much influence each group has relative to the other is not always made as apparent. Ford often jumps back and forth from the macro to the micro, making it difficult to follow his thoughts. For example, while discussing the influence of the military in Chapter 2, he alternates between discussing the de-

velopment of specific weapons and his more general thoughts and perspectives on small arms. The differences between the American and British perspectives further compound this difficulty. The two militaries have had different experiences and inherent cultural biases which have caused the trajectories to diverge in important ways. For the Americans, the focus has historically been on on accuracy and marksmanship, as an ode to American individualism. The British, on the other hand, were more open to firepower and fire supremacy, assets that would prove to be critical in the Second World War. It is almost immediately obvious to the reader that the developmental trajectory of military systems is extremely complex, and so the answer as to why and how certain things to tend to unfold the way they do is not readily easy to explain. In sum, the frustrating aspect of Ford's analysis is that every time the reader is close to understanding one concept, Ford breaks it into three smaller ones. This is not to suggest that the intricate nature of this work and of the author's thesis is a negative, however, for a reader who lacks any background in this field, comprehending the full scope and range of the book is certainly challenging.

Overall, *Weapons of Choice* is almost too comprehensive, overloading the reader with technical information. At times, it is hard to follow Ford's ideas and arguments through the maze of technical information and multifaceted analysis. By the last chapter, it is unclear what the author thinks is ideal and what he thinks is a hindrance in regards to what an optimal developmental model would look like. In certain instances, Ford's views are somewhat inconsistent. Towards the end of the book, he focuses on how it is imperative that the military work harder to develop and assert its own views given the growing influence of industry. However, the first few chapters highlight the weaknesses and inefficiency of the military when it comes to relying on their experience and beliefs in weapons development. In the end, what the book tends to show that is while "middle-out" innovation may be the ideal developmental trajectory when it comes to weapons development, nothing in this arena is simple, straightforward, or constant.

Cityscapes of Violence in Karachi: Publics and Counterpublics. Edited by Nichola Khan. New York, NY: Oxford University Press, 2017. Pp. xxiv, 252. $39.95 (hardcover).

Reviewed by Suzannah Golick

Cityscapes of Violence in Karachi: Publics and Counterpublics describes Pakistan's largest city through many voices: a former student protestor looks back on the excitement and horror of violent clashes with the police, a women's rights activist mourns lost friends, a journalist interviews a serial murderer, and editor Nicola Khan performs a sophisticated analysis of the city's dynamics. *Cityscapes* is a collection of essays by different authors, each of whom has many years of experience studying Karachi in their different fields. The Karachi seen through this volume is multi-layered and deeply flawed, with violence at every level. It is dominated by gang-like dueling political parties, a powerful military, religious extremism, and ethnic prejudice that lead to constant, systemic violence and fear. It is also a vibrant, diverse, multicultural city, once known as the "City of Lights." Through this collection of essays, Khan seeks to understand and find meaning in the violence of the city, revealing "a different cartography of collective vantage-points on violence and Karachi."

The overall effect is holistic and chaotic. The reader peers into Karachi from many angles, creating a far more textured and nuanced view than could be gained from a linear narrative, though perhaps without being able to visualize the shape of the whole. The chapters are in such different styles and tones that moving successively through them requires a mental re-boot at the start of each. The themes are expressed more strongly in some chapters than in others. Kausar S. Khan's chapter, "Four 'Ordinary' Deaths," is closely aligned with the editor's stated goals: in memorializing four brutal deaths, she hopes that "working through to disentangle our reactions to violent deaths may bring about stronger connections." Other writers in the book barely touch on violence or present it without analyzing it. Razeshta Sethna's chapter, "The Cost of Free Speech: The Media in the Battlefields of Karachi," is a confusing but powerful patchwork of anecdotes about the violent repression of the media in Karachi, which she describes as "a

collection of conversations and memories that bear witness to stories that might easily disappear."

Readers with little background on Pakistan will find gripping stories that draw them into the world of Karachi. Wide-ranging focuses on popular culture, religion, individual lives, and larger institutional trends paint a rich picture of a diverse and changing city. Some chapters read like history lessons, some like academic treatises, and one unusual chapter discusses student drinking culture. Khan seems most interested in examining and combatting violence itself through her scholarship; she analyzes the underlying causes, but also asks, "What use are sophisticated writings about violence and suffering if they do not improve people's lives?" She successfully evades overly simplistic narratives (e.g., "They are monsters!" "They are victims of their circumstances!") but continues to ask questions while the reader waits for some answers. In her introduction, after explaining these themes and her goals in creating this collection, she spends an entire subchapter examining "the meaning of words." It is too much verbosity too early in the story. Readers confronted with this dull subsection so early on may be inclined to put the book down, thereby missing out on the fascinating story that lies ahead.

In contrast, Khan's writing shines when she writes personally. The second chapter recounts her experiences living in the Liaquatabad district with vivid charm and frankness—after yet another miniature introduction analyzing her themes and thought process. Frustratingly, Khan declines to give us the factual foundation on which she has built her musings. She tells us that her focus is on a single case-study, that of Arshad, and for the factual details refers us to her other written works. A quick explanation of who she is talking about and the nature of their association would take little space and make the piece far more satisfying. Still, we glean enough to be fascinated by Arshad, a violent political operator who brags about having eighty-six murder charges against him. Arshad almost unfolds into a nuanced, frightening, and intriguing character, but the lack of detail only gets the reader part of the way there.

Cityscapes should be better organized for the reader's comprehension. The introduction and unnecessarily long prefacing of many chapters diminishes some of the book's power. I applaud Khan's bold choice to begin with a chapter of Azra Abbas's riveting poetry, as translated by Asif Farrukhi. After

the highly academic introduction, the poetry signals that this is no ordinary book of political science. Khan immediately switches back to her own voice to introduce the chapter on her personal experiences in Karachi, before allowing any of the other authors to have a say. Her chapter would be better placed later in the story, once some context has grown to anchor her analysis. Some authors write narratives that could fit together chronologically if reorganized. A chapter focused on the modern era is immediately followed by one on political shifting in the 1990s, then another on religion in the 1980s. Switching the order of these three essays would have helped the reader build a stronger thread from the patchwork. The book finishes strong with a powerful eulogy by Kausar S. Khan, a women's rights activist, of four people who died in horrible ways that have become ordinary in Karachi.

Laurent Gayer's essay stood out for its thoughtfulness and readability. In describing a personal experience with "the routinization of political violence in Karachi over decades of chronic civil strife," Gayer could be summarizing the themes of the book as a whole. He also pleads compellingly for a shift away from viewing violence as a symptom of systemic disenfranchisement, in favor of a holistic assessment of the psychological, economic, cultural, and political motivators. Gayer tells the story of Iqbal, a young man who joined the MQM, a political party and gang, as a politician and combatant, motivated in part by a desire to serve his community and in part by a rational pursuit of economic stability. In Gayer's narrative, Iqbal engages in violence as a rational actor juggling the ideological concerns and practical incentives that motivate us all. Like Khan, Gayer does not want us to reduce Karachi's violent actors to mere "crazy people," or to dismiss them as helpless victims of bad circumstances. While the plea for greater understanding sounds more empathetic, Gayer is also assigning more agency to these actors. Gayer successfully balances the academic ambitions of the book with accessible narration.

Oskar Verkaaik's chapter interestingly explores the tension between religion, politics, and ethnic identification during the 1980s and 1990s, through the Mohajir religious group *Dawat-I-Islami* and the political group MQM. He demonstrates how the two groups, while "competing between themselves for the support and membership of young, male Mohajirs," highlighted the struggle for identity in Karachi. The two groups

were fundamentally opposed, as *Dawat-I-Islami* promoted religious piety and condemned politics as immoral, and the MQM argued that a devout Muslim could also be "educated, modern, liberal-minded" and "wary of religious extremism." Verkaaik demonstrates how the search for identity through belonging drove young people towards one or the other group. Though we know from other chapters that the MQM is a violent group, Verkaaik does not engage heavily with an analysis of violence. However, his chapter adds helpful and fascinating context.

Nadeem Paracha describes the role of drinking when he was growing up under the oppressive military dictatorship of Zia, in the late 1970s and the 1980s. Drinking became "a political act of defiance," as well as a form of "self-medication" for a suffering population. Drinking as an act of teenage rebellion will sound familiar to American readers, but in Karachi it was entwined with riots, extortion by the police, and tension with a powerful religious extremist government. Later, in college, Paracha became the leader of a student union group connected to the PPP political party. Drinking was part of a student protest culture that also included violent clashes with the police and other pro-government forces. Paracha's voice is particularly interesting in a volume on violence, because his regret for his youthful mistakes is mixed with unmistakable pride and nostalgia.

Arif Hasan's essay is also particularly powerful, as it creates a ray of hope for a more liberal future in Karachi. Hasan explains Karachi's history as a cosmopolitan port town, vibrant with arts and entertainment that "served a multiclass clientele"—namely through bars, dance halls, and cabaret. These aspects of the culture were suppressed under the Islamist policies of the military dictatorship of General Zia-ul-Haq, from 1977-1988. Drinking was forbidden, businesses closed, student activities curtailed, media censored, and school curricula controlled. Today's Karachi has developed many indicators of modernity: a class of literate, unmarried young people of both genders; a break-up of the traditional extended family household model, in favor of the nuclear family; and increased education of women, who are also more frequently working after marriage. Culture and the arts are beginning to return to Karachi, albeit without the multiclass character they previously held. During Zia's dictatorship, the elite became accustomed

to avoiding public life, sending their children to private school, and enjoying private entertainment. Cosmopolitanism is returning—albeit slowly, and in tension with right-wing religious forces—to a Karachi with sharper divides between the rich and the poor.

