

Recent Publications

Global Politics: Dynamics of Change

The Future of Freedom: Illiberal Democracy at Home and Abroad. By Fareed Zakaria. New York: W.W. Norton & Company, 2003. Pp. 286. Price: \$24.95 (Hardcover). Reviewed by Anand M. Kandaswamy.

Is the triumph of democracy inevitable? Since the end of the Cold War, many seem to believe, echoing Francis Fukuyama, that democracy will prevail because it is the only form of government that has not been discredited. Advocates of an “end of history” recite the benefits of a democratic world, such as democratic peace theory’s observation that democracies will not go to war with each other. Influential policy shapers, particularly those who call themselves neoconservatives, have argued that a chief foreign policy goal of the United States should be to spread democratic values throughout the world. Anyone who raises concerns about these views is labeled a supporter of authoritarianism or worse.

Fareed Zakaria’s new book, *The Future of Freedom: Illiberal Democracy at Home and Abroad*, provides a well-reasoned and elegant response to those who would unquestioningly spread democracy without looking at the underlying conditions of the countries they wish to “modernize.” Many of Zakaria’s points have already been discussed in more academic works. But the author’s relatively high profile (Editor of *Newsweek International*, former Managing Editor of *Foreign Affairs*, and ABC News analyst), combined with the fact that the book is explicitly targeted to general readers, should ensure the wide dissemination of his compelling arguments. This is fortunate, because Zakaria’s work is essential reading for anyone interested in understanding the world today. It raises a crucial question: is the triumph of democracy desirable?

Zakaria’s basic argument is easy to state: democratization of a state will fail (or have pernicious results) if the state lacks legal, political, and economic institutions that are sufficiently open, liberal, and robust. To illustrate his point, Zakaria devotes much of *The Future of Freedom* to examining those nations that succeeded in democratizing and those that did not. There is a reason why Europe, particularly Western Europe, has been much more successful than other regions of the world in sustaining its liberal democratic institutions. In Zakaria’s account, the present-day success of democracy in the West has to do with the fact that liberty and liberal values had taken root long before its various countries undertook democratization.

Personal liberty flowered in Western Europe because no one entity was able to seize total power on the continent after the fall of the Roman Empire. An ongoing series of political struggles—between the Roman Catholic Church and Europe’s secular rulers, between Catholics and Protestants, and

between the landed aristocracy and the emerging bourgeoisie—created a *de facto* series of checks and balances that prevented a unitary leadership class from exerting too much control over the masses. As Zakaria explains, the decentralization of power in Europe helped sow the seeds for the vibrant civil societies that eventually developed into a potent force for stability.

Economics, unsurprisingly, also played a major role in determining whether a country would evolve into a liberal democracy. In nineteenth-century England, for example, the Industrial Revolution created a class of businessmen who drew their wealth from free markets and trade, not lineage. The market created an incentive to demand laws from Parliament that would protect private property and personal autonomy. In turn, progressively larger swathes of English society began to benefit as the rights originally demanded by business elites broadened to incorporate all citizens. Although Zakaria fails to provide a sustained account of how exactly these rights spread, he is correct to note that these rights-based conceptions, in turn, helped ease England's transition to democracy.

To Zakaria, the problem with so many modern democracies or quasi-democracies is that they elect popular figures who, once in power, trample on individual rights and independent institutions. From Venezuela to Russia, leaders such as Hugo Chavez and Vladimir Putin have won relatively fair elections and then used their popular mandates to weaken their nations' legislatures, judiciaries, and business elites. Although these moves might have popular support and are thus broadly "democratic," they are not constitutionally liberal. Constitutional liberalism, as Zakaria repeatedly notes, requires a functioning system of checks and balances, where the executive branch is checked by the other branches and by nongovernmental organizations.

It is this trend toward illiberal practices, repeated around the world, that Zakaria finds so troublesome about many new democracies. His book is littered with examples of nations that tried to open up their political processes without a sufficient tradition in liberalism (a term Zakaria uses in its traditional context). Zakaria admonishes the United States and the International Monetary Fund (IMF) for forcing Indonesia's long-standing dictator, Suharto, out of power in 1998 and hastily attempting to construct a democracy in his wake. Since 1998, Indonesia, lacking a tradition of constitutional liberalism and effective checks on the executive branch, has gone through great economic and political crisis. Zakaria looks at China with similar skepticism. Contrary to conventional wisdom, he contends that democracy in China, at least in the near term, could be a disaster. The Chinese people, in his view, are actually more nationalistic and less liberal than their authoritarian leaders; giving the vote to the Chinese masses might produce a rabidly nationalistic leadership. He emphasizes the same possibility when analyzing Iran and, generally, the Arab world.

