

BOOK ANNOTATIONS

Banning the Bomb: The Treaty on the Prohibition of Nuclear Weapons. By Jean Krasno & Elisabeth Szeli. Boulder, CO: Lynne Rienner Publishers, Inc., 2021, Pp. CLXII, 162. \$75.00 (hardcover).

REVIEWED BY MATTHEW BREHM

Jean Krasno and Elisabeth Szeli's new book, *Banning the Bomb*, documents the history of the Treaty on the Prohibition of Nuclear Weapons (TPNW) and how a "humanitarian initiative" created a framework for its inception and completion. The authors' goal is to "draw attention to the urgency of eliminating nuclear weapons and creating a nuclear-free world," because the chance of a nuclear holocaust "is not zero." Highlights of the book include the authors' documentation of the ongoing modernization of nuclear arsenals, the actions of leaders, particularly former President Donald Trump, that have caused the "nuclear taboo" to erode, and how state and non-state actors have aligned to oppose nuclear weapons.

The real importance of the book, however, lies in how relevant the TPNW is to everyday life. Examine the quote below:

"Whoever tries to interfere with us, and even more so to create threats to our country, to our people, should know that Russia's response will be immediate and will lead you to such consequences as you have never experienced in your history."
– President Vladimir Putin 2/24/2022

On February 24, 2022, the Russian Federation launched an invasion of Ukraine with the above quote widely interpreted as threatening nuclear retaliation against any state that militarily opposes Russian actions. Nuclear threats confirm *Banning the Bomb's* relevance and how urgent worldwide ratification of the TPNW is to ensure our survival. *Banning the Bomb* will make readers want to quit any other activism they are involved with and immediately protest for disarmament. Even if climate change causes all the ice on both poles to melt and every coastal city to be destroyed, humans would survive. In contrast, if Nuclear Weapons States (NWS) unleash even a fraction of their arsenals, by accident or on purpose, no one

would be left. Every second that there are NWS, there is a non-zero chance we die from nuclear holocaust. *Banning the Bomb* is therefore essential reading to anyone who has an interest in living on this planet.

In Chapter 1, the authors write that their book aims to document and analyze the impact of the humanitarian initiative which led to the July 2017 adoption of the TPNW by 122 members in the United Nations General Assembly (UNGA). The humanitarian initiative, which focuses on the humanitarian casualties of nuclear conflict, was championed by civil society, small states, and middle powers—including most of the Global South—in defiance of NWS and major powers. Chapter 2 is the galvanizing call of the book, explaining that the world is on the edge of apocalypse every second that there are nuclear weapons. While many might assume that the end of the Cold War ushered in a safer era, the threat of nuclear annihilation is actually a “more serious danger” today. Over the past thirty years, Cold War era security mechanisms, including the INF Treaty, Soviet-U.S. ABM Treaty, and the 1967 Outer Space Treaty, have collapsed. Further, near accidents from 1958 through 2019 show that we, the readers, should be scared. Not all close calls were as publicized as the Cuban Missile Crisis. Other near misses include a 2019 accident where a Russian vessel almost collided with an American cruiser that could have possessed nuclear weapons. The regime for disarmament under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) has also proved ineffective; no weapons have been eliminated, and Israel, India, Pakistan, and the DPRK have all gained arsenals of their own.

In Chapter 3, *Banning the Bomb* clarifies how the humanitarian initiative strengthened support for disarmament. During the Obama administration, the humanitarian consequences of nuclear war were addressed for the first time in the New Strategic Arms Reduction Treaty (2010) and the NPT Review Conference. Non-Nuclear Weapons States (NNWS), however, sought to go further than simply strengthening Article VI of the NPT by stigmatizing NWS, encouraging disarmament, and proposing ideas for what would become the TPNW. Chapter 4 goes on to address how reframing national security into human security supported this disarmament discourse. While NWS believe in deterrence theory, relying on rational actors’ avoidance of mutually assured destruction from nuclear weap-

ons to stabilize international relations, the authors argue that such a belief requires a commitment to a suicidal course of action which the authors state is inherently irrational. NNWS hope that humanitarian-based models, like the International Campaign to Ban Landmines and the Ottawa Convention, can persuade NWS to pursue disarmament.

Chapter 5 introduces the humanitarian initiative's "principal actors"—states, international organizations, experts, non-governmental organizations, and civil society groups—and how they worked in tandem to bring democratic legitimacy to the TPNW. Civil Society groups, such as the International Campaign to Abolish Nuclear Weapons (ICAN), are often better at public relations campaigns than states and can take on quasi-governmental roles by applying for observer status in organizations like the UN. Non-governmental actors can cause the public to pressure their governments into supporting the TPNW. Further, through coalition building in the UNGA, smaller states highlighted the democratic nature of the humanitarian initiative and overcame NWS opposition to ensure the TPNW's inception. In 2015's NPT Review Conference, Costa Rica noted how the humanitarian initiative meant that "democracy had come to nuclear disarmament."

Chapter 6 tells the story of UNGA Resolution 71/258. In December 2016, the UNGA granted a negotiating mandate to the NNWS, who subsequently invited NGOs to submit documents on disarmament. In March 2017, negotiations were structured around the principles and objectives of disarmament and institutional arrangements. In June and July 2018, a second session opened with a reading of the TPNW's first draft which, after several revisions, was adopted by the UNGA with 122 votes. Chapter 7 then discusses the TPNW's language and the compromises and victories it represents. Articles II-IV of the TPNW leave the door open for NWS to join, including those, like India and Pakistan, not party to the NPT. Further, the TPNW embraced humanitarian initiatives by introducing progressive policies like victim assistance and environmental remediation programs.

Chapter 8 discusses international legal issues associated with the TPNW entering into force. Although regions like Latin America have near universal support for the TPNW, in places like Western Europe, where most states are NATO members, there has not been similar support. However, it is

possible that as more states sign the TPNW, the NWS will believe that they must become signatories to maintain their reputations as civilized and responsible members of the international community. The book's ninth chapter functions as the authors' coda, focusing on the TPNW as it enters into force. While the goal of the TPNW is to make it in states' self-interest to abandon their nuclear arsenals, the pressure from states, NGOs, and civil societies has to continue. Although NWS will be reluctant, the humanitarian initiative can provide the momentum for the necessary advocacy leading to future ratification.

I would recommend reading this book a page a day in lieu of a morning coffee. Every page contains a revelation that will jolt you to action better than any amount of caffeine. That said, on my first read, the "humanitarian initiative" the authors purport frames the TPNW does not appear to be revelatory, at least to readers who came of age in the Obama era. In fact, a casual reader might assume that every international legal document since the Helsinki Final Act places a huge concern on and implicates what the authors call the "humanitarian initiative." Even after finishing the book, while I understand that the initiative refers to consequences rather than policy decisions, I wish that Chapter 3 discussed why the NPT, and all subsequent review conferences, cannot be interpreted as containing the same humanitarian components. Indeed, between the Soviet Union and the United States, it appears that all Cold War-era arms reduction treaties were signed to prevent human tragedy and not just to preserve the states they represented. More accurately, I believe that the authors find that a democratic process is key to making the TPNW a humanitarian initiative, thanks to the book's extensive discussions of the role of civil society and women being necessary to the treaty's inception. Then, a more upfront acknowledgment of this democratic correlation would better help the reader understand the uniqueness of the humanitarian initiative.

Throughout the book, I found myself wary of the authors' presentation of conjectures as facts. Specifically, in Chapter 4, they assert that nuclear deterrence was intertwined in American foreign policy at the moment when President Truman dropped two bombs on Hiroshima and Nagasaki. They write that, because "the war in Europe had already ended" it was likely that President Truman's primary reason for dropping

the bombs was to dispel any Soviet notions of expansion at the expense of the United States' interests. Although the authors use "perhaps" to preface their accusation, they later concretely assert that "Truman's motivation for using the bombs," was to send "a message of deterrence against future Soviet ambitions." In making this bold accusation about the birth of deterrence theory, the authors seem to dismiss the much more obvious position that the President simply wanted a quick end to the war and did not want co-invasion of the Soviet Union.

Next, in Chapter 6, the authors assert that NWS actions, such as retaliating against the TPNW, show their opposition to the humanitarian initiative. The authors state that the NWS "made their choice early on to confront the humanitarian initiative by discrediting it," and "when the opposite happened. . .they missed their opportunity to influence the treaty process from within." It's clear that none of the NWS wanted the TPNW to enter into force, but none of their actions documented in the book attempt to discredit humanitarian concerns. While raising concerns about delegitimizing nuclear deterrence and undermining strategic stability, NWS do not argue that there would not be catastrophic humanitarian damage from the use of nuclear weapons.