Cityscapes is a rich tome that will introduce the uninitiated to Karachi, and build on the understanding of other scholars of Pakistan, "provok[ing] questions concerning taken-for-granted assumptions about approach and definition." While the book would benefit from more heavy-handed editing to organize it and streamline its treatment of themes, it is an enjoyable and highly educational read. The book's minor disorganization perhaps reflects the chaotic nature of the violence it seeks to depict. There can be no straightforward answer to Khan's questions because there is no single, correct answer to violence. Each author adds a new and different layer to the reader's understanding, resulting in a fascinating read.

Sectarianization: Mapping the New Politics of the Middle East. Edited by Nader Hashemi & Danny Postel. New York, NY. Oxford University Press. Pp. xii, 276. $34.95 (paperback).

REVIEWED BY JACOB GREEN

With the rise of ISIS and the explosion of conflicts in Iraq, Syria, Yemen, and elsewhere in the Middle East, world leaders and policy analysts increasingly attribute rising instability to sectarianism. In *Sectarianization: Mapping the New Politics of the Middle East*, Nader Hashemi and Danny Postel challenge that conclusion. They argue that while the ancient Sunni-Shi'a divide is historically and theologically significant, it does not explain the spread of conflicts across the Arab world today. Instead, geopolitics, authoritarianism, and weak states have enabled sectarian strife to spread across the region and political leaders have encouraged that development in order to stay in power. Thus, sectarian identities are salient in Middle East politics today because state actors have politicized those identities in pursuit of political gain. In support of that argument, Hashemi and Postel have compiled essays by various authors that separately trace the development of "sectarianization" in several countries in the Middle East. The essays identify distinct features of each country, but they are unified on the

point that political factors, rather than the Sunni-Shi'a theological divide, are driving violence in the Middle East today.

The first four essays of the book place sectarianism in a historical, theoretical, and geopolitical context. First, Ussama Makdisi traces the rise of modern sectarian politics and emphasizes the role that Western interventions have played in fueling sectarianism. Bassel Salloukh then describes the regional rivalry between Saudi Arabia and Iran and its role in sectarianizing local conflicts. Next, Yezid Sayigh explores how political repression, socioeconomic stagnation, and human underdevelopment have contributed to sectarian strife. Adam Gaiser then describes the constructive and dynamic nature of sectarian identities. The remaining essays conduct case studies of sectarianization across nine Middle Eastern countries, namely Pakistan, Iraq, Syria, Saudi Arabia, Iran, Yemen, Bahrain, Lebanon, and Kuwait. In the concluding chapter, Timothy Sisk brings a comparative approach to sectarianization and suggests some historical case studies that could inform a process of de-sectarianization in the Middle East.

The unifying narrative of *Sectarianization* is a refutation of a theory that the authors label "sectarian essentialism," which they see a form of neo-Orientalism. According to Hashemi and Postel, under the theory of sectarian essentialism, the instability in the Middle East is a result of ancient feuds rooted in putatively primordial hatreds and antagonisms between Sunnis and Shi'a that have persisted since the dawn of Islam. Under this view, authoritarian strongmen were able to limit sectarian conflict after the collapse of the Ottoman Empire, but, as more autocrats have toppled, the Arab world is revealing its perennial and deep seeded intolerance. Hashemi and Postel identify various sectarian essentialists ranging from President Obama and U.S. Middle East Peace Envoy George Mitchell to Daily Show host Jon Stewart and former Fox News commentator Bill O'Reilly.

As an alternative to sectarian essentialism, Hashemi and Postel propose "sectarianization," a top-down process that is shaped by political actors facilitating popular mobilization along religious identity markers. In contrast to sectarian essentialists, proponents of sectarianization argue that the sectarian conflicts plaguing the Middle East were not inevitable and that sectarian strife is not an immutable characteristic of the Arab world. Like sectarian essentialism, sectarianization emphasizes

the role of political authoritarianism, but sectarianization views authoritarian strongmen as a cause of sectarian strife, rather than a potential solution. Several of the authors illustrate how authoritarian regimes throughout the Middle East have deliberately manipulated sectarian identities in order to deflect demands for political change. As the book demonstrates, weak states are also more prone to sectarianization, because leaders of weak states manipulate identity cleavages and use religious intolerance to justify the degree of violence required to maintain power.

In addition, unlike sectarian essentialists, Hashemi and Postel emphasize the role that current geopolitics and power rivalries play in facilitating sectarian strife. In particular, they argue that western-backed dictatorships have deliberately inflamed sectarian tensions in response to political developments. Saudi Arabia, for example, responded to the Iranian revolution of 1979 by investing significant resources to portray the revolution as a distinctly Shi'a phenomenon based on corruption of the Islamic traditions. In addition, the toppling of Saddam Hussein also inflamed Sunni-Shi'a relations by tipping the regional balance of power towards Iran's favor, which lead several Sunni leaders to fear a rising "Shi'a Crescent" linking Beirut with Tehran and running through Damascus and Baghdad.

However, while *Sectarianization* makes insightful points on the issue of sectarian conflict, sectarian essentialism is often painted as so simplistic and unsupported that one wonders whether such a theory even deserves a response. After all, it is hard to imagine that any serious experts in Middle East politics would argue that violence in the Middle East is solely attributable to ancient primordial hatreds among Arabs that have been raging since the dawn of Islam. Such a view is irreconcilable with various periods of relative peace in the Arab world including throughout the reign of the Ottoman Empire.

To avoid the allegation of making a straw man argument, Hashemi and Postel argue that, even though sectarian essentialism has little merit, it has become the "prevailing conventional wisdom." But, the authors give no empirical support for that claim. Moreover, they provide only modest evidence to conclude that even their exemplars of sectarian essentialism actually subscribe to the theory. President Obama, for example, is labeled a sectarian essentialist primarily based on two

speeches in which he says that there are "ancient sectarian differences" in the Middle East. While that description does not summarize every nuance of Middle East politics, it hardly demonstrates ignorance of the political forces driving modern conflicts. In fact, in those same speeches, President Obama points to various political developments as driving violence, including the Arab Spring and the legacy of authoritarianism in Iraq. Similarly, Middle East Peace Envoy George Mitchell is labeled a sectarian essentialist based merely on his statement in an interview that the Sunni-Shi'a split began after the death of the Prophet Muhammad and is a major factor in Iraq, Syria, and other countries today. In the same interview, Mitchell goes on to say that he believes the Sunni-Shia divide is not just about religion but also involves geopolitics and a power struggle between Saudi Arabia and Iran—actually quite similar to the thesis of *Sectarianization*. As for Jon Stewart and Bill O'Reilly, statements by a comedian and a television pundit may be best understood as flippant remarks and oversimplifications than serious theories that merit such a thorough refutation.

Nevertheless, *Sectarianization* offers some important implications for Middle East policymaking. In particular, the book advocates a deep skepticism of authoritarian rulers. It refutes the notion that strongman leaders like Saddam Hussein and Bashar al-Assad were containing sectarian strife, and instead demonstrates how both leaders and others actually fueled sectarianism and exploited religious differences in order to justify their restrictions on individual freedoms. But, *Sectarianization* is also doubtful about the prospect of introducing majority rule democracies. Thus, while the book advocates the creation of "citizen's states" in which national identities transcend sectarian identities, it does not elaborate much on how such governments could arise.

In addition, *Sectarianization* illustrates the important role that the regional power rivalry between Iran and Saudi Arabia plays in fueling sectarian conflict. The book shows how Saudi Arabia and Iran have used sectarian narratives and symbols to counter domestic and external threats. An understanding of this dynamic could lead policymakers in the United States to rethink American support for the Saudi government and other autocracies in the Middle East. This finding suggests that peace building in the Arab world may largely depend on containing local conflicts before they become regional power

struggles. In the case of the Syrian civil war, for example, this could involve stemming the flow of foreign fighters seeking to join a war that has been marketed as a struggle against a Shi'a-aligned regime that has oppressed a Sunni majority. Thus, policymakers might consider whether they have any tools to dissuade the major regional powers from turning local conflicts into proxy wars.

A troubling question that runs throughout the book is how to resolve conflicts that have already been "sectarianized," even if the process of sectarianization was originally contrived. While the authors compellingly argue that sectarian strife is artificial and perhaps could have been mitigated, they concede that sectarianism is now here to stay for the foreseeable future. In fact, they suggest that there is a a significant danger of path dependencies, whereby security deficits and weak states will continue to lead to sectarian strife until sectarian enmities become difficult to reverse. This may well already be coming to fruition in Syria and Iraq. Accordingly, while several of the authors suggest that de-sectarianization is critical to improving conditions in the Middle East, there is limited discussion of how that could be achieved. If anything, *Sectarianization* demonstrates that sectarian strife has been so effectively fueled throughout the Arab world that it may now regrettably be here to stay.

Reform of the House Lords. By Philip Norton. Manchester, UK: Manchester University Press, 2017. Pp. vi, 86. $19.95 (paperback).

REVIEWED BY NASHEL JUNG

Philip Norton's *Reform of the House Lords* effectively summarizes the United Kingdom's parliamentary system of government. Specifically, Norton examines the importance of the House of Lords, describes the historical attempts to reform the system, the four approaches to reform, and the future of the House of Lords. As part of the Pocket Politics Series, Norton aims to provide a concise, yet resourceful summary in a general manner. Norton's presentation into separate chapters is helpful to the reader because the reader is able to understand the underlying notions regarding reform of the system. Each chapter either provides a brief historical background or dis-

cusses the underlying argument of the proponents of each reform approach, without advocating for any particular approach itself. Ultimately, Norton distills the possible futures of the House of Lords throughout this book by drawing out the problems inherent in the system and the difficulties in getting a consensus among reformists and Members of Parliament. He is able to provide a complete and resourceful summary in less than 100 pages.