Even the United States does not escape Zakaria's reach. To those Americans who would smugly look down on the rest of the world for its relative illiberalism, the author provides two bracing chapters arguing that the United States is also heading down the path to illiberal democracy (albeit to a

lesser extent than countries in the developing world). The factors contributing to this trend include direct primaries, the commercialization of finance, increasing congressional vulnerability to interest group pressure, and the breakdown of civil society organizations.

Zakaria's most controversial point is his contention that the increasing illiberalism in the United States derives partially from the elite abdication of political and professional responsibility. Echoing Yale Law School Dean Anthony Kronman, Zakaria bemoans the commercialization of the legal profession, in particular, and the passing of the age of the lawyer-statesman. In his model, dedicated elites are a crucial component to a well-run state.

Zakaria is not an apologist for elite rule. Rather, he takes the realist perspective that elites will always be present in any society, democratic or otherwise, and that when people make demands of their leadership classes, they will get better government. But this argument depends on elites acting in a responsible manner. Nothing in Zakaria's proposal ensures that *responsible* leaders will be the ones insulated from excessive public pressure. If he could explain how public-spirited leaders would be generated in his system, his proposals would better lend themselves to genuine discussion.

Zakaria's other proposals to deal with the rise of illiberal democracy are more problematic. He argues that the United States, as the world's hegemon, should use its power to spread both liberal constitutional values and the notion that sometimes a closed system is preferable to an open one. To Zakaria, the institution that nations should seek to emulate is the IMF, a highly undemocratic organization that nevertheless wields a great deal of financial power. But Zakaria does not acknowledge that the IMF's purview is limited to financial issues. Although institutions such as the IMF and the World Bank, through their policies, make and influence many political decisions, they are not comparable to sovereign governments. Throughout history, governments have crumbled when people felt that their leaders were not sufficiently responsive to their needs. If a government sequestered itself away from public attention like the IMF does, and reached unpopular decisions, as nearly every responsible government must at some point, much greater political instability could follow. Well-run states are not plebiscitarian in nature, but neither are they totally insulated from the popular will.

Despite these flaws, *The Future of Freedom* remains an important work. It paves the way for a more open discussion of democracy, its strengths . . . and its potential weaknesses.

Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention. By Neta C. Crawford. Cambridge: Cambridge University Press, 2002. Pp. xv, 466. Price: \$30.00 (Paperback). Reviewed by Ariel N. Lavinbuk.

In an *amicus* brief submitted by the United States in *Brown v. Board of Education*, Secretary of State Dean Acheson maintained that "racial discrimination in the United States . . . jeopardizes the effective maintenance

of our moral leadership of the free and democratic nations of the world.”¹ On its face, Acheson’s argument suggests that ethics and morality should play a role in foreign policy. But scholars of international relations do not take things at face value. For years, an otherwise diverse and fragmented field has coalesced around the idea that ethics and morality have no causal significance; their invocation is just a bunch of hand waving. For balance-of-power realists, ethics is the stuff of domestic politics, not power politics. For liberals, morality is a sideshow to the real action of market creation. Even constructivists, the discipline’s pioneers of post-modernism, do not know what to do with debates about principles; while they agree that norms are at the heart of the international order, the school shares no consensus about where these norms come from or how they change. Nevertheless, the most common activity of states in the international system is *argument*, often about ethics and morality. Can such argument really be inconsequential? Neta Crawford, Associate Professor in Brown University’s Watson Institute for International Studies, thinks not. In *Argument and Change in World Politics: Ethics, Decolonization, and Humanitarian Intervention*, Crawford attempts to theorize a popular belief of policy practitioners—that debate is the engine of world politics and that it *does* matter. While her work does not offer a revolutionary new theory of international relations, it nonetheless makes commendable contributions to a field with a number of neglected questions left to address.

For all its strength and diversity, the field of international relations is unified by its two great weaknesses. First, across its many divides (e.g., realist/liberal, rational/constructivist), the discipline is far better at explaining order than change. Second, despite a preoccupation with agency, the field has yet to articulate a meaningful role for individual action. For Crawford, the same issue is at the heart of both problems: theorists have not developed a clear understanding of the processes at play in international affairs, particularly the process of reasoned argument. In her words, “[o]nce we begin to see world politics as constituted by agents, structures, and processes, it is possible to grasp the role of . . . argument and persuasion . . . to see how change may occur” and to “see room for human agency within the operations of seemingly inexorable political and economic forces” (p. 2). Crawford is not interested in the minutiae of international affairs. Rather, she is addressing one of international relations’ most significant shortcomings in hopes of demonstrating how, under the right conditions, even individual action can affect world politics.

Crawford’s work is not merely a theoretical exercise, although international relations academics are her target audience and she purposively engages their contemporary debates. Rather, as she details in her introduction, she also hopes to answer a very real puzzle: the end of colonialism. To Crawford, “[c]olonialism ended when it was arguably still profitable and colonizers could, if they wanted to, still enforce their will on the colonized”

1. Letter from Dean Acheson, Secretary of State, to James P. McGranery, Attorney General (Dec. 2, 1952), *quoted in* Brief of Amicus Curiae United States at 8, *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (No. 8).