Finally, I am skeptical about the authors' claims about the damage done by former President Trump to the understood prohibition on the use of nuclear weapons, known as the nuclear taboo. With President Biden in power, I find myself wondering how necessary it is to consider how the Trump era eroded NATO stability and threatened nuclear strikes via tweet. To some degree it is important to have those discussions, but the book leaves the impression that Trump is still in power. Today, it appears that NATO is more united than ever, and President Putin's threats may have eroded the nuclear taboo more than President Trump's actions. In contrast to President Trump, where generals have gone on record saying they would have violated his orders, there seem to be fewer constraints around the Russian President's nuclear authority. Of course, American-centric discussion is useful for readers in the United States. The threat of nuclear war, however, is global, and including more nuanced conversations surrounding the NPT-NWS' relationship with the nuclear taboo in the book would have been invaluable. Additionally, a discussion of India and Pakistan's withdrawal from the NPT, and how that im-

pacted the nuclear taboo, would have been insightful and much appreciated.

Outside of the context of nuclear weapons, this book provides valuable guidance on creating common international law and *jus cogens* norms. Under the framework of the United Nations, a coalition of non-nuclear states was able to do what the International Court of Justice refused to do in 1996. In their advisory opinion, the Court could not find any customary international law that prohibited possession or use of nuclear weapons. The NWS have been able to work against the interests of NNWS and ensure an unequal balance of power in the stagnating NPT regime. Overall, the humanitarian initiative appears to provide a norm-making blueprint for other groups to follow in the future, whether in addressing nuclear weapons or other matters of grave importance. After all, policy affects people and treaties can be abused to others' detriment if people are not placed at the forefront of policy considerations.

Representing God: Christian Legal Activism in Contemporary England. By Méadhbh McIvor. Princeton, NJ: Princeton University Press, 2020. Pp. viii, 186. \$75.00 (paperback).

REVIEWED BY ANNA HEITMANN

Representing God is an exceptionally well-crafted account of evangelical politico-legal activism¹ in contemporary England. Méadhbh McIvor uses the increasing number of legal battles waged by evangelicals over what they view as anti-Christian discrimination to examine the evolving and controversial role of Christianity in British public life. McIvor, a social anthropologist, delivers a diligently-researched examination of both the enduring structural presence of and shifting public sentiment towards Christianity. Although Protestant Christianity remains an established legal and cultural force, it seems to have become relativized, to the chagrin of many British Christians. They disagree, however, over the "proper," most effective way to respond to Britain's ostensible shift away from Christianity.

McIvor argues that the readiness of activists to engage in legal battles to protect their Christian values serves, in effect,

1. "Christianity," for the purposes of this book, refers to socially conservative evangelical Protestantism.

to marginalize these values; culturally accepted principles, once not necessarily considered religious or sectarian, are now identified as such by Christian legal and political activism. The values are rebranded as those held by a minority group, thereby separating them from the broader cultural consciousness. Thus, McIvor argues, this Christian activism is BOTH a response to the shifting role of Christianity in public life AND a catalyst of its continued shift toward the fringes of British culture. In short, the more Christianity is litigated in the English courts, the more it is distinguished from English culture.

McIvor's book is the product of nearly two years of dual-sited fieldwork, divided between immersive experiences with conservative Christian "activists" and a conservative evangelical Anglican church. The former consists of Christian Concern and the Christian Legal Centre, a dual lobby group and legal aid center. Founded on the belief that Britain is forsaking its traditional Christian heritage, these activists lobby and litigate to fight what they perceive to be the religion's removal from its proper place in the public square. The churchgoers McIvor focuses on are members of Christ Church (a pseudonym), which is considered a "lighthouse" church—one looked to by smaller evangelical churches for doctrinal guidance given its unwaveringly conservative and "biblically sound" teachings. Examining the two sites in tandem, McIvor offers a unique look at both public policy and individual experience through the relationship between Christian activists and the conservative churchgoers they are ostensibly representing. McIvor articulates the fear held by both activists and churchgoers regarding the fate of their nation as it seems to drift further and further away from Christianity. However, McIvor explores the latter group's concern that the former's emphasis on legal instrumentalization can be counterproductive to their greater aim—to get the nation back on track with Christianity—while also misaligning, perhaps debasing, a movement based on faith with activities that belong to the separate realm of secular laws.

Overall, McIvor presents her observations and arguments without casting aspersions. The descriptions of her many experiences with her "interlocutors" are humanizing and non-judgmental, and they seem to reveal a genuine fondness. She also incorporates arguments of other academics and theolo-

gians to provide ample perspective and reflect the scholarly discourse on the subjects she addresses.

McIvor carefully explores her subjects' belief that Christians are increasingly marginalized in a "hostile" state while articulating the different perspectives of activists and churchgoers. The differences in approach hang on key questions: when should Christians turn the other cheek as Jesus did on the cross, and when should they fight for their values? When does "activism" frustrate the goals of "evangelism"? Indeed, what is the "right" way to respond to the perceived hostility? McIvor highlights a tension in the activists' mission; given that Christ warned his followers that persecution for their faith is inevitable, it is not always clear what they expect to result from their efforts (especially given their low rate of legal success). To the activists, though, victory is not necessarily derived from winning cases. Victory instead comes from standing for "God's Truth" (as they interpret it in the Bible). McIvor's discussions with churchgoers reveal their admiration of the activists' commitment to biblical Truth, as well as their doubts about the efficacy of their efforts. From their perspective, focusing so intently and aggressively on unwinnable cases or campaigns means that public Christian discourse is centered around certain policy interests such as abortion instead of the overall Christian message.

This tension between grace and law is evident in McIvor's review of two court cases involving the wearing of a crucifix and a purity ring in the workplace and school, respectively. As explained to McIvor by a churchgoer, Christians choose to live in a grace-fueled way not because their religion requires it, but because they want to show their profound gratitude for their salvation. According to the activists, England's legal religion discriminates against Christians by protecting symbols linked to religions of law while excluding those related to religions of grace (protecting the wearing of a hijab because it is not a "choice," while not protecting the wearing of a cross because it *is*). McIvor highlights the discomfort felt by churchgoers, however, that these cases do more harm than good; not only do they make a big deal over issues that are, in the grand scheme, inconsequential to Christian freedom, but they also may facilitate non-Christians' misunderstanding that their faith is law-based instead of faith-based.

Ultimately, the challenge for both groups hinges on the shifting relationship between two incompatible “systems” or sources of societal values and rules. The activists pin their critique on the legal system’s move toward a culture of rights. In their view, this move prioritizes the needs/wants of the individual over the common good of society, thus furthering the “fallen morality” of man instead of the “limitless wisdom” of God. Despite this view, the activists continue to present their legal arguments under human rights law both because they feel they must work with what they have and because they aim to point out the system’s flaws and promote their alternative, Scripture-centered way. McIvor focuses on two cases to demonstrate how the activists use the language of rights as a tool to show that Christians are subordinate in status. The human rights project posits that all rights are innately held and of equal worth, but in practice, the activists argue, the system finds some rights to be more violable than others. McIvor illustrates the tension in a system that must protect, for instance, both religion and sexual orientation rights. The activists argue that some rights taking precedence over others reveals the intellectual dishonesty of the rights-based system.

The churchgoers have a different perspective on the rights discourse. McIvor lays out the emphasis evangelical Christians place on developing strong personal relationships with non-Christians to allow for gospel-spreading. This emphasis plays a key role in how the churchgoers evaluate the concept of rights—they must be viewed in terms of how they influence the development of these relationships. If one wants to truly emulate Christ, who gave his own life to bring others to salvation, one may need to forgo one’s own rights to do the same. In the straightforward words of a minister, McIvor cites, “the gospel is more important than rights.” The center of this debate remains the question of how best to serve the gospel. Is it by way of the approach of the activists (who frame their campaigns in relational terms, as efforts to protect all believers’ rights now and in the future rather than theirs alone)? Or is it through the approach of the church members (declining to fight for rights in favor of focusing on evangelizing)?

The final chapter focuses on the ambivalence the interlocutors hold regarding how to speak “Christianly” in public life and the conflict between accessibility to non-Christians and the maintenance of doctrinal purity. Indeed, how can Chris-

tians communicate effectively with non-Christians without scaring them away with too much Bible talk? Christians believe a biblical approach to, say, gender, sexuality, and family life is ultimately best for everyone, but how do they convincingly proffer this argument to people who don't believe in the supremacy of Scripture? McIvor illustrates this struggle with the Christian campaign against the bill permitting same-sex marriage. She notes how her interlocutors framed their arguments to make the campaign more accessible to non-Christians—they downplayed theology and used non-biblical civil rights language to argue that same-sex marriage would be detrimental to society as a whole. This “strategic secularism” misses the point, as one church-goer reasons, because leaving Scripture out of the argument is disingenuous to the true crux of the argument. On the other hand, a purely biblical argument risks alienating non-Christians. It's hard to argue the Truth of the Bible to someone who isn't a believer, so the activists acknowledge that real social change is likely impossible without mass conversion—which, itself, is likely impossible. As outlined by one of the activists, then, the next best thing is to preserve the freedoms which allow one to speak the gospel.