Norton first gives the reader a thorough background about the bicameral parliamentary system in the United Kingdom and describes the main functions of the House of Lords. Here, Norton lays out an outline of what he will be delving deeper into in the next chapters. The House of Lords is important, Norton states, because "firstly . . . Parliament matters, and secondly, because within Parliament it fulfils tasks which it sees as adding value to the political process" (p. 2). Although the House of Lords is not a representative chamber, Norton emphasizes that the "functions derive from the House's seeking to complement" the work of the elected first chamber, the House of Commons, through legislative scrutiny, calling government to account, and debate. In this chapter, Norton also hints at the underlying conflict which reformists of the House of Lords utilize as a basis for their arguments: the democratic process. Not only in this chapter but also throughout the entire book, Norton brings up the importance of the composition of the House of Lords and describes the ongoing conflict between an elective system and an appointed system. Lastly, Norton lays out the four approaches to reform, which he analyzes in separate chapters: "retain (keep the House as an appointed chamber), reform (have a minority of members elected), replace (have most or all members elected), and remove altogether (abolish the House and have a unicameral Parliament)" (p. 16).

Before diving into the four approaches to reform, Norton gives a historical background of the origin of the House of Lords and the attempts, successes, and failure of reform. This chapter, although informative, lacks the depth necessary for reference in the later chapters. Although Norton attempts to give a compact background of reform from 1911 to 2015 in this short chapter, the historical information appears rushed. For example, Norton briefly discusses the most recent measures, the House of Lords Reform Act 2014 and the House of

Lords Act 2015, by mentioning the effects they had such as providing for "expulsion of peers who commit serious criminal offences and [removing] those who fail to attend for a whole session." Norton's work would be strengthened if he had delved deeper into these historical measures within the chapters on the different approaches to reform. In that way, the reader is able to reflect back on what had happened and what the future holds for each approach. By providing a brief history in the front of the book, it seems likely that the reader will skim the history without referring back to the important historical moments when reading the later chapters. Despite this weakness, Norton does provide the historical background of the different attempts at reformation, including reforming the powers of the House and its composition. The specific reference to bills and acts are effective in showing the reader specific instances of measures taken to reform the chamber and helps the reader understand the mindsets of the different reformists in the later chapters.

The next chapters—Retain, Reform, Replace, and Remove Altogether—have similar organization, with descriptions of the core defining arguments, those who argue for it, and the public perception of the ideas inherent in each reform approach and views about the current system in comparison. Norton's method in presenting each approach is effective, because he lays out the pros and cons that would result from each proposed change, politically and functionally. In these four chapters, Norton gives an illustrative summary of each group of reformists' views and the benefits of either an elected system or an appointed system. This is a weakness of the book, because Norton does not give a particular stance to these views by giving a rather summarized background of each approach to reform and the justifications of those who argue for a particular approach. However, altogether, Norton is able to convince the reader that indeed, the path to reform is difficult because each approach to reform has competing benefits that are difficult to achieve altogether through one approach.

In the chapter "Retain," Norton describes that the current appointed system has its benefits in that, by "appointing such people to the House . . . they can subject bills and government actions to informed scrutiny in a way that is not possible in the House of Commons" (p. 33). He refers to the democratic advantages of allowing independent members to serve in the

House as well as members from a wide range of backgrounds. Specifically, he states that "[a]ppointment to the Lords enables people who are disadvantaged by the biases in such a procedure to be given a voice in the parliamentary process" (p. 34). It is unclear what Norton's stance is for the Retain approach, as he refers to the views of the Retainers rather than his own thoughts. The Retainers argue against the elected chamber by stating that "[e]lection of the second chamber would . . . threaten the accountability at the heart of the political system" and that "an elected House might not claim to be co-equal with the Commons," for "elected second chambers typically do not enjoy the same powers as the first chambers." Norton believes that the Retainers thus "value the existing composition against the prospect of divided accountability and the loss of expertise and independence" (p. 39). He describes the justifications for those who argue for it and states, "[F]or them, the argument for retention is both principled and compelling" (p. 40).

In "Reform," Norton then describes the case for those who argue that some members should be elected and the rest remain appointed. He states that "the election of some, but not a majority of members, would enable the primacy of the House of Commons to be maintained and allow the House of Lords to continue to fulfill its present functions" (p. 44). Furthermore, he states that the "proposal for reform . . . is thus to achieve a balance, having some members elected while preserving the attributes of the existing House." Norton touches upon the idea that the "Reform" model has the political benefit of maintaining the importance of the bicameral system that the House of Lords support the House of Commons. Norton ends the chapter stating that this approach is an "attempt to achieve some balance in terms of the different forms of representation, but a balance that can be characterised as cautious" (p. 46).

In the chapter "Replace," Norton refers to the Conservative and Liberal Democrat parties, along with the Labour party, and the preference for a wholly elected system. Norton provides two dimensions to the argument for replacing with an elected chamber. First, he notes the perceived problems with the size of the current House of Lords, referring to critics who argue that the existing House is too large, being subject to scandals. He then refers to the merits of election, describing

the advocacy for election on the "grounds that it is the democratic option" (p 51). In this chapter, Norton makes reference to government White Papers. His references to the White Papers are effective in providing direct proposals by the government to supplement his summary. For example, he refers to the 2008 Labour government's White Paper, which advocates for an elected second chamber with proposals for staggered elections. With this, Norton is able to provide direct evidence of the government's proposals for "Replace" reform.

Finally, for the chapter "Remove Altogether," Norton describes the reform approach for abolition of the House system in its entirety. He explains how the House of Lords makes the United Kingdom unique in its composition of government. The chapter provides a background of the abolition movement, often supported by various politicians on the Left. The reader thus is able to understand the historical context of the abolition policy and the current case for abolition pressed by a number of Members of Parliament. Specifically, some Members of Parliament have continued to press the current case for abolition, with votes for an amendment opposing the appointed option on the grounds that it does not provide a unicameral legislature and votes against retaining a bicameral legislature. Unlike other chapters, Norton is able to present the theory of democracy and a unicameral system rather than focusing on the merits of election or appointment, noting that "abolitionists, though, have a claim that having a unicameral legislature is, in democratic terms, the pristine option" (p. 59).

Combining all the chapters on the historical background and the four approaches of reform, Norton's final chapter summarizes what he believes is the future of the House of Lords. Norton concludes by stating that future of the House of Lords is characterized by the "lack of consensus." The author backs up this statement with a set of tables that reflect the attitudes towards the House of Lords by the public and what the people believe should be the composition of the House of Lords. Furthermore, Norton illustrates the lack of consensus within each of the four approaches by reference to the government's 2008 White Paper, which shows that the disagreements exist even within the "Replace" camp as to what form the election ought to take. And while he does not predict a winner among the available approaches to reform, Norton ultimately achieves his purpose of analyzing the role of the House of

Lords and providing a thorough assessment of each proposal in a very concise book.

Solving the Internet Jurisdiction Puzzle, By Dan Svantesson. New York, NY: Oxford University Press, 2017. Pp. xxxiv, 246. $65.00 (hardcover).

Reviewed by Mark Kim

In *Solving the Internet Jurisdiction Puzzle*, Dan Svantesson attempts to create a new framework through which jurisdiction, and specifically internet jurisdiction, should be viewed by jurisdiction scholars. Svantesson argues that the territorial basis by which jurisdiction has traditionally been viewed by the academic community fails to account for special considerations of the internet domain, necessitating a paradigm shift. While the author brings up interesting scenarios that test the applicability of a traditional territory-based analysis of jurisdiction, his proposed new framework fails to persuade this reader. Svantesson's work is, however, worthy of reading for its legitimate challenges to the existing framework.

In the first chapter of his book, Svantesson asserts that a traditional territory-based analysis for jurisdiction is inappropriate for the internet domain because of the fragmented nature of actors, institutions, and processes unique to the internet. More simply, a territorial analysis cannot be used because it is difficult to ascertain the territory in which an actor acts and where data is stored. In order to highlight the difficulty that the territorial model has with regards to the internet, Svantesson creates a variety of hypothetical situations. However, upon going through each of the hypothetical situations that Svantesson uses to highlight the deficiencies of the current frame work, the immediate question that comes to mind is whether the territory-based jurisdiction analysis is so incapable. For example, Svantesson asks the question of how a person in New Zealand can find recourse against a person in Australia who has posted defamatory material on Facebook. Considering this example, it is not clear that a territory-based analysis cannot answer the question of jurisdiction. Simply put, why cannot the analysis be that Australia has jurisdiction over the potential defendant in this hypothetical? After all, despite the fact that the post made in Australia was viewed by a person

in New Zealand, the fact remains that the poster was in Australia. Despite the fact that a territorial analysis gives a pretty straightforward answer to Svantesson's complicated situation, Svantesson categorizes such a situation as one where a territorial analysis is insufficient. Assumedly, Svantesson would like to allow New Zealand to have jurisdiction over the Australian in this case, ignoring the territorial sovereignty of Australia. Svantesson's reason for entertaining an imposition on the sovereignty of Australia is the countervailing interest of New Zealand to extend its jurisdiction in order to find redress for one of its citizens. Despite this interest, however, it is not apparent why Australia should be made to capitulate in such a situation, offering up its own sovereignty in order for New Zealand to extend its own.