In *Representing God*, McIvor carefully teases out the tensions and contradictions inherent in the reaction of two different Christian groups to the increasing secularization of society and law. As human statutes replace Christian teaching—moving Christianity from a central, privileged position in society to a peripheral or ancillary one—the activists and churchgoers alike must decide what their faith demands of them and how to keep Christianity relevant (and appealing). Does Christianity really need protection from active persecution as the British activists—and certainly their American counterparts—would argue? Does the recognition of rights pertaining to other religious groups, sexual orientation, or reproductive choice, for example, represent an assault on Christianity that requires an aggressive counteroffensive? Ultimately, what should human laws be based on? And can one live as a Christian in a society that finds that source outside of the Bible?

It would be interesting to examine American Christian movements to determine if such tensions exist here as well. A cursory view of the success of Evangelical Christian political movements in this country suggests that questions about law and grace, church and state, have been resolved by believers,

clergy, and politicians more comfortable with a theocratic (Ten Commandments) approach than some of their British counterparts. The current success of anti-abortion, anti-LGBTQ+, and anti-immigrant activism in the United States—all centered on an insistence that “Christian values” are being attacked—suggests greater alignment between views of faith and law than McIvor identifies in Britain. Indeed, far from the increasing marginalization that McIvor describes, the achievements of an ascendant American Christian conservative movement have placed the church/state debate at the center of American politics and culture, with both sides framing the outcome in existential terms.

Policing Bodies: Law, Sex Work, and Desire in Johannesburg. By I. India Thusi. Stanford, CA: Stanford University Press, 2021. Pp ccxxxv, 235. \$28.00 (paperback).

REVIEWED BY ANASTASIA LAW

Sex work has long been a highly controversial, yet historically significant, labor market. It is plagued by debate between feminists, human rights groups, and scholars, both as to whether sex work is inherently harmful to those who participate in it and, with the acceptance that the industry will exist regardless of critique, whether it should be criminalized. In *Policing Bodies: Law, Sex Work, and Desire in Johannesburg*, I. India Thusi explores the policing of sex work through an entrenched, twenty-month ethnography conducted in three areas of Johannesburg, South Africa: Central Johannesburg, Hillbrow, and Rosebank. Research time was divided between shadowing police officers—both at their stations and on patrol—and sex workers at each site. Thusi began researching with a sole focus on how sex work is policed, with little intent to engage in the debate about its (de)criminalization. Over time, however, this area became “a prominent feature” of Thusi’s interactions with sex workers, police, and other actors.

Policing Bodies comes as a culmination of Thusi’s research and addresses three main issues: (1) the discourse surrounding gender and sexuality regarding sex workers and how these shape police officer interactions; (2) the relationship between the police organization and sex workers in Johannesburg; and (3) what it means to adopt a human rights framework for the

policing of sex work. From these follows Thusi's core thesis that debate regarding the sex work industry must go further than questions of criminalization because policing and the lived realities of sex workers often extend beyond the law. Indeed, Thusi's book clearly exemplifies that a sole focus on this question fails to engage with the real issues sex workers are facing on the ground. Somewhat disappointingly, however, the reader is left questioning what exactly should be done either to shift the debate or how to begin to tackle these problems and effect change. While these questions are certainly too large to address in full, it is remiss that Thusi, with a wealth of practical knowledge in this area, does not offer more.

The ethnographic methods employed by Thusi encompass several data-gathering measures, including participant observation, semi-structured interviews, and focus groups. This allowed Thusi to become entrenched in the environment of study, understand fully the differences between expressed and actual conduct, and explore the "biases, routine behaviors, and understandings that research participants would rather not express." Thusi's methodology allows the reader to better grapple with the research presented and understand the tensions the author faced when studying two seemingly antagonistic groups. This is perhaps summed up best in Thusi's own words: "With sex workers, I referred to their work as *sex work*; with the police, I referred to that work as *prostitution*" (emphasis in original).

After this introduction, Thusi alerts the reader to the long history of sex work in South Africa, which traces through many significant events lending influence to the industry today. Chapter One denotes a timeline approach to this history, beginning in 1652, the year the Dutch East India Company established a port on Africa's Cape Peninsula. The sex work industry, then viewed as a "necessary evil," grew as a means of occupying soldier and sailor visitors near the port. It then evolved through centuries of regulation and deregulation by courts and legislators, culminating with its stark racialization during the apartheid regime. As Thusi moves through history, common discourse of morality and hygiene and their intrinsic links to issues of class and race are reiterated. While somewhat belabored, Thusi effectively weaves the image of how the current state of policing in South Africa is influenced by historically significant events.

Today, the South African Police Service (SAPS) is seen as the enforcer of human rights laws embedded in South Africa's legal system but is also stripped of much power as those same laws place "limitations on police conduct." This is particularly true in the context of sex work because this industry remains criminalized in South Africa today. A complicated relationship between police and sex workers has thus emerged, wherein police hold power to either enforce the law or treat sex work as *de facto* decriminalized to the extent they see fit. It becomes clear that the coming chapters will be marked with themes of contradiction and uncertainty as to the legal bounds of sex work, setting the stage well to delve into Thusi's ethnographic research.

In Chapter Two, Thusi shifts to set the scene for the ethnographic portion of the book. The chapter first introduces the key players and areas of research before delving into research findings in Hillbrow and Central Johannesburg. Thusi quickly immerses the reader in narrative, expertly weaving storytelling and transcript with analysis. The main takeaways from this chapter are the stark differences between sex work and its policing in the two areas. First, compared with Hillbrow, where sex work is "relegated to quasi-private spaces in hotel brothels," sex work in central Johannesburg is "highly visible and public in its operation." Whereas in Hillbrow sex workers operate under a "legal" licensing scheme that creates space for a more cooperative relationship between police officers and sex workers, those in Johannesburg are left vulnerable to increased rates of "open hostility" and "unexplained cruelty." Thusi posits that this ties to historical notions of focus on public disorder and the regulation of female sexuality. Underpinning Thusi's narrative is the fact that, even though sex work is illegal in South Africa, this status does not control the ways in which it is policed.

Thusi moves on to examine the final research site of Rosebank in Chapter Three. As in the previous chapter, Thusi employs a storytelling narrative to exemplify interactions with Rosebank police and local sex workers. At first glance, it seems like sex work in Rosebank is regulated in a grey space, somewhat akin to the regulated schemes occurring in Hillbrow, though still on the streets and thus lacking the institutional protections afforded by brothels there. This chapter serves to emphasize the real time shifts in policing observed by Thusi,

whereby informal negotiations with police officers served to create instability through ever-changing rules and odds stacked against the sex workers. This chapter culminates Thusi's description of the research and creates a timeline which depicts a shift from informal decriminalization and cooperative, low-tension relationships between the SAPS and sex workers to a realm of partial decriminalization marked by heightened surveillance, extraordinary bribes, and a drastic decrease in the number of sex workers operating in Rosebank. It is at this point that Thusi's thesis is most aptly exemplified; there were no legal changes made to the criminalization of sex work, yet the enforcement of the law on the ground shifted drastically over the course of the ethnography.

The remaining chapters of *Policing Bodies* seek to evaluate and draw conclusions from Thusi's research. Thusi begins Chapter Four with the conclusion that the "perceived beauty of sex workers deeply influenced other perceptions of sex workers held by police" and approaches to policing them. Utilizing data collected from Hillbrow police, Thusi illustrates this reasoning with charts and graphs mapping the relationships between police officers' perceptions of a sex worker's beauty, their professionalism, whether they are foreign, as well as the number of police raids conducted at a particular site. The results showed statistically significant correlations between all four variables and, as Thusi remarked, a surprising finding: police were more likely to raid brothels where they perceived sex workers to be beautiful and professional. These results provide insight into the experiences Thusi described in earlier chapters, but the sheer number of charts and graphs greatly overshadow analysis of their results. Without sufficient explanation, especially from a lay perspective, the author does not make clear what readers should take away or conclude. This is disappointing, given the significance of these findings in bolstering Thusi's thesis, that sole emphasis on questions of criminalization is insufficient to address the treatment of sex workers on the ground.

In Chapter Five, Thusi places the ethnography into the larger realm of the sex work industry and engages with the polarized debates that occupy this space. Here, Thusi criticizes the discourse that surrounds this industry; that, while much debate has focused on the "sex worker and issues of consent, coercion, subordination, freedom, and sexual autonomy" it

sometimes proceeds as though sex work is static, an assumption Thusi's research shows is markedly untrue. Moreover, Thusi argues that these debates avoid the most obvious question: "How do we, as feminists, want to think about sex?" Utilizing transcripts gathered over the course of the book's research, Thusi emphasizes the role police can play in the lived realities of sex workers regardless of the level of criminalization in effect. Given the book's lead-up to this point, it is easy to view the disparity between the results of Thusi's research and the traditional focus of debate on issues of legality.