Continuing with his assault on a territorial basis for jurisdiction, Svantesson takes readers on a journey to the past in order to call attention to the fact that the underpinnings of the current framework rest on unstable foundations. Svantessons argues that many supporters of the current framework inappropriately draw authority from the *Lotus* case and the Harvard Draft. He argues that both these sources are outdated. *Lotus*, a case involving a maritime dispute, is not closely analogous to the internet, which renders it unhelpful in Svantesson's mind to the internet question. The Harvard Draft is similarly flawed because it provides a hierarchy of jurisdictional principles based upon level of recognition amongst states—in which the territory principle is primary—rather than upon the legitimacy of the principles. Svantesson's contention that the Harvard Draft overly prioritizes territory and therefore oversimplifies the jurisdictional analysis is questionable as was seen in the New Zealand example. Using these purported flaws, Svantesson argues that a territorial analysis, which both these documents support, should give way to a new paradigm. While it is true that the Harvard Draft and the *Lotus* case were written before the advent of the internet and are not perfectly analogous to the internet question, that does not mean that both these documents should not be applied to a modern context, because the principle undergirding the territory principle is sovereignty. Although Svantesson tries to draw a distinction later in his book between the ideas of jurisdiction and sovereignty, it seems highly likely that the concept of sovereignty underlies the similar preoccupation with territory of

both the *Lotus* and Harvard Draft authorities. Svantesson in this chapter simply chooses to ignore this reading of the authorities in order to cast them aside, and the territorial model along with them. Perhaps, saying that the author intends to cast away territory is unfair, but what is clear is that the author wishes to weaken the position of territory in the analysis from forefront to a factor amongst many. What does seem fair to say, however, is that the author would like to see sovereignty of states weakened because by his rational, Australia should not have a monopoly of authority over an Australian citizen in Australia.

In his next chapter, Svantesson outlines his proposal for a new paradigm to replace the territory centric model. This new paradigm has three factors: (i) substantial connection between the matter and the state seeking to exercise jurisdiction; (ii) the state seeking to exercise jurisdiction has a legitimate interest; and (iii) the exercise of jurisdiction is reasonable given a balance between the interest of the state seeking jurisdiction and other interests. In other words, the author is looking for an excuse to extend the jurisdiction of foreign states into the domain of the state in which the matter or actor resides. The means by which the determination of such a transgression upon sovereignty shall be made is a balancing test, pejoratively known as an "I know it when I see it" type test. To the author's credit, he attempts to shore up the issue of subjectivity in balancing tests like the one he prescribes by asking adjudicators to employ another balancing test with regards to legal interpretation. This time, the factors for consideration are fairness, the effects a decision will have upon future cases, and the result that is best for the international community. Whether this interpretative guideline will have the effect of reducing uncertainty is unclear.

In order to support his new paradigm, the author attacks supporters of a territory-based analysis by arguing that a one-factor territory analysis while simple, ignores important considerations like the location and nationality of actors, the location of the crime, the availability of alternative solutions, and the degree of sovereignty being infringed. In making this argument, Svantesson creates a false dichotomy. If states elect to employ a simple one-factor territory analysis, then in instances where the subject in question resides in the territory of a state other than the state seeking jurisdiction there can be no re-

course. Of course, this dichotomy is completely contrived. The state seeking jurisdiction of course has recourse. In such a situation, the state seeking jurisdiction can ask for the state with sovereign power to help its enforcement, which is what states do today. This eliminates the authors assertion that there are no other alternative means of accessing the subject, while also removing the need to eviscerate sovereignty. Such a solution does not, as the author suggests, undermine inter-state relations, but instead offers an opportunity to strengthen bonds. A one step territory analysis does however undermine a foreign states ability to ignore the sovereignty of another's because it has strong interests.

Because the author's proposed new paradigm introduces many complicating factors, such as multiple overlapping jurisdictions in the determination of sovereignty, the author argues that we should begin creating jurisdictional interoperability in order to reduce confusion. He argues that states can take baby steps towards a goal of a uniform set of laws—which he admits is utopian. While jurisdictional interoperability may be desirable, it seems unlikely that there is a meaningful level of common beliefs to foster such interoperability. As the author makes good example of, the United States has almost absolute freedom of speech, while the European Union has anti-harassment, anti-bullying, and other speech limiting laws. If stark differences such as these appear within similar western civilizations, then the amount of conflict with other cultural regions is easy to imagine. This difficulty is one the author also seems to realize as he argues for the necessity of creating laws that have no enforcement mechanism, presumably because states do not have the same legal understanding. All the complexity that this new paradigm creates in the jurisdiction question elicits the question of why bother to change?

The strongest impetus for a change in the territorial analysis is presented in the ninth chapter of the book, regarding remedial jurisdiction. That chapter describes examples where the question of jurisdiction truly tests the territorial analysis. In the *Google Canada* case highlighted by the author, a Canadian court imposed upon Google an injunction, seeking for Google to remove a website from search results not only within the Google Canada search domain but globally. In effect, the Canadian courts were seeking to impose a global censor on content not limited to its own citizens through Google. This situa-

tion highlights an interesting case because it shows the dangers of allowing states to impose broad jurisdiction past their borders; however, a territorial analysis seems to impose no limiting factor because the sovereignty of Canada allows it to impose rules by which actors, in this case Google, must play by in order to operate within its territory. From that perspective, Canada has the power to impose a censorship condition upon Google that may extend past its borders. That said, while this situation poses a unique challenge to a territorial analysis of jurisdiction, a simple solution is at hand. All that needs to happen is for countries to recognize country specific domains such as google.com.au as an extension of their sovereign territory similarly to how coastal waters are considered within the territory of the adjacent state. Such an expansion of territory would prevent Canada from imposing a global censor because it would not be able to step into the bounds of other state's sovereign territories.

The author brings up many interesting hypothetical and real situations that at times challenge the territory paradigm by which jurisdiction is largely determined today. However, in his quest to persuade that a new paradigm should ascend, his arguments are largely unpersuasive. While Svantesson shows unique instances where the territorial model faces new challenges brought by the internet and the modern world, he fails to show how his new balancing test is superior to the existing system. It is not clear that his new test will bring clarity or certainty to global actors when confronted by the jurisdiction question because his solution is a balancing test, which is hardly reassuring. Furthermore, Svantesson seems to willfully blind himself to the principle underlying territory—sovereignty—thereby allowing him to dismiss the current paradigm more easily. While Svantesson attempts to undermine the idea of territory in the *Lotus* case and Harvard Draft, of prioritizing the popularity of a jurisdictional principle rather than its legitimacy, perhaps what has really occurred is that Svantesson has failed to recognize why territory is the most respected principle in those documents. Perhaps states rightly consider sovereignty, and by extension territory, to be the most legitimate source of jurisdiction.

The Hidden History of International Law in the Americas: Empire and Legal Networks. By Juan Pablo Scarfi. New York, NY: Oxford University Press, 2017. Pp. xxxvii, 239. $90.00 (hardcover).

Reviewed by Adam Nasser

In *The Hidden History of International Law in the Americas*, Juan Pablo Scarfi traces the development of the United States' imperialistic aspirations in the making of international law in the Americas through the lens of the rise and fall of the American Institute of International Law (AIIL). Scarfi focuses on the intellectual exchange between U.S. jurist James Brown Scott and Chilean jurist Alejandro Alvarez, the founders of AIIL, as a vehicle for tracing the shift in the evolution of international law in the Americas from Pan-Americanism to inter-American multilateralism. This shift represents a turn away from a U.S.-led hegemonic network toward cooperation based on egalitarian principles of sovereign equality and nonintervention. While mapping this evolution, Scarfi effectively sheds light on the imperialistic role that the United States played in the development of a hemispheric international law in ways that have previously been overlooked.

From the outset, Scarfi announces his grand ambitions for the book. Scarfi styles his work as "a study of U.S. informal empire and hegemony in the Americas." He sees himself as not only contributing to revisionist scholarship on U.S. imperial encounters with Latin America, but also as drawing attention to his subject "as a legitimate subfield in global history"—though the exact nature of this trumpeted subfield remains unclear. His writing is cloaked in the jargon of a scholar eager to situate himself as a pioneering contributor to critical studies of U.S. imperialism, yet his book remains accessible to readers with a preexisting interest in the modern history of international law.

Scarfi sketches the background conditions for the creation of the AIIL through U.S. Secretary of State Elihu Root's visit to South America in the context of the Third Pan-American Conference in 1906. On his trip, Root presented the Monroe Doctrine—which announced U.S. opposition to European colonialism in the Americas—as a friendly and cooperative principle of formal sovereign equality that unified, distin-

guished, and defined, the Americas in relation to Europe. Root claimed that South America was already governed by U.S. legal and constitutional values, such as popular self-government and respect for the rule of law, and that these shared traditions bound the Americas together against the "otherness" of Europe. Frustratingly, Scarfi does not offer evidence to assess the validity of Root's substantive claims. Scarfi lambasts Root for his "ethnocentric" assumption that Latin American countries modeled their legal systems upon U.S. values and later criticizes Scott for offering the U.S. Declaration of Independence and the U.S. Supreme Court as models for legal institution-building. However, Root must have also touched on authentic shared hemispheric ideals in crafting his successful pitches, lest one simply impute gullibility to his audiences. Though Scarfi does not explore this possibility—or the influence of the French legal system and civil law tradition on Latin American countries—he maintains that Root's trip to South America left a lasting, positive impression on his hosts that laid the groundwork for the Pan-American network of the AIIL.