While the reader gains several in-depth glimpses into Thusi's ethnographic world, it was hard to not finish the book wanting more. With so much time dedicated to a detailed history of the industry, the chapters depicting the research itself seem somewhat curtailed, especially considering the large amount of material Thusi must have gained during twenty months of fieldwork. Moreover, Thusi's thesis, while extremely convincing, leaves the reader without much of a substantive framework for change. In the last pages, Thusi argues for the need for an infrastructure to guide police in how they interact with sex workers and to employ strategies that look beyond the police but does not offer much to elaborate on what these might be specifically. Due to the author's unique position on the subject, it is unfortunate that more recommendations are not given.

Written on a subject about which there are so many polarized opinions, *Policing Bodies* provides a fresh take on the sex work debate that places those engaging in the industry at the center of its narrative. Thusi effectively shows why discussions surrounding sex work must extend further than simple questions of legality, and proves the book's thesis that, at least in Johannesburg, the criminal status of sex work is less relevant to its policing than "police officers' interpretation of sex workers' rights and police attempts to maintain order." While readers are left wanting more, Thusi's rigorous research and expertly depicted narrative provide a thought-provoking view into the lived realities of sex workers in Johannesburg, giving a much needed voice to the opinions of those engaging in the industry.

Conserving the Oceans: The Politics of Large Marine Protected Areas.
By Justin Alger. New York, NY: Oxford University Press, 2021.
Pp. xi, 229.

REVIEWED BY ASHLEY LEE

Justin Alger's book on the politics surrounding Marine Protected Areas (MPAs) and the emergence of their use as an international norm is organized into seven chapters within two parts. The first chapter is an introduction to and explanation of the usage of Marine Protected Areas—marine reserves in which all or some extractive activity is prohibited—in ocean conservation and a brief overview of Alger's perspective on how the norm of MPAs was created. Alger starts by asking why MPAs emerged as a solution for protecting oceans in the first place and what decisions go behind the management and delimitation of these areas. This introduction gives us Alger's thesis, which argues, "we can better understand the politics of marine conservation by paying closer attention to the economics of marine reserves," because commercial interests influence the creation, boundaries, and regulation of an MPA. Alger elaborates on his argument later in the book by providing three case studies to support his formulation of a political economic framework. The introduction ends with an overview of Alger's methodology in analyzing the cases, in which he explains that he used interviews and secondary sources to support his argument.

In Part I of the book, Alger delves deeper into the norm diffusion of MPAs in the international space and how his political economic framework fits into this process. Alger chooses to focus on MPAs with three characteristics: (1) large, with areas exceeding 200,000 square kilometers; (2) pelagic, meaning open ocean; and (3) no-take in that all extractive activity is prohibited in the area. Alger explains that a new global norm first starts with norm emergence, where norm entrepreneurs try to persuade others to support a new standard of behavior. That norm then cascades and is eventually internalized in domestic systems. During this norm diffusion process, states create and manage MPAs depending on the type of coalition that forms between states and certain industry or environmental stakeholder groups. Further, he emphasizes that while generally in international politics norm localization is influenced by

local characteristics like customs and practice, there is a stronger economic explanation for MPAs.

Alger introduces his political economic framework in his explanation of the norm diffusion process. Using three case studies in Part II, he analyzes how conservation campaigns respond differently to varied political economies and are likely to produce different results in the formation of MPAs. But more importantly, through his political economic framework, Alger determines that interest salience—the strength and amount of interest an industry has in the given region—and whether the industry is extractive or non-extractive have a significant influence on government decisions regarding MPAs. The interest salience is determined by four factors: intensity of activity, factor specificity, asset specificity, and exogenous stressors. Depending on the strength of these factors and the resulting industry influence, the state will then form a coalition with an extractive industry, a non-extractive industry, or an environmental group. Alger believes that industry influences are the main driving forces of MPA boundaries and management, and that these influences can determine whether governments are creating MPAs that have meaningful conservation outcomes or are just “paper parks.” The three case studies that Alger chooses to analyze are the expansion of the Pacific Remote Islands Marine National Monument (PRIMNM) in the U.S. under the Obama administration, the Coral Sea Marine Park in Australia, and the Palau National Marine Sanctuary (PNMS) in Palau.

Alger finishes his book with a chapter that seems like a rather positive conclusion regarding MPAs considering the critical issues with MPA management that he points to throughout his book. For example, he mentions that some environmental groups are skeptical of large MPAs because “governments tend to establish large MPAs in areas that are too remote from commercial activity, therefore failing to address the causes of ocean decline” or that “large MPAs are incompatible with sustainable development and prioritize closures over fisheries management practices or tackling climate change.” He suggests that although there is still work to be done, MPAs are the starting point of a standard in global environmental politics that recognizes the importance of ocean conservation.

The idea that industry can have strong influence over regulatory decisions is not new, but Alger is particularly adept at

fusing this idea into an understanding of international politics and norms. He offers a compelling account of how international norms are integrated into domestic contexts and how industry can influence the way that norms are merged in his political economic framework. However, the book could have benefited from a deeper analysis into why industry interests significantly shape large MPA protection over other interests and how this norm diffusion process can be altered in a practical way for a future of meaningful MPAs. Alger mentions throughout the book that there are certain reasons industry can affect state behavior towards MPA creation, such as how much revenue an industry generates and, correlatively, how many jobs the industry provides in the region, but these references are brief and do not delve deeper into the politics of how these stakeholders gain control in the development of MPAs. The book describes the many ways that the political economy impacts the decisions of governments when determining the bounds of MPAs, but these descriptions act only as an explanation of the claim that industry interests play a big role, rather than as an explanation of why those interests are the most important factor.

In the Pacific Remote Islands case study, Alger explains that the commercial fishing industry was unable to impact the policy surrounding the MPA because they had low interest salience due to their limited presence in the area. This was the strongest case study in terms of highlighting Alger's framework by showing that industry influence can work both ways—its strength can lead to a coalition between the state and the industry, but its weakness can contribute to a stronger coalition between the state and environmental groups.

However, the strength of Alger's argument is downplayed in the Coral Sea and Palau case studies. In the Coral Sea case study, Alger assesses the industry interests in the Coral Sea Marine Park and the intensity levels of activity, factor specificity, asset specificity, and exogenous stressors, and concludes with an overall level of interest. The highest industry interests are commercial fishing and ecotourism, both at a moderate level. Alger explains that while there were only a few fishing businesses that could not operate their businesses elsewhere, this dependence was enough to create a strong coalition between the fishing industry and the government. What Alger fails to discuss is why the ecotourism industry, with the same

moderate levels of interest salience, lost out in protections. It is important to highlight that the moderate level for commercial fishing was due to only a small number of businesses that would have been impacted by the regulations, so it cannot be argued that it was a comparatively larger industry—and therefore a stronger coalition—than ecotourism in the area. Here, Alger's argument could be elaborated with consideration of other factors that may have produced this result. The difference in industry influence even with a moderate level of interest salience could be better explained by the existence of other variables and how they engage with the political economy. Alger's main point seems to be that political economic considerations should be emphasized more than other variables, but a more compelling argument would be one that analyzes the interaction between the economic considerations with other factors.

In the Palau case study, Alger acknowledges that local customs and practices contributed to the "conservation culture" that already existed in Palau, helping push the creation of the MPA. For example, he discusses the concept of "*bul*," which is "a temporary fishing closure traditionally enacted by local chiefs in response to noticeable declines in reef fish stocks." This analysis challenges the claim that industry interests were the more compelling reasons for the government to structure the MPAs in the way that they did. Alger states that even though there was "strong cultural congruence, a more powerful explanation of why a robust marine reserve was so popular in Palau was the particularly strong economic case for it." He does not, however, delve into an analysis of why this claim is true. Alger's point in the Palau case would be stronger if he shifted his argument to connect how culture and the economy worked together to influence the government's receptivity to the MPA. In both the Coral Sea and Palau cases, the absence of substantive evidence or reasons why certain economic and industry influence is stronger than others in norm localization weakens Alger's argument.

Further, Alger's discussion in the introduction of industry's resistance to MPAs and attempt to "sow scientific uncertainty" creates an inconsistent narrative regarding the influence of industry actors. Alger describes these "seeds of doubt" as falling on deaf ears because of the studies and evidence that show well-managed MPAs have a beneficial impact on ocean

conservation. The MPA campaigns have used scientific evidence to persuade government officials that creating these large-scale areas of conservation is the right thing to do. Government officials also consider the reputational gains in their decision to pursue an MPA. If reputation and scientific evidence drive the initial creation of the MPA, however, what flips the switch for these government officials to suddenly disregard the scientific basis and turn these MPAs into nothing but paper parks? Why were the industry stakeholders disregarded in their initial attempts to delegitimize the scientific evidence of MPAs, but suddenly given power in ways that may disrupt the actual formation of MPAs and risk future reputational harm to governments?

Generally, Alger makes a valid, though optimistic, conclusion that MPAs mark a shift in the right direction of recognizing ocean conservation as an important agenda. The problem with Alger's conclusion is that if the norm of MPAs has already been established, it will take a lot for that norm to be altered again in a way where governments will actually utilize these MPAs in a beneficial way. It is optimistic to think that the benefits of the current existing large MPAs can keep those areas untouched from future commercial activity, especially if certain governance structures allow for easy changes to management plans as seen in the Coral Sea case.

Alger makes a compelling case for his political economic framework. However, the case studies present opportunities to delve into how the four interest salience factors interact with each other and are affected by external factors. In the Coral Sea case, where the level of interest salience is the same for both the fishing and ecotourism industries, it would have been helpful for Alger to discuss why the four factors worked differently for each industry and how one industry came out with a stronger coalition. In the Palau case, external factors like local customs have an obvious influence on interest salience but are pushed to the sidelines in the analysis. *Conserving the Oceans* would have benefited if Alger moved his focus away from stringent factors to instead delve deeper into the fluidity of external factors and the interactions among the factors he discusses.

Free Speech. Edited by Matteo Bonotti & Jonathan Seglow. Cambridge, UK: Polity Press, 2021. Pp. 168. \$19.95 (paperback).

REVIEWED BY KEVIN MASTRO

For the last several years, it has been virtually impossible to escape the contentious debates surrounding free speech. Whether the topic is fake news, political conspiracy theories, COVID-19 misinformation, or “cancel culture” on college campuses and online, people of all political stripes have launched urgent warnings that freedom of speech is under attack, or alternatively, that freedom of speech must be reined in to prevent its purportedly harmful excesses. These debates are by no means limited to the United States and the United Kingdom (where the authors of *Free Speech* are based), but are instead replicated all over the world, particularly as more and more individuals are able to exercise their speech online. It is in view of these debates, and the significant ramifications that they have on social and political life, that Matteo Bonotti and Jonathan Seglow set out to write *Free Speech*.

Free speech, Bonotti and Seglow assert, is a quintessential liberal value, which they argue is, perhaps paradoxically, best protected by regulating its excesses rather than by taking a libertarian, absolutist approach that forbids its regulation. In so doing, they seek to reground free speech, not in the liberal value of freedom (which is most often the case in current debates), but in the other fundamental value of liberalism: equality. By equality, the authors do not mean simply formal equality before the law, but rather “the capacity of all people to chart their own course in life free from domination, oppression, subordination, lack of opportunity, or simply penury.” Excesses of free speech have the capacity to disturb this equality, liberalism more generally, and the exercise of free speech itself. Thus, a focus on equality can help cure what Bonotti and Seglow refer to as the “libertarian excesses” of free speech.

Bonotti and Seglow organize their work by introducing three theoretical frameworks that have typically justified free speech: truth, autonomy, and democracy. In each of the following chapters, Bonotti and Seglow explore a different area of speech that is often regulated, sometimes even uncontroversially, examining each through the three theoretical frameworks to understand which provides the strongest basis

for the regulation of that form of speech. The forms of speech that they explore are those considered to be harmful excesses of free speech: (1) hate speech, defined as “language or symbols” that “deliberately and foreseeably attack the basic civic standing of the group it targets,” such that it “exploit[s] a pattern or structure of prior injustices”; (2) Holocaust denial, defined as “false or inaccurate claims about the Holocaust” that “have some anti-Semitic intention”; (3) offensive speech, meaning an “expression that does not show proper regard for” those who experience it, but which does not “undermine their civic status” (as hate speech does); and (4) pornography, meaning “sexually explicit material (verbal or pictorial) that is primarily designed to produce sexual arousal in viewers and that is bad in a certain way,” namely towards women. Finally, Bonotti and Seglow reflect on more recent battlegrounds in the free speech debate—no-platforming on college campuses, fake news, and online public shaming—using the same theoretical frameworks.

Yet while these frameworks—truth, autonomy, and democracy—provide a useful basis for analyzing free speech and its regulation, I find their formalism fails to capture much of how free speech is valued and exercised today, particularly in the online context. Moreover, while these frameworks are helpful in framing the conversation around free speech and its regulation in each of the abovementioned topics, they do not provide help in formulating specific policies as those will necessarily be context-specific and vary in each country. Nevertheless, as explained below, of the three frameworks, democracy is the strongest argument on which to base both defenses to free speech and to the regulation of its harmful excesses and the most suited to achieve the authors’ goal of regrounding free speech in equality, rather than freedom.

Bonotti and Seglow trace the truth theory of free speech to John Stuart Mill, who in his 1859 work *On Liberty* noted the “special value” of free speech derives from its ability to help individuals discover truth, which in turn benefits those individual truth-seekers and society more generally. Thus, in this view, free speech is not valued in and of itself, but rather through the utilitarian benefits it brings to individuals and societies through the “marketplace of ideas” and the progressive development of truth. In this view, free speech should be protected because to silence speech is to prevent this progress to-

wards truth and its attendant personal and societal benefits. However, a common critique of Mill's truth argument, that Bonotti and Seglow readily acknowledge, is that it presupposes that individuals desire and are invested in this ever-present search for truth. Yet, it does not take a scholar of political theory to see that this is not always the case, particularly in an era of twitter, online forums, and partisan echo chambers where individuals purposely seek out those that agree with them rather than the truth. Thus, so long as we continue to move towards what some describe as a "post-truth" world, it is hard to see how free speech protection ought to be justified on its capacity to bring about truth, because in such a world free speech, rather than bringing out truth, may only further contribute to the spread of falsehoods and other harmful excesses of free speech.

In analyzing the autonomy argument for free speech, Bonotti and Seglow distinguish between "formal" autonomy and "substantive" autonomy, each of which implicates free speech in different ways. Formal autonomy is "based on respect for a person's capacity to express her views or respect for an audience's right to hear everyone's view." That is, formal autonomy concerns the relationship between individuals and third parties without regard to substance. Thus, whether viewed from the standpoint of the speaker or of the listener, formal autonomy, unlike truth, focuses on free speech's intrinsic value—i.e., the right of a speaker to speak as they wish and of an audience to hear what they wish. However, this rationale for free speech is not particularly helpful in assessing whether speech should be regulated, because it will often depend on which viewpoint—the speaker or the listener—one takes. As Bonotti and Seglow note regarding hate speech, formal autonomy's implications are "far from clear."

Substantive autonomy, on the other hand, refers to "the ideal that individuals critically evaluate the cultural resources around them, including the speech of others, in order to choose and pursue those aims that they endorse." Substantive autonomy is thus a consequentialist one, like the truth argument, in that it values free speech not in and of itself, but for its ability to contribute to an individual's self-government. Consequently, a substantive autonomy-based argument for free speech, while generally favoring free speech protections, suffers from similar pitfalls as those acknowledged by Below

and Senotti regarding the truth argument. In particular, substantive autonomy is, like truth, overly optimistic about individuals and their desire and capacity for critical self-reflection in the face of certain kinds of speech and thus a substantive autonomy defense of free speech may increase, rather than decrease, the harmful excesses of free speech. For instance, Bonotti and Seglow point to fake news, subliminal advertising, and other types of speech that, while permitted under a substantive autonomy argument, may subvert, rather than contribute to, the process of critical self-reflection and self-government. Moreover, Bonotti and Seglow note that certain groups and individuals, for example those in a strict religious community or those subject to peer pressure, may value free speech but not autonomy in the sense contemplated by the theory. On the other hand, Bonotti and Seglow acknowledge that “much speech bypasses or even subverts the capacity for critical reflection that lies at the heart of substantive autonomy.” Thus, while the formal and substantive autonomy theories of free speech favor free speech protection, rather than regulation, this can depend on whose viewpoint one takes and may actually perpetuate, rather than curb, free speech’s harmful excesses. As such, autonomy is shaky terrain on which to ground free speech regulations.