With the financial support of the Carnegie Endowment for International Peace (CEIP), Scott and Alvarez founded the AIIL in 1912. Their vision was that the AIIL would encourage the creation of societies of international law in each country, which would send members to AIIL meetings to discuss questions of international law and thus gradually assemble a code of international law for the Americas within a U.S.-led hegemonic network. Scott and Alvarez agreed that U.S. hegemony was beneficial to the hemisphere and that the United States must lead the project of the codification of American international law. One of the early achievements of the AIIL was its "Declaration of Rights and Duties of Nations." This declaration formally recognized the principle of sovereign equality but invoked the notion of individual rights as a justification for humanitarian intervention, thus legitimizing the Platt Amendment which authorized U.S. intervention in Cuba. This Declaration also formalized the idea of Pan-American sameness in order to exalt U.S. legal values and traditions as authentic hemispheric norms.

The continental exchanges fostered by the AIIL helped to redefine or "Pan-Americanize" the scope of the Monroe Doctrine. One influential reinterpretation within the AIIL was the

"Drago Doctrine," proposed by Argentinian diplomat Luis María Drago, which recast the Monroe Doctrine as a multilateral principle prohibiting intervention in the Americas by any foreign power for the purpose of collecting debt. Alvarez also latched onto the Monroe Doctrine as a source of exceptionality in the international law of the Western Hemisphere that justified the creation of an "American international law" as distinct from the European one. Scarfi persuasively argues that the debates within the AIIL helped shift the Monroe doctrine from a national, unilateral, political principle of intervention to a hemispheric, multilateral, legal principle of nonintervention.

Scarfi notes that there was always inherent tension in the projects of the AIIL between Alzarez's internationalist and multilateral aspirations and Scott's nationalistic, anti-pluralistic, and imperialistic motivations. Backed by the wealth and power of CEIP, Scott began to progressively exclude Alvarez from the project of codification because Scott did not want to draw upon the Latin American traditions of international law that Alvarez was eager to incorporate. Instead, Scott turned to Cuban jurist Antonio Sánchez de Bustamante y Sirven who rejected the Latin American principle of domicile (relying on place of residence) in favor of the U.S. principle of nationality (relying on birth or naturalization) in deciding questions of jurisdiction and choice of law in what became the Bustamente Code, which the AIIL recommended to the Pan-American Union. This code of private international law, formally adopted by Rio de Janeiro Commission in 1927, was singlehandedly written by Bustamente. From Root's trip to South America, to Alvarez's lecture series across America—where he claimed to speak in the name of all Latin American nations—to the Bustamente Code, Scarfi is attentive in highlighting the general elitism of the AIIL's method of international law. Yet, by limiting the scope of his study to the transnational legal elite that composed the AIIL, Scarfi participates, perhaps unwittingly, in an elitist approach to legal history. Nonetheless, Scarfi convincingly demonstrates that Scott's exclusive reliance on the more pliant Bustamante reflected his pragmatic, individualistic, technocratic approach to the codification of law, which diverged from Alvarez's more theoretical, pluralistic methodology.

Through the debates at the Pan-American Conferences in Rio de Janeiro (1927), Havana (1928), and Montevideo (1933), Scarfi traces the roots of the turn away from a U.S.-led, Pan-American hegemonic approach to international law in the 1930s. Argentine international lawyer Saavedra Lamas, a board member of the AIIL, built on the Drago doctrine to argue for an absolute principle of noninterventionism. Like Alvarez, Lamas took a pluralist and universalist approach to international law that incorporated different national and regional traditions from Latin America. Unlike Alvarez, however, he sought to also incorporate legal traditions from Europe in the name of a broader understanding of the law of nations, thus rejecting the very notion of an "American international law." While in most ways Scott's anti-pluralistic worldview clashed with Lamas', they essentially agreed on one central point: rejection of Alvarez' notion of "American international law." For all his lip service to hemispheric exceptionalism, Scott always hoped that Anglo-American conceptions of law would prevail over continental norms, and he even hatched a bizarre plan to translate Anglo-American cases into French to make them more appealing to Latin American audiences. While Scarfi portrays the two figures as polar opposites, it is interesting to note how both a pluralistic notion of international law (Lamas) and an ethnocentric notion of international law (Scott) can militate against a regional conception of international law (Alvarez). Lamas would prove to be the main figure at the Montevideo Conference (1933), where Latin American jurists and diplomats abandoned the Monroe Doctrine as a source for the principle of non-intervention, recognizing the inescapable contradiction of relying on a doctrine which also justified U.S. interventionism. The Montevideo Convention fully and forcefully recognized the doctrine of sovereign equality and signaled a shift toward an inter-American multilateralism and universalism. In this new climate, the U.S.-centric civilizing project of the AIIL lost its raison d'être and the organization ceased its activities in 1933 and sputtered out entirely by 1940.

Scarfi's book offers a *hidden history of international law in the Americas* in the sense that it reveals the "hidden beliefs" motivating institutional choices. For instance, the United States did not suddenly and abruptly commit to the principle of non-intervention and derogate the Platt Amendment in the 1930s.

Between 1898 and 1924, as the United States intervened twenty-five times on the continent, Latin American jurists began developing anti-interventionist reinterpretations of the Monroe Doctrine that eventually bubbled over into outright rejection of the doctrine in 1933 at Montevideo. The book is also a hidden history in the sense that it sheds light on the hegemonic role of the United States in the construction of the continental legal tradition—a role that Scarfi notes has often been overlooked. For example, Scarfi claims that notions of a hemispheric humanitarian tradition concerned with the rights and duties of states and individuals have often been portrayed as primarily Latin American contributions. Yet, the seeds of a theory of humanitarian intervention are present in Scott's "Declaration of Rights and Duties of Nations" (1916) and a precursor notion of human rights is present in Alvarez's AIIL project on "international rights of individual and international associations" (1917). Both projects, which represent the AIIL's U.S.-led approach to the construction of American international law, were precedents for the Universal Declaration of Human rights, adopted by the United Nations General Assembly in 1948.

As a historian, Scarfi is generally attuned to the geopolitical events and agendas animating the story. For example, he notes that the construction of the Panama Canal in the early 1900s motivated CEIP and the United States to begin promoting the development of a U.S.-led hemispheric international law. Scarfi also notes how the outbreak of World War I greatly assisted the AIIL in legitimizing its mission of creating an American international law independent from the demonstrably defunct European one. Scarfi adeptly identifies the strategic goal that motived Scott to reorganize the AIIL in Cuba in the 1920s: combating the rising tide of Anti-Yankee ideology in Latin America. He also identifies the ways in which external factors, such as the Great Depression and the political crisis in Cuba, contributed to the crumbling of the AIIL.

However, Scarfi sometimes overemphasizes the agency and impact of individual figures in changing the course of international law in the Americas. For instance, Scarfi credits the monumental achievements of the 1933 Montevideo Conference primarily to the assertiveness and eloquence of its "main figure," Saavedra Lamas. Yet, Costa Rican jurist and treasurer of the AIIL, Luis Anderson, put forward a very similar categori-

cal condemnation of intervention that could not gain traction in Havana in 1928. Why did Lamas succeed where Anderson failed? How did Lamas generate enough momentum to win the support of many Latin American countries for his Anti-War Treaty, which was conceived outside the Pan-American machinery? Was it his Anti-War Treaty that forced President Roosevelt's hand into announcing the Good Neighbor Policy *before* the Montevideo Conference—which Scarfi presents as the critical moment of reckoning? Why could Lamas, a board member of the AIIL, openly question Scott's ethnocentrism in ways that Alvarez never could? Why did delegates at the Montevideo conference commit to abandoning the Monroe Doctrine when for years they had interpreted it as a principle of nonintervention? Without introducing evidence of external geopolitical events to contextualize these questions, Scarfi leaves readers to assume that the answers lie merely in the agency and personality of the individual actors in the story. In this way, Scarfi implicitly affirms the elitist, individualistic notion of the development of international law for which he criticizes Scott and Bustamente. Thus, while Scarfi styles himself as adopting an "unconventional approach to intellectual history," by examining the power politics at play within the AIIL, his method sometimes resembles a "great man" history.

Through the lens of the AIIL, Scarfi sheds crucial light on the rise of a U.S.-led Pan-American approach to international law and the debates that led to a shift toward inter-American multilateralism in the 1930s. The legal network of the AIIL allows readers to trace the reception and redefinition of the Monroe Doctrine by Latin American and U.S. jurists, and its evolution from a principle of interventionism to a principle of noninterventionism to a defunct principle. Readers can also glean insight into contemporary international law from the precursor notions of humanitarian intervention and human rights law that emerged from the AIIL. Finally, the lessons from the central conflict between sovereign equality and the promotion of U.S. legal values and global hegemony remain relevant today. These contradictory aims continue to animate a U.S. foreign policy that formally recognizes sovereign equality while also reserving the right to humanitarian intervention. This policy represents the legacy of the AIIL's "Declaration of Rights and Duties of Nations." Thus, Scarfi's historical analysis

of the AIIL provides a window into an enduring conflict in the U.S. approach to international law.

Invitation to the Sociology of International Law. By Moshe Hirsch. Oxford, United Kingdom: Oxford University Press, 2017. Pp. xvi, 213. $84.93 (paperback).

REVIEWED BY ANDREW SCHEPERLE

Analyzing international law often focuses on political and economic factors to explain the how and why. For example, a state supports a certain interpretation of a treaty because it is economically beneficial and because the interpretation is likely to garner political favor. While these factors are essential to understanding how international law is formed and how states interact within the international law framework, Moshe Hirsch's *Invitation to The Sociology of International Law* adds a sociological lens to the mix. Hirsch laments that sociology has been neglected even though socio-cultural factors play an important role in the formation and implementation of international law. The book's unifying theme is that sociology can help us understand how international law *reflects* and is *affected* by socio-cultural factors. Hirsch uses various examples—such as regional trade agreements and collective memory—to demonstrate how a sociological analysis is essential to understanding what influences the formation of international law. The topics and themes that Hirsch addresses are both fascinating and salient to international law and provide a unique look into how international law and state societies fit together. However, the book does not attempt to describe any method by which sociology can be used to influence state action. Instead, the book only seeks to use sociology as a means of explaining why a state acted in a certain way. This could leave readers who are seeking to nudge states to act in a particular way unsatisfied with the book.

The book is written for practitioners of international law and assumes a familiarity with how international law functions. For example, readers are expected to know the role of the World Trade Organization in relation to nation states and how the World Trade Organization seeks to regulate international trade. However, the book does not require a high level of specialized knowledge in the topics it addresses. The first chapter

is a primer to major sociological modes of analysis so that even a novice will be able to understand how sociology can be applied to international law. The primer, while helpful, can still be confusing for those who have never studied sociology. The concepts are sometimes dense and are not applied consistently throughout the book, which is to say that readers will learn some sociological concepts and then never see those concepts applied in the book. The proceeding chapters are written as stand-alone topics so that readers can skip to the chapters that interest them. Each chapter has concluding remarks that sum up the information in the chapter and give an overview of the analysis. This is a helpful format for solidifying Hirsch's arguments in your mind. While this structure has its advantages, the drawback is that the book seems to lack overall cohesion. This lack of cohesion makes reading the book as a whole feel like there is no unifying sociological lens that helps explain how international law is formed and how international law affects state societies. Hirsch does state that the book is only intended as an introduction to a sociological analysis and is not meant as a comprehensive text.

One fascinating chapter focuses on the role of a society's collective memory in forming international law, how collective memory influences a society's response to international events, and how collective memory can cause noncompliance with international law. After an introductory explanation of how collective memory is stored and manifests itself in societies, Hirsch focuses on Germany's collective memory of hyperinflation during the Weimar Republic. Hirsch argues that the memory of hyperinflation affects the dominant German political party's economic and monetary policies, which focus heavily on currency stability. Since Germany has considerable clout in forming E.U. policy, these domestic concerns influenced the formation of E.U. economic law in the aftermath of the 2009 European debt crisis. Hirsch does a wonderful job of walking readers through the major events in the debt crisis and showing how Germany's insistence on stability put it at odds with other E.U. policy makers. In this way, German collective memory was projected onto the international stage and influenced how international law was formed.

Another example is the interplay between the Calvo doctrine and Argentina's noncompliance with an arbitral award relating to foreign investments. Hirsch argues that interna-

tional law can also be a carrier of collective memory. In this case the Calvo doctrine enshrines Argentina's collective memory against colonialism and foreign intervention. When Argentina was ordered to pay foreign investors, the dominant political party was able to draw on this collective memory to engender hostility toward the arbitral award. The arbitral award was portrayed as an offense against Argentina's sovereignty and an attempt by foreign powers to control the people of Argentina. Seen through the lens of collective memory, Argentina's response becomes more contextualized than under a plainly economic or political analysis. Using sociological tools to analyze a state's response to international law provides useful methods for anticipating, understanding, and ameliorating a state's hostility. While most people might intuit that Argentina's history would affect its reaction to the arbitral award, the chapter's contribution is grounding the conclusion in a sociological framework.

Another chapter focuses on how social identity affects international groups and international law. Like every chapter, Hirsch starts by giving readers a brief overview of basic sociological concepts such as identity, identity salience, group identity, role, and perception. Identity, Hirsch explains, is not only about how others see us. Identity also affects how we see ourselves and how we form our role in society. For example, the European Union's identity includes a social role as a human rights promoter. Not only do other societies expect the European Union to act according to this role, but, Hirsch maintains, the European Union will naturally behave according to this role in order to maintain its identity. A focus on international human rights norms is particularly emphasized in the identity of democratic and liberal states. These norms are often enshrined in a constitution, such as Article 2 of the Treaty on the European Union. This emphasis on human rights in turn affects how other societies view the European Union and how the European Union acts. Where there is a flagrant international human rights violation, the world expects the European Union to react. If the European Union fails to act, it risks losing its sense of identity. This loss of identity could threaten the cohesiveness of the European Union since the identity helps unify the states in the European Union. Sociology provides a good explanation of how identity and role can affect how nations act on the international stage.

Not only can identity affect how the European Union reacts, the European Union's identity also influences who can become a member. Because human rights norms are a part of E.U. identity, the emphasis on human rights must be accepted and adopted by other nations wishing to join and assimilate into the European Union. If a member state of the European Union breaches the group's norm, the member state can be isolated by economic and social means. These sanctions are meant to preserve the group identity. If the identity of the group breaks down, the European Union must either reinvent its identity or risk being thrown into disarray. While sanctions are meant to encourage the member state to correct its course, Hirsch argues that the sanction could have the opposite effect of marginalizing the member state and creating an out-group that no longer identifies with E.U. norms. If the out-group's identity becomes too distinct, the group may leave the European Union. Hirsh's analysis seeks to inform how identity becomes a force that pressures group action and group acceptance. While the chapter does a good job of finding examples to apply social concepts related to identity, there is only brief discussion of how sociology can be used as a tool to move international law in a certain direction. The chapter would have been more interesting and relevant if Hirsch added potential ways to use identity to develop international law instead of just analyzing how identity affects international law.

Overall, an *Invitation to The Sociology of International Law* functions as a useful introduction to how sociology and international law interact. The stand-alone chapters give readers the option to choose subjects that interest them and make the book a quick read on the often-neglected topic of international law and sociology. Hirsch does a great job of briefly introducing sociological concepts so that the chapters are not too weighed down by concept and instead focus on applying the concepts to modern examples. However, the sometime disjointed and brief structure of the book also leaves readers without a central idea or theme to unite the various sociological concepts and examples. Readers looking for a thorough analysis of how sociology interplays with international law will be disappointed. Instead the book contains an isolated selection of topics where sociology can help explain how international law developed and how international affects state societies. Anyone curious as to how sociology can interact with interna-

tional law will find this an approachable and quick read, while those looking for an extensive analysis and comprehensive overview will be disappointed.

International Law: Historical Explorations. Edited by Martti Koskenniemi, Walter Rech & Manuel Jiménez Fonseca. New York, NY: Oxford University Press, 2017. Pp. xvi, 395. $105.00 (hardcover).

REVIEWED BY RYAN L. WELLER

Peace and justice, voluntarism, and self-determination are central tenets of international law, especially in the postcolonial era. The law of nations, nevertheless, has provided a rhetoric for imperial powers' self-aggrandizement at the expense of weaker nations. Martti Koskenniemi, Academy Professor of International Law at the University at Helsinki, and his co-editors Walter Rech, a postdoctoral researcher, and Manuel Jiménez Fonseca, a PhD candidate, both of the University of Helsinki, have put together a collection of essays cataloguing international law's ambivalence towards empire. Their critique of international law as an instrument of powerful European states is supported by historical examples and contemporaneous discourse, but this volume does not construct a better alternative.

In his introduction, Koskenniemi traces the history of "empire" from the Roman concept of emperor as *dominus mundi* to the 2000 book *Empire* by Hardt and Negri, which describes a self-perpetuating set of global norms rooted in European practice as an "imperial sovereign." The following chapters show how this modern "empire" emerged. The implication is that international lawyers, using the language of universal morals and natural law, provided ammunition for the global expansion of empires and the European-centered state system.

Part I offers a set of historical vignettes to reframe and contextualize basic principles of international law. First, Arthur Weststeijn of the Royal Netherlands Institute in Rome, demonstrates the strangeness of Grotius, comparing his *De iure praedae*, finding a natural right of corporations to engage in "private war," with the contemporaneous *Taj al-Salatin*, by Bukhari al-Jauhari in the Sultanate of Aceh, which emphasizes

the personhood of the sovereign and his moral obligations. Next, Stefan Kroll of Goethe University describes the internalization of Western notions of religion among Chinese elites in early Republican-era constitutional debates in the absence of formal imperial relations. Kroll shows how the Chinese inclusion of religious protections in their constitution reflects a compromise between the desires for self-determination and assimilation.

Rech finishes Part I with historians' contributions to the imperial enterprise. He shows how social Darwinists and evangelists animated two of the largest power grabs in world history and how historians intentionally or subconsciously provide justifications for heavy-handed state action. On the other hand, the more relativistic approaches, "contextual history" and existentialism, provide effective means for authoritarian leaders to deflect criticism just as well as they give a voice to the subaltern.

Each of these chapters stands on its own as an introduction to an interesting episode in international law history. In the aggregate, they allow the reader to start to imagine a more neutral framework for evaluating the origins of international law doctrine and the fairness of the results.

Part II focuses more on legal discourse *vis-à-vis* imperial expansion. In Chapter Four, Peter Schröder of University College London contextualizes the paradigm shift embedded in the Peace of Westphalia from the earlier model of a universal monarch to the notion of multiple sovereigns pursuing their long-term interests, which became orthodoxy in the writings of Samuel Pufendorf.

In the next chapter, Randall Lesaffer of Tillburg University and the University of Leuven focuses on Spain's 1595 announcement of its intervention in the French Wars of Religion, not by declaring war on France, but by denying the French king's sovereignty and labeling him and his adherents "public enemies" unprotected by the strictures of *jus in bello*. Spain's move set a precedent for imperial defense by equating the empire's interests with the common welfare and denying the international personhood of others. Readers may also reflect upon the responsibility to protect or the war on terror: to what extent are these efforts to protect innocent people rather than attempts by powerful nations to police weaker ones?