The democracy argument relies on the fact that “[f]ree speech in the public sphere enables parties to assemble coalitions of supporters, allows the opposition in legislatures to cross-examine the government, helps to mobilize protest movements, and gives citizens the liberty to criticize governments and to seek to shape public opinion.” As such, free speech is both a necessary means by which democracy is achieved and a core aspect of democracy itself and therefore blurs the line between being a consequentialist and intrinsic argument for free speech. A key aspect of the democracy argument is the distinction it draws between speech which is of high value to democracy and that which is of low value to democracy. High, unlike low, value speech refers to speech that “contributes to public deliberation,” such as political speech, literature, visual art, etc. Under the democracy theory, this high value form of speech requires strong protections, while low value speech, referring to, among other things, commercial, scientific, or pornographic speech, does not. Thus, the democracy argument favors regulation of low value speech

and the protection of high value speech. And while this may seem wise, Bonotti and Seglow note that the high-low distinction is not always valuable. The consequence of the high-low distinction is that it sanctions the regulation of *nonharmful* speech and is therefore overinclusive. For instance, scientific speech, which is deemed to be low value, may be just as worth protecting as political speech, even if it does not “contribute to public deliberation” in the same way. However, despite this perhaps unhelpful distinction, the democracy argument has other strengths. Like liberalism more generally, democracy values both individual liberty and equality. While a focus on the former favors a robust defense of free speech and limited regulations, a focus on the latter creates greater space for the regulation of harmful speech. Ultimately, this is what sets democracy apart from truth and autonomy, each of which focuses more on the effects of free speech on the individual—either of the speaker or the audience member—than with broader issues of equality *among* individuals in society more generally. In this way, while it is not a perfect answer to concerns regarding free speech and free speech regulation, the democracy argument best comports with the authors’ stated goal—to reground the liberal defense of free speech in equality so as to “[r]eplenish liberalism’s capacity to defend the same effective rights of speech for all.” With *Free Speech*, Bonotti and Seglow have gotten the ball rolling in that direction.

Reimagining the National Security State: Liberalism on the Brink. Edited by Karen J. Greenberg. Cambridge, UK: Cambridge University Press, 2020. Pp. xv, 247. \$29.99 (paperback).

REVIEWED BY CARLY McCABE

In *Reimagining the National Security State: Liberalism on the Brink*, editor Karen Greenberg and the scholars and experts who contributed essays to the book evaluate the history of the current national security regime and voice support for a fundamental redefinition of the concept. When it comes to national security, the executive branch has been operating without much of the congressional oversight originally envisaged by the founding fathers. In the post-9/11 world, the fear of terrorism won out against the fear of state encroachment on individual rights. The government spends disproportionate

time and resources on stopping any possible threat of another terrorist attack while ignoring broader scale national security threats such as income inequality and climate change.

Instead of making us safer, the current national security regime seems to further alienate marginalized groups of people both at home and abroad, breeding even more resentment. This resentment is compounded by the fact that while the U.S. government publicly positions itself as a beacon of democracy and equality, the national security state operates from the shadows in a manner that habitually disregards the rule of law and international legal norms. While the authors make a persuasive case for the need for change, many also acknowledge the practical difficulties of such a major paradigm shift. Following the end of two decades of U.S. military presence in Afghanistan, the political landscape seems to have moved in favor of a new conception of America's role in the world. The current U.S. posture on the Russian invasion of Ukraine could potentially mark such a change.

The book is separated into three major sections. In Part I, titled "The National Security State in Perspective," Michael Glennon opens the piece by reminding the reader that the national security state is made up of unelected officials accountable to voters only insofar as they are appointed by the executive branch. While Congress has established some checks and balances on this previously totally clandestine system, it has in recent years largely abdicated its foreign policy role to an increasingly powerful executive branch. While it makes sense to rely upon experts when it comes to issues of such major national importance, the lack of transparency around the national security state's inner workings leaves it prone to misuse.

While Glennon creates a sense of alarm over the lack of accountability in the current regime, John Gray follows up with the proposition that the national security state is not as omnipotent as it would have everyone believe. Even though elites may have one vision for the future of international economic integration and immigration, Gray argues that actual policies are often shaped by popular sentiment. He points to the state's failure to rein in populism as evidence of this trend. Gray furthers the idea of an aimless national security state by pointing to the seemingly never-ending war on terror. Rather than describing missteps in the war as failures per se, Gray in-

stead argues that the fight against terrorism had no coherent goal in the first place and is instead largely an attempt by the national security state to justify its own existence. While Gray's judgments are convincing, if true, they create a more frightening reality—that even the decisions of an ineffectual national security state can have devastating consequences.

In Part II of the work, "Tracking the Decline of Liberalism," Loch Johnson further describes concerns around accountability brought up in Glennon's opening article. Johnson argues that the U.S. political system has drifted away from the checks and balances created by the Constitution and towards a more expansive, "imperial" presidency. Johnson analyzes how the Bush II, Obama, and Trump presidencies treated the executive branch's authority related to the war, treaty, and spy powers. He largely concludes that the presidency's ever-expanding assumption of power has been a consequence not only of executive greed but also of congressional abdication of responsibility in foreign affairs, especially when it comes to military intervention.

Also in Part II, Thomas Anthony Durkin rails against what he calls the permanent state of exception existing in the United States since 9/11. In a state of exception, the government has the right to determine what emergencies are so dire as to justify a suspension of (or exception to) guaranteed freedoms. Durkin points to the Bush administration's executive action allowing the indefinite detention of enemy combatants and the use of Guantanamo Bay and CIA black sites as examples. Durkin notes that the existence of the current "state of exception" is not universally accepted, because other scholars argue that all of the actions taken by the U.S. government during this time were theoretically legally justified. Durkin argues, however, that either way, the end result is the same: "In lieu of the rule *of* law, we end up with rule *by* law." Durkin cites Canadian legal theorist Stephen Dyzenhaus in explaining the concept of rule by law as the use of the law by those in power to achieve their goals. In this way, even when political leaders use the law to justify their actions, they cease to respect the rights that laws were designed to protect.

In his contribution to Part II, Joshua Dratel highlights the enormous amount of money the United States has pumped into the war on terror while ignoring more serious threats to national security, such as income inequality, cyber-vulnerabil-

ity, and climate change. By taking up an inordinate amount of the public's attention, the threat of terrorism prevents these more urgent dangers to American democracy from getting the time and resources they deserve. Dratel points out that income inequality has been worsening since the 1970s, and with it the "American Dream" has become more and more illusory for millions of Americans. He argues that economic dissatisfaction will inevitably lead to both internal and global unrest, as people around the globe protest unfair treatment. Domestic unrest could destabilize the United States government, while international turmoil could disrupt the global economy and negatively impact American interests abroad. Dratel also points out the growing threat of cyber-attacks on public utilities, the economy, and electoral integrity. Through cyber warfare, bad actors could potentially rattle the public's confidence in the systems that make daily life possible. The most likely long-term threat to national security, however, is climate change. While climate change has been getting more attention in recent years, the amount of funding dedicated to solutions is inadequate compared to its potential consequences. Dratel reminds the reader that while wealthier nations and large companies tend to benefit the most from the damage that they themselves have inflicted on the environment, the underprivileged tend to be the ones that suffer. In the long run, sea level rise and the increasing frequency of natural disasters will likely put a strain on infrastructure and displace millions of people both internally and externally. The national security state's failure to accurately assess the true threats to the liberal democratic order could have lasting ramifications.

Part III of the collection, "The Future Imagined," focuses on why and how the American security state should be reshaped. In her essay, Mary Ellen O'Connell provides historical context for the importance of rule of law in American society. She reminds the reader that the founders legitimized the Revolution and were able to gain allies in their fight against the British through the use of international law. Respect for the rule of law is ingrained in the founders' vision of America. Unlike a monarchical system, the creation of the United States was predicated on the idea that no person is above the law. O'Connell argues that the "might makes right" position of political realists ignores this context, and that to sacrifice the rule of law in the name of security is anathema to the entire Ameri-

can experiment. She argues for redefining the term “national security” to include the protection of these foundational rights and beliefs.

While O’Connell discusses historical reasons why the idea of national security should change, Bernard Harcourt suggests an alternative framework for a fairer, less hypocritical U.S. security policy. He argues that instead of spending more money on the current system, the United States should shift its focus towards supporting those in need and creating a more egalitarian society. To support this goal, Harcourt contends that the security state should stop trying to prevent crimes through profiling potential “enemies” and should instead focus on punishing past crimes fairly. Harcourt contends that the use of prediction and profiling has been counterproductive to security, painting large groups of people with a broad brush and fostering resentment. He argues for an alternative vision in which the United States refrains from taking an activist military role around the world and instead focuses on financially supporting those in need while respecting the rule of law and international governance. Harcourt’s vision strikes a middle ground where the United States remains an important player in international politics while avoiding many of its past military entanglements.

While this collection of essays was published in 2020, its conception of a new role for the United States on the global stage seems prescient in light of the Biden administration’s approach to the Russian invasion of Ukraine. The administration appears keen to deal with this conflict as a member of the international community committed to the rule of law, and to avoid some of the more problematic unilateral actions taken by President Biden’s predecessors in past conflicts. Acting as one of many international allies fighting against Vladimir Putin’s invasion of a sovereign nation, the United States has used sanctions and other tools of statecraft to try to take a firm stance on the issue while remaining within the confines of international legal norms. This allows the United States and its allies to condemn Russia’s actions while maintaining respect for the rule of law and international consensus. The priorities of this new framework may be clear, but the question of where to draw the line remains. When Russian actors continue to be accused of committing war crimes, the time may come for the international community to take even stronger action. The

United States' approach to the escalating conflict will shed light on whether a reimagined national security state is truly possible.