Then, in Chapter Six, Fonseca looks at how Francisco de Vitoria's universalization of European-style property rights and trade rights justified the dispossession of Latin Americans' natural resources, while any limits on these rights were relegated to the category of religious or moral duties. Chapter Seven, by José-Manuel Barreto of the Universidad de los Andes, Bogotá, argues against the primacy and equality of states under international law in light of Grotius's acknowledgement of the sovereign status of the Dutch East India Company in *De iure praedae* and the participation of fully-fledged empires, including Spain and the Netherlands, in the Peace of Westphalia.

Julie Saada of Sciences Po Law School, in Chapter Eight, shows how a liberal like Alexis de Tocqueville could advocate the complete French colonization and domination of Algeria by being concerned with the effect of empire on the metropole and settler populations. In short, Tocqueville thought the British Empire led to moral decay in Britain, while imposing French institutions in Algeria would prevent the corruption of French settlers.

If any theme brings these five chapters together, it is that powerful states have used the rhetoric of international law to justify their most brazen acts, and these justifications play a significant role in mollifying rulers and subjects alike.

Part III focuses on the institutional aspects of formal empires and highlights the intellectual contortions required to justify the way Europeans managed their relations with non-Western peoples.

Christian Windler of the University of Bern explains how the French Revolution ruptured long-standing relations between France and the Ottoman regents of North Africa with the French condemning "Oriental despotism," denying the contractual privileges of Maghrebi corsairs with a broad campaign against piracy, and refusing the ceremonial gestures that the Ottoman regents expected from consuls. Windler argues that this new expectation that "civilized" diplomacy meant comportment with European customs set the stage for European colonization.

A more striking breakdown occurred in relations between the British Empire and the First Nations of Upper Canada, according to P.G. McHugh of the University of Cambridge. McHugh shows how public debates in London and the

bureaucratization of the Empire compelled colonial officers, against their better judgment, to treat the First Nations not as allies under the law of nations but as subjects of royal prerogative. This happens under the guise of protecting and "civilizing" them.

Luigi Nuzzo of the University of Salento then takes a bird's-eye view of how international lawyers—in response to the variations in relations between states, territory, and people that became apparent through increased interactions with non-Europeans—developed consular law and "spheres of influence" and distinguished between the sovereign's rights in the colonies versus within the metropolitan territory. Nuzzo concludes that this denial of Africans' subjectivity required fundamental alterations in the European legal structure itself. The change, as shown throughout Part III, was not a diminution of rights within the metropole, but the recognition of the metropole's power to deny those rights in its colonies.

Part IV tries to redeem international law as a check on power. Umut Özsu of Carleton University describes the debate surrounding *jus cogens* and the wording of Article 53 of the Vienna Convention. Despite notable improvements in Article 53 itself over alternative drafts, Özsu concludes that the concept has failed to shift the basis of international order from power to law.

Hatsue Shinohara of Waseda University then considers the debates among American scholars during the emergence of U.S. hegemony after World War II with scholars using international law to argue diametrically opposite views. She then argues that the trend in American scholarship towards more "scientific" social sciences, such as American international relations theory, fused with international law as a means of legitimizing U.S. hegemony.

Next, Benjamin Straumann, a fellow at N.Y.U. School of Law, follows the moralistic debate recorded by Cicero: one side is skeptical of normative arguments and favors imperial expansion, while the other prioritizes peace and justice. He concludes that, paradoxically, moralistic criticism of imperial expansion can provide the grounds for an interventionist "responsibility to protect."

Finally, Andrew Fitzmaurice of the University of Sydney catalogues the voices who have criticized Eurocentrism and

the "civilizing mission" since the sixteenth century. Fitzmaurice echoes Saada by showing these critics were primarily concerned with the effect of the civilizing mission on Europeans rather than on the colonial subjects. Fitzmaurice ultimately sides with Christian Wolff, who, in the eighteenth century, proposed the need to respect other nations' choices about how to pursue "human perfection." This approach, Fitzmaurice notes, has the advantage of letting nations choose their own interests.

While these authors show that international lawyers have been concerned with countering powerful interests since ancient times, they admit the difficulty of creating a robust legal framework that checks power on a global scale. With Shinohara criticizing the incorporation of social science methods as a means of justifying power and Fitzmaurice falling in favor of self-determination, the volume itself is inconclusive about what international law should aim to accomplish.

This volume as a whole provides myriad examples of how international lawyers created rhetorical ammunition for powerful states to expand at the expense of the less powerful. In this respect, it is a valuable contribution to the effort to criticize the ideologies that perpetuate injustice and to reveal the men behind the curtain who developed international law.

Nevertheless, these examples are not well integrated. The chapters are loosely organized by theme, occasionally repetitive and contradictory, making the book a challenging read as a whole. The individual chapters, however, provide dense but comprehensive summaries of the historical episodes they treat with an eye towards the role of history and international law in the imperial enterprise, and they can be a useful starting point for scholars new to their subject matter. Hopefully the historical perspective that Koskenniemi and his collaborators provide will set the stage for the monumental task ahead: to conceive a postcolonial international law framework that can challenge powerful interests.

General Principles of Law and International Due Process: Principles and Norms Applicable in Transnational Disputes. By Charles T. Kotuby, Jr. & Luke A. Sobota. New York, NY: Oxford University Press, 2017. Pp. xviii, 281. $51.02 (hardcover).

Reviewed by Christopher Williams

Beginning in the twentieth century, notions of equity, often associated with natural law, began to come under attack. It was evident that post-World War II, the international realm needed explicit sources of international law that would allow for the fostering of cooperation among sovereign states in the international legal system. "The international community's shift away from abstract equity was made concrete in Article 38 of the PCIL and ICJ statutes." (p. 4). Article 38 expressly includes "general principles of international law" as a primary source of law, and these sources must be "clearly defined and understood to avoid the risk of [their] being exploited as an ideological cloak for self-interest." *General Principles of Law and International Due Process*, written by Charles T. Kotuby, Jr. and Luke A. Sobota, demonstrates the necessary inclusion of general principles of international law, which function as gap-fillers to allow transnational disputes to progress through litigation or arbitration without being halted. This modernized book expands upon the foundational work of Bin Cheng, who first took initiative to develop a working system of applicable general principles already functioning as such in the international legal system. Generally, *General Principles of Law and International Due Process* is an explanatory text that sovereign states, businesses, individuals, and others, can use to understand the current trends in principles that have risen to the level of being considered a "general principle" under Article 38, and the footnotes of the book illustrate in an analytical, methodical manner proof of general acceptance of such principles.

Throughout the book, it is clear that the authors give high regard to the importance and function of general principles in the international law system. Kotuby and Sobota begin by proposing a three-part definition for what qualifies as a general principles of international law: (1) defining it as *general* through extracting the underlying legal principle; (2) finding it *universal* by surveying a variety of national legal systems to

determine if universally recognized; (3) and categorizing it as *international* by modifying the rule to suit the particularities of international law. The authors use this definition to illustrate the general consensus of international law scholars in deciphering a principle as general by demonstrating that it can be untailored from its application in specific jurisdictions, universal by way of documenting that a majority of "civilized nations" follow such a principle, and international in that it can have application in the international sphere. The definition may become repetitive at times, but it also allows the authors to conduct a full analysis of each principle from different perspectives, though they refrain from any comments on opposing views.

To define a principle as general, the authors explain that the principle must be based ex ante on a heightened degree of reason in order to achieve its normative value. They use the example of res judicata to demonstrate this, identifying in a footnote numerous sources to illustrate the conclusion that the principle has risen to a sufficient level of generality to be considered a "general principle" of international law. The footnote cites cases from the United States, Canada, Australia, France, New Zealand, Germany, Italy, England, Japan, South Africa, Mexico, Argentina, and Russia, which the authors take as a sufficient number of countries to prove that res judicata is a principle *general* enough to meet the criteria required by a "general principle." The authors use the example of res judicata as a way to explain generality, yet this evades the issue of claiming a principle as general solely due to its use by "civilized nations." This may illustrate why the authors refrain from commenting on opposition to their claims of what principles have risen to become international general principles later in the book, as the authors clearly feel that an analysis of "civilized nations" is sufficient to prove generality.

Therefore, one criticism of the method the authors use to prove that the principle is general, universal, or international, is that the majority of countries surveyed are countries that either come from common law jurisdictions or countries that are considered to be more developed in the international sphere. This may be an important area to research as it seems the authors' definition of "general, universal, or international" is reliant on countries with a more developed, democratic legal system, while avoiding the difficult nature of researching

whether *all* countries actually follow this principle. They do acknowledge that total perfection across the board of the "general, universal, or international" nature of a principle is most likely unattainable. This same argument is applicable to the general nature of international due process, as the authors focus on the development of due process in Western civilizations, then tie that to the development of a system of human rights in the international realm. The authors seem to ignore the fact that due process is a democratic ideal, possibly not followed by a large number of developing countries, as it was not followed by currently developed countries during their periods of development. Once again, this may not illustrate that due process should not be a general principle of international law, yet it is important that the authors acknowledge the limitations of their research.

The most compelling aspect of *General Principles of Law and International Due Process* begins in the second chapter, when Kotuby and Sobota work to surpass Cheng's research and begin formulating their own opinions on the modern application of general principles. The authors begin this chapter researching the application of good faith in contractual relationships, which seems to parallel the argument from chapter one in regards to international due process. They seek to illustrate that good faith is a necessary general principle of international law for contracts with international parties to function. Once again, the authors solely describe good faith, and rely on footnotes to demonstrate the use of good faith across contexts of different countries and courts; yet the authors purposefully avoid addressing any criticisms of the application of good faith as a general principle of international law. Some readers may find this appropriate as good faith seems to be a clear example of a principle that is crucial to allow for business agreements to be carried out without limiting international dealings do to some parties acting poorly. Yet, other readers may find the one-sided research incomplete, failing ever to research the criticisms of good faith as a "general principle." Good faith can take many different forms across different jurisdictions, sometimes being required and other times not, depending on the sophistication of the parties to the contract. Notably, the authors refrain from addressing the difficulty in codifying good faith as sufficiently general to apply across different contexts.

Kotuby and Sobota further dive into the principle of international due process, yet with the perspective of modern applications, once again surpassing Cheng's research, in the third chapter. This chapter is the most idealistic chapter, exemplifying the authors choice not to address potential criticisms of their categorizations of the functioning of principles, such as notice and jurisdiction or evidence and burdens of proof, within the principle of international due process. This chapter was executed in a concise, practical manner by the authors; and from the perspective of any individual in a developed state, it is intuitively correct. For example, ideals of the condemnation of fraud and corruption are necessary for the commercial industry to continue to conduct business transnationally without fear of unfair treatment by parties or national courts. Furthermore, the authors are correct in illustrating that evidence and burdens of proof are "the mechanics of the proceeding, and they can affect the due process rights of the participants, whether measured individually or systemically." Without recognized "general principles" of evidence and burdens of proof, it would be difficult for the international system to maintain transnational dealings, as the parties to these agreements need to have security in potential remedies granted by a fair procedure.

Lastly, the most useful portion of this book is evidently in the Annex of Cases section. The authors demonstrate they have researched each potentially categorizable "general principle" in full by surveying a multitude of cases across different jurisdictions. As the majority of the book was explanatory and not argumentative, this section becomes the most important in the event that the reader disagrees with an individual principle's classification as a general principle of international law. This section of the book allows scholars, sovereign states, judges, and others to skip the earlier chapters of the book and focus on the sources by which authors argue that certain principles ought to be considered general principles of international law.

Overall, *General Principles of Law and International Due Process: Principles and Norms Applicable in Transnational Disputes* is an explanatory work with vigorously researched footnotes to prove the modern day understanding by the authors of the application of "general principles" in the international legal system. This book will continue to be a useful resource for

scholars, judges, sovereign states, private parties, and others, to assist in identifying principles that have risen to the level of codification as "general principles" within the understanding of Article 38 of the ICJ statute. To make this book more compelling, the authors would have been well-served to include criticisms of each claim they make, and to further illuminate the difficulty present in claiming a principle as sufficiently general, universal, and international so as to rise to the level of a "general principle."

Political Islam in Tunisia: The History of Ennahda. By Anne Wolf. New York, NY: Oxford University Press, 2017. Pp. xxv, 179. $60.00 (hardcover).

Reviewed By Seamus Yarbrough

Recent years have brought sweeping changes to the Islamic world's political order, with the Arab Spring, the rise of ISIS, and political changes in Turkey. Though the region is united in a common religion, the mixing of politics and Islam has taken widely different turns in each nation. Tunisia, the nation which started the Arab Spring, is examined in detail in Anne Wolf's *Political Islam in Tunisia: The History of Ennahda.* By following the story of the birth and rise of the Ennahda party, Wolf tells the story of a conflicted Tunisia. Known for its strong history of secularism and constitutionalism, Wolf attempts to show that Islamic politics were always relevant in Tunisia; they were simply pushed into the shadows by authoritarian leaders. The Ennahda party is portrayed as personifying this tension of secularism forcibly pushing back Islamic politics; but the Ennahda story written by Wolf also illustrates that when Islamism combines with politics, it is neither pure Islamism nor pure politics.

Wolf begins with a brief look at Tunisia before independence, and attempts to show that " 'secular Tunisia' has always been a myth." Despite prominent reformers, Islamism was also a powerful force channeling and challenging potential reforms. In what will become a common theme, the necessity of politics appears to have created a false sense of secularism. Early Beys who ruled Tunisia found the power and economic might of Western nations enough to spark reform in education, the military, and the law—for instance, establishing civil

and religious equality for Muslims and non-Muslims. Despite being hailed as important reforms today, Wolf states these were controversial measures at the time, of which wide sections of society disapproved. The opening of Tunisia to Europeans and the weakening of religious leaders' power was also perceived as creating economic inequality.

While it is evident from Wolf's research that the reformist history of Tunisia was not the product of unanimity, it may be a step too far to claim secular Tunisia is a myth. No doubt, politics dictated much, but the fact that Tunisia was able to create a constitution and dislodge religious hegemony over law and society says a lot about the power of secularism in the nation. And while there was resistance throughout the history of Tunisia, Wolf also tells the story of continued reformation, secularism, and constitutionalism. In fact, as the story reaches modern times and Tunisia's last dictator, Ben Ali, was deposed, the nation immediately set about creating a new constitution and pushing back against Islamist politics, with the current elected president also the head of the main secularist party. This seems to set Tunisia apart from some fellow Islamic nations with a less-famous history of secularism.

But, the push for reform and tensions over who would control the new Tunisian state after independence from France are not the main focuses. They are simply the backdrop against which the story of Ennahda is told. With the dictatorship of Bourguiba pushing aggressively against the Islamic identity of Tunisia, a small group called al-Jama'a al-Islamiyya was formed. Initially, the focus was on greater piety and a return to traditional religious values. The group would eventually leave the private sphere and embrace politics as a way to change Tunisian society. A change in mission led to a change in name, and the Movement of Islamic Tendency (Mouvement de la Tendance Islamique (MTI)) was created as a forerunner to Ennahda. The challenge of Islamic politics, inspired in part by the Muslim Brotherhood in Egypt, was not taken lightly by Bourguiba. Though MTI applied for a political party license, it was denied, and the group was heavily persecuted. Jail, torture, and exile were not uncommon fates for members of Ennahda, and yet their movement grew because it captured a demand for Islamism in governance.

Wolf mentions that influential leftists also suffered under the Bourguiba regime, but the book's emphasis is kept

squarely on the battle between Islamic politics in Ennahda and secular authoritarianism within the ruling party. The picture painted is one of a secular Tunisia created in an artificial manner by a dictatorship, and a populace that is on the whole growing more sympathetic to Islamic identity and politics. Again, Wolf shows that Tunisia is not a one-dimensional secular society, and Islam has a strong influence over the way many people want to be governed. Still, showing that Tunisia is not *only* secular does not dispel the notion of it being a secular nation, particularly compared to other Islamic nations. As mentioned in the book, leftists were the victims of repression as well, and their platforms and bases of support were far from Islamic. Rather than just keeping political Islam at bay, it seems more that Bourguiba, and later Ben Ali, were focused on keeping any threats to power at bay.

After Ennahda seemed all but broken with its leadership divided, Tunisia experienced massive upheaval against the regime with the start of the Arab Spring. The start was not Islamic politics, but rather a street vendor setting himself on fire after being humiliated by government employees. In a rapid series of events, the regime in Tunisia was overthrown and democratic elections were held. The first election saw a rebuilt Ennahda capture the largest share of votes at thirty-seven percent. The secularists were apparently too fragmented to accumulate large amounts of votes in any single party. With the largest share, Ennahda took the lead in the first government by forming the Troika coalition with two secularist parties.

While this does show a strength for Islamism in politics, it also shows a moderate religious party with a history of resisting an autocratic regime getting far below a majority of votes. Even as the largest party, it needed to form a coalition with secularists to govern. In fact, backlash against perceived "Islamization" led to Ennadha falling from power and a secular party, Nidaa Tounes, becoming the largest party.

Needless to say, the facts given by Wolf still support the idea of a strong secular tradition in Tunisia. While Wolf may have gone too far with assertions about how secular Tunisia is, she does bring to light the strong backlash against secularism by Islamists, whether that be in the form of Ennaha's rapid growth and strong determination to survive despite constant persecution, or in the rise of the even more conservative Salafis and terrorist sympathizing groups inside Tunisia. One

surprising fact is the high rate of Tunisian fighters in ISIS and prisoners in Guantanamo despite the nation's relatively small population. Secularism may run strong in Tunisia, but Wolf demonstrates there is a parallel hardline conservative Islamist school of thought as well.

Setting aside grand questions dealing with the nature of Tunisian society and governance, Wolf tells an intriguing story of politics through Ennahda. We see a party struggle with leadership splits, alliances of convenience with extreme conservative and liberal groups, and compromises on principles in exchange for political power. It seems like the story of any political party, and that may be one of the most illuminating takeaways. Despite being a religion-based group that was founded not on politics but rather divine principles, the party experiences the same dilemmas and eventually follows the same roads as its contemporary, secular parties.

The moral of the story may be that despite the principles and lofty ideals a group may have, to gain power and relevance in government requires cold hard politics. Sometimes violent means are endorsed, including overthrowing the government by force, and sometimes more pragmatic means are called for, such as seeking reconciliation and partnership with a dictator who only recently imprisoned members and their wives. In the end, Ennahda played the game well, surviving throughout the years no matter how close to destruction it came and eventually finding itself in the opportune moment to claim the mantel of reform amidst popular uprisings. From this, it became the leading party in government and continues to wield major influence in Tunisia.

This political drama is intriguing and gripping, all the more so because readers are probably familiar only with small parts of the story. It is one thing to read about the Arab Spring in the news, it is quite another to become familiar with the major players in a specific nation from the beginning of the twenty-first century. Wolf has not only done the research to bring this drama to her readers, but she has inserted first-hand accounts. Throughout the book, there is not just a third person narrative of events, but direct quotes from those who experienced the events themselves. This includes interviews with former party operatives, wives of those imprisoned, and normal Tunisian citizens. It is evident through it all that this history of Ennahda is not just a collection of facts collected with-

out context. The history of Ennahda was assembled from meticulous research and interviews, and it provides a great overview of Tunisian political history in general. Entertaining and informative, Wolf has contributed greatly to the study of Tunisian politics.