Forgiveness Work: Mercy, Law, and Victims' Rights in Iran. By Arzoo Osanloo. Princeton, NJ: Princeton University Press, 2020. Pp. xiv, 339. \$29.95 (paperback).

REVIEWED BY KEIAN RAZIPOUR

International observers of the Islamic Republic of Iran are quite understandably and justifiably quick to note the notoriously high rate of capital punishment in the country. The severe sentences criminal courts hand out are well documented, and this characteristic of Iran's criminal justice system receives the lion's share of outside attention as well as condemnation. However, in *Forgiveness Work: Mercy, Law, and Victim's Rights in Iran*, Arzoo Osanloo explores a lesser known and understudied aspect of the Iranian justice system: the role of forgiveness, the Islamic Republic's victim-centered approach to justice, and the space created by the Iranian criminal code to allow for forbearance of retribution. The book thoroughly accounts the complicated process by which families of murder victims decide to request the state to forgo punishment of a perpetrator. Throughout her ethnographic account of this feature of the Iranian criminal justice system, Osanloo displays how forbearance, deeply rooted in Qur'anic principles and Iranian cultural values, is as much a right of victims as retribution. In showing this, Osanloo also highlights the complicated aspects of the forgiveness process, along with the important role outside actors partaking in this process play in helping foster forbearance of retribution.

Forgiveness Work is split in two parts. Part I explores Iran's criminal laws and legal processes, as well as the social conditions that help lay the groundwork for forbearance to take place. Here, Osanloo focuses on the various roles judicial actors and the judicial system play in the overall scheme of cultivating forgiveness. This part also features an elaboration of the challenges, as well as possibilities inherent to the law's dual promotion of retributive and restorative justice. Part II dives into the people who constitute what Osanloo describes as the "semi-autonomous social field of forgiveness work." In this

part, Osanloo highlights the importance of the passage of time in this forgiveness process. Further, we learn about the role of storytelling and so-called “passion plays” involving performances focused on forgiveness. The author ends Part II with a discussion of the political tension between the state and society that seeps through in some cases. She does this by analyzing individual lawyers who are sometimes condemned for stirring up outside attention to certain cases, mobilizing social and political pressure on the state and sometimes the victimized party to save their client’s life.

The primary focus of Osanloo’s studies in the book is the role forgiveness and mercy play in the specific context of murder cases. As the author lays out, Iran’s criminal laws are primarily organized around the victim itself and their rights. In cases of murder, Iranian law affords the deceased’s family the right to seek retribution (*qisas*) for the victim’s killer—provided that the perpetrator is found guilty of the murder. At the same time, the law also provides the victim and victim’s family the opportunity to forgo this right in lieu of monetary compensation (*diya*). If the victim’s family decides on *qisas*, they are obligated to witness the execution. In the case of forbearance, the state may levy a maximum prison sentence of three to ten years against the perpetrator. While Iranian criminal law evidently encourages forgiveness, there are no formal or official guidelines for how a victim’s family is to go about forgoing *qisas*. This leads to a highly individualized experience for each victim’s family and a wide range of outcomes.

Osanloo provides several different accounts of a victim’s next of kin and other family members being confronted with the difficult decision of whether to call on the state to carry out exact retaliation of the perpetrator or instead to forgo such retribution. While grieving over the loss of their own loved one, they must decide what happens to the life of another’s loved one. As an initial matter, Osanloo rightfully acknowledges the perhaps knee-jerk discomfort someone unfamiliar may have with the idea that a private individual holds this power over the life of another person. Osanloo herself admits that she never became fully comfortable with this idea, but perhaps quelling reactions here to a degree, she notes that it made her question why she did not have the same level of discomfort when the state had such power as in the United States. On this point, Iran’s instillation of this power in the

hands of the aggrieved party is partly because it considers murder and other intentional injuries between two of its citizens to be a strictly private dispute where the state has little role to play outside of imposing a public disturbance sentence of three to ten years if *qisas* is forgone. The state is not the immediate victim, and thus, the appropriate party to excuse a punishment—or grant mercy—is the aggrieved.

That said, a significant number of murder cases in Iran do in fact result in forgiveness. So, what helps a family decide to spare the life of someone who killed their loved one when the law undoubtedly gives them the right to retribution? Throughout her book, Osanloo impressively conveys how mercy and forgiveness is deeply ingrained in Iran's legal, socio-cultural, and theological fabric. Even more central to her book, Osanloo describes in depth the roles of various members of what she calls a "cottage industry" that has developed and is devoted to negotiating reconciliation between the victim's family and the perpetrator. This includes lawyers, judges, social workers, families of victims and perpetrators, anti-death penalty activists, and even performance artists. These actors work delicately, persistently, and patiently with the victim's family in hopes of not only achieving forbearance of the right of *qisas*, but also to rouse real feelings of forgiveness. Compellingly, it seems as if Osanloo is describing an active civil society devoted to curbing eye-for-eye punishments. In a country that receives significant criticism for the lack of civil society engagement in the government's activities, this in itself may provide greater insight into a space where not only Iranian people can participate, but international activists may have room to work in as well.

These actors are in constant communication with families of victims, being sure to maintain a neutral stance and assure the family that they have no real stake in the matter whatsoever. Often, forgiveness work is a prolonged process that may take years to achieve the ultimate end goal of forbearance. Members of the "cottage industry" seek to carefully contextualize the pain the victim's family feels by aiming to convince them that it will not dissipate by exacting retribution on the person who killed their family member. They seek to arrange meetings between victims' families and the perpetrators to better facilitate forgiveness. Various actors in this process know certain stages of families' road to eventual forgiveness, even if

there appears to be a hard-headed preference for *qisas* amongst the family. As Osanloo points out, a meeting between victims' families and the perpetrator is nearly necessary to achieve forbearance of *qisas*.

One of the more fascinating components of this forgiveness work is the highly active role judicial officials of Iran's criminal courts play in seeking a resolution that does not result in retribution. For outsiders, a judiciary who simultaneously seeks to administer justice while also advocating for forbearance may seem contradictory on its face. However, Osanloo does an excellent job in detailing how these dueling duties are quite common and not perceived to be a contradiction. Part of this has to do with the judges being constrained in the sentencing stage by the elements of intentional murder, having to hand out the mandated punishment of *qisas* in a guilty verdict. Thus, it is after the sentencing stage where the judiciary attempts to bring about a punishment short of *qisas*. Even in cases where the victims' families strongly prefer *qisas*, judges charged with implementing the punishment and other relevant judicial officials engage in active discussions with victims' families. They also use their influence and broad networks to contact social workers, friends, neighbors, community advocates, and clergy to meet with victims' families. Osanloo even recounted instances where judicial officials leaned on the natural slow pace of certain bureaucratic processes to better cultivate a sense of recognition, and eventual forgiveness, between victims' families and perpetrators.

How does Osanloo's *Forgiveness Work* fit into a larger understanding of international law and politics? The most natural way is in its ability to shed light into one of the many countries that still use the death penalty. However, by taking a different perspective, Osanloo shows how the victim-centered approach to criminal justice may end up promoting fewer uses of the death penalty, despite its availability.

There is another, albeit less organic, way this book may influence international politics. Osanloo's excellent account of the intricacies behind a little-known aspect of Iran's criminal justice system could possibly provide a framework for outsiders and members of the international community, as well as Iran itself, to view complicated security and political relations with the country. Applying the lessons from this book to a vastly different setting such as the Iranian government's inter-

national negotiations surrounding its nuclear program is admittedly a contextual leap. However, the processes of diplomacy and diplomatic negotiations require much of the same effort and work that Osanloo highlights in her book. As one of the social workers Osanloo spoke to explained, “the forgiveness work in which she engages takes years before achieving its goal of cultivating a new affect and a new way of being. . . . It is slow work that is generously nurtured by numerous social actors.” Diplomacy, too, requires time and a building up of trust between the parties involved in the talks. On the heels of renewed dialogue between Iran and the international community focused on reviving the Joint Comprehensive Plan of Action, non-Iranian negotiators may need to take proactive steps to create a new environment around relations with Iran. Iran’s relationship with much of the world, and particularly the United States, has been marked by everything but strong communication. As the actors of the “cottage industry” do in working to achieve reconciliation between victims’ families and those who killed their loved ones, the trials and tribulations of diplomacy must also be delicate and persistent. Peace should be prioritized and portrayed as a fulfilling end.

Ultimately, Osanloo in *Forgiveness Work* brings much needed attention to a fascinating element of Iran’s victim-centered approach to criminal justice. There is unparalleled focus on what the victim, not the state, wants in Iran’s system and there are lessons to be learned for anti-death penalty advocates around the world. The value of mercy and forgiveness in painfully difficult times of grief truly shines through in this book.

Governance for a Higgledy-Piggledy Planet: Crafting a Balance between Local Autonomy and External Openness. By Ralph C. Bryant. Washington, D.C.: The Brookings Institution, 2021. Pp. 178. \$32.56 (Paperback).

REVIEWED BY KEVIN RODER

In *Governance for a Higgledy-Piggledy Planet*, Ralph Bryant examines the tradeoff between openness to the global system and autonomous decision-making to exert control over conditions within a country—a fundamental tradeoff that countries face. Bryant argues that if countries can better understand this tradeoff and more effectively strike the proper balance, then

better global governance could be achieved which would facilitate more effective global problem-solving. The ever-present threat of pandemics, as demonstrated by COVID-19, is a unique global problem which poses particular challenges for implementing Bryant's guidance. Moreover, it is critical to note that the extent of a country's external openness is not fully within the control of its policymakers. Technology inevitably pushes the world towards openness, and the most policymakers can do is to slow this trend if they so choose.

Bryant begins by noting that openness to the external world and local autonomy are fundamentally in tension. There are benefits and drawbacks to both external openness and local autonomy. External openness undercuts a country's ability to control and sustain internal conditions, but it also allows a country to realize gains from the free flow of people, goods, money, and ideas. Bryant also notes that examining the benefits and costs of openness is only part of the picture; a full analysis must also account for how those benefits and costs are distributed. For example, it is generally accepted that free trade is economically efficient and increases wealth because nations can specialize in what they have a comparative advantage in. However, it also results in lost jobs for specific populations as various industries are moved overseas.

In balancing local autonomy against external openness, countries implement what Bryant calls buffers: policy tools that can be adjusted to calibrate the extent to which a country is closed off from the rest of the world. For example, new immigration restrictions would be a buffer aimed at increasing local autonomy by decreasing the impact of the flow of people across borders. Bryant provides guidance to improve how we think about these buffers and how policymakers should implement them. One of his guidelines is that the nation should be a member of, and in good standing with, the wider world community of nations. A central recognition behind these suggestions is that circumstances and conditions vary dramatically across the globe, so it is usually impossible to craft specific buffer policies that are generally applicable to each country. Therefore, it is better to provide broad principles for how to implement buffers.

Bryant points out that these ideas are of particular importance because there are issues of global importance which can only be addressed through global cooperation. As a general

matter, technology and globalization have exposed every nation to the ramifications of what every other nation does. States, non-state actors, and even individuals are increasingly capable of causing international impact. Moreover, these global issues are only increasing in number and scale. Climate change, immigration, global financial stability, and nuclear weapon proliferation are all issues faced by every nation state but which no single nation state can manage unilaterally. From a broad normative perspective, Bryant's arguments favor increased international cooperation.

Climate change is particularly instructive on this point. Bryant explains the challenge faced by a country imposing strict environmental regulations aimed at curbing climate change. The country will internally bear the cost of the regulation, but the positive impact of reduced emissions will benefit all countries because climate is an inherently global system that no country can isolate itself from. Moreover, that positive impact will be fairly minimal because any single country only has a small amount of control over the aggregate problem. Because of this dynamic, climate change is one area where international agreements are especially important.

Bryant closes the book with a postscript in which he discusses the COVID-19 pandemic in the context of the ideas addressed in the book. Like climate change, infectious disease is an inherently global problem because a local outbreak can quickly spread. However, it is not global to the same extent—a country can implement policies to isolate itself somewhat from the spread of disease which is simply impossible to do in the case of climate.

Pandemics are somewhat unusual among the global challenges that Bryant addresses, so the example of the Coronavirus raises additional considerations for his thesis. Much of Bryant's book discusses the balancing of local autonomy and external openness in the context of day-to-day activities such as trade or immigration; these are constant activities that governments are necessarily attuned to at all times. A once in a century pandemic is different because it is a relatively rare, singular event. It is not a chronic condition like immigration, and it is not an ongoing, progressive process like climate change. Because of this critical difference, there are additional barriers to properly crafting the right balance and

implementing an appropriate regime of buffers which effectively balance local autonomy with external openness.

Perhaps most importantly, we are prone to forget about the risk of new infectious diseases and underestimate their potentially catastrophic impact. For most people, a threat that materializes only once in a century simply is not emotionally salient, and our collective memory fails us. If we do indeed systematically discount the risk of pandemics due to these differences from other policy areas, it may suggest that we systematically enact insufficient buffers to protect from pandemics.

This is particularly concerning because new pandemics appear on the scene suddenly seemingly out of nowhere, which doesn't allow governments much time to respond appropriately. Moreover, buffers that would help protect against pandemics, mainly buffers against the flow of people across borders, run counter to other policy goals which may require a healthy flow of immigrants into a country. A belief that immigration is necessary for a country's continued economic growth and prosperity is necessarily in tension with a concern about the spread of new infectious diseases. This conflict between policy goals again underscores the critical need for flexibility and an ability to implement new buffers quickly if needed.

A country's default position may be highly receptive to immigration and other foreign travel, but that may need to change suddenly. When a pandemic arises, countries need the ability to quickly respond and, to combat the spread of disease, shift towards local autonomy and away from external openness (at least with regards to the free flow of people across borders).

At the same time, however, a pandemic makes cross-border communication, honesty, and open disclosure critical so that countries can benefit from what others know and have learned. Unfortunately, COVID-19 demonstrated a tendency in the opposite direction. Distrust, accusations, and lies proliferated on the international stage; all of this is entirely counterproductive for the global effort needed to combat new pandemics. Pandemics require two immediate responses which are potentially in tension: a sudden increase in cooperation and openness, and a sudden closing off from the world to prevent the spread of disease. These two actions are not logi-

cally in conflict, but in practice, the geopolitics of implementing both are difficult to manage.

This is where Bryant's notion of a higgledy-piggledy planet may become especially important. Different countries with different internal conditions may each come to accurate but varied assessments of the risk posed by any given disease. For example, a country with a robust and advanced health care system and economy which relies on immigration may be especially resistant to swift international efforts to keep countries isolated.

Lurking in the background of this discussion is the critical fact that despite the horrendous human toll of COVID-19, far more severe pandemics are entirely possible. A deadlier or more infectious disease was possible and is constantly in the cards for humanity. The chances of such a disease appearing in any given year may be miniscule, but that shouldn't be particularly comforting. First, we should strive to not be blinkered by viewing global risks on a short timeline; this point is similarly true for combating climate change, so it should ring true to most. Second, even a small chance of an enormous catastrophe occurring must be taken seriously. This clearly underscores the importance of the ideas discussed by Bryant, and the guidance he provides for countries navigating the balance between local autonomy and external openness.

Indeed, the threat of pandemics is likely only increasing as food production practices increasingly expose humans to animal-borne diseases and synthetic biotechnology improvements allow for previously unimaginable viral gain-of-function research. We simply do not have a robust enough international regime to manage this threat. For example, there was no international input needed when researchers in the Netherlands designed a transmissible version of the highly deadly H5N1 avian flu in 2012. This only heightens the need for countries to individually be able to implement strong border buffers when needed.

These challenges inherent in implementing buffers to protect against pandemics, and the frightening long-term threat posed by them, suggest another perspective from which to view Bryant's thesis. He discusses how countries calibrate their openness to the world by the implementation of buffers. But countries could also consider another dynamic—the ex-

tent to which they want to shield themselves from risks with buffers—as opposed to implementing reactive measures that address the threat once exposed to it. Slowing immigration or other international travel is a buffer against pandemics. Having a robust biotechnology sector and pandemic readiness protocol are ways of managing the issue once exposed despite any buffers that were implemented.

These two analyses should be done in concert. Policymakers cannot determine how open to the world their country wishes to be unless they understand their country's ability to handle the problems raised by openness. For example, openness with regard to immigration needs to be partially determined based on a country's ability to effectively provide for and assimilate immigrants.

In a world increasingly riven by conflict, where we often fail to cooperate, it can seem like global problem-solving is futile. Balancing local autonomy and external openness is a very useful framework through which to consider how countries ought to respond. However, the background forces at play must be considered as well. Technology will continue to pull the world together as information is able to flow more easily across borders, so policymakers are limited in the extent to which they can control the balance.

Governance for a Higgledy-Piggledy Planet doesn't provide a panacea that would allow countries to work together to tackle pressing global issues. Instead, Ralph Bryant acknowledges the complex nature of the world, and provides deeply considered guidance for how countries can operate within that complexity. Some issues such as pandemics may strain our ability to implement Bryant's suggestions, but that only heightens the need to try. There are no simple answers, but Bryant provides an excellent framework for considering policy decisions of global importance.