(p. 3). Unsatisfied by classic economic arguments about exhaustion and overreach, Crawford observes that colonialism did not just fade away—it became illegitimate. A robust theory of international relations should not only explain the structural effects this change precipitated, but also address how some of the world's fundamental organizing tenets—a belief in human inequality and the acceptability of dictatorship by brute force—became so thoroughly discredited on moral grounds as well. This exercise has practical implications for contemporary politics, Crawford explains, because “debates about humanitarian intervention are in many ways a continuation of arguments about colonialism and decolonization” (p. 400). Though this assertion is not the focus of her book and is only weakly substantiated in the final chapter, Crawford clearly believes that her theory is both descriptive and normative.

Briefly, Crawford's theory is as follows. First, actors are everywhere present in the international system because “the *process* of . . . international relations is characterized by political arguments that occur among elites, within organizations, between elites and masses, in the public sphere, within authoritarian states, and in the anarchical international system” (p. 13). Second, these actors are not “rational” (i.e., utility maximizing). Rather, their interests and beliefs arise from culture, but are malleable and open to change. Third, “beliefs are translated into political action through reasoned argument. [Even in using force,] actors reason and give reasons to others about why force must be used” (p. 13). Fourth, reasoned argument can persuade other actors to adjust their own interests and then act in accordance with the logic of new beliefs. Fifth, these arguments happen at all levels of political order, so domestic debates can precipitate international ones, and vice versa. As with all theory in the field, the dependent variable is the state of the world. Crawford's contribution is seeing an independent variable in reasoned argument.

To substantiate her theory, Crawford deconstructs the nature of reason to demonstrate how certain arguments become persuasive and consequential. The basis of analysis is the syllogism, a formal reasoning structure consisting of a major premise, a minor premise, and a conclusion drawn from the premises. For example, the syllogism underlying Secretary Acheson's statement in the *Brown amicus* brief contains the major premise that the United States should be a moral leader in the world; the minor premise that racial discrimination at home threatens effective moral leadership; and the conclusion that the United States should end discrimination at home.

According to Crawford, these syllogisms are present everywhere in world affairs. Actors at all levels (e.g., individuals, organizations, states) busy themselves by arguing about them and by trying to build new conclusions from premises they know other actors already hold true. Over time, as a multiple of actors coalesce around certain conclusions (often for different reasons based on different premises they each already held), some ideas will become more strongly ingrained than others, and actions will change accordingly. Crawford's methodology, which she has labeled “informal argument analysis,” “attempts to show how and why some beliefs and arguments won out over others and ultimately why certain policies were

chosen. In practice this means tracing whether and how the ethical arguments put forward succeeded in changing the terms of the debate . . ." (p. 122).

Crawford's analysis is novel, but she does not demonstrate real distance between the proposition that argument can stand alone as an independent variable from the field's more established forces: power and culture. First, as Crawford admits, arguments must be heard and "if those who challenge dominant . . . beliefs cannot get a broad hearing of their arguments, those arguments are unlikely . . . to be persuasive" (p. 112). Yet in order to understand who gets heard, one must revert back to a study of power dynamics. In this analysis, Crawford has not effectively addressed realism; her work begins to look more like an exploration of soft power (i.e., power through non-military means) than a fundamentally new proposition. Second, even if one accepts that actors can be persuaded, Crawford's theory is based on the idea that "arguments . . . gain their content . . . through and within culture[]" (pp. 13-14). But how does one explain differences among cultures? If actors can be persuaded to change beliefs, why has there not been a complete convergence of culture? Is such convergence an inevitable consequence of argument? In any event, once Crawford wanders down this road, she has not really differentiated herself from constructivism; at the heart of her argument, culture predominates. Taken together, realist and constructivist critiques of Crawford's theory would suggest that however relevant the process of argument is, it is nothing more than an intervening variable. Once one understands the distribution of power or the meaning of culture in the world, argument could help explain changes in world politics that arise from something less cataclysmic than war.

Even if readers are not persuaded by Crawford's argument, it is an enjoyable read and a valuable contribution to the field. The role of process in world affairs is undeniably undervalued and the nature and form of argument likely deserve a place in any robust theoretical framework. Crawford's deconstruction of debates surrounding colonialism, much of which is based on primary source research, is fascinating in its own right. Her work provides ample empirics from which other scholars can continue to make sense of her theoretical propositions. Though *Argument and Change* is unlikely to be appropriate for those with only a casual interest in international affairs, scholars are well advised to put Crawford's work on their reading list.

Islam Past, Present, and Future

The Malady of Islam. By Abdelwahab Meddeb. New York: Basic Books, 2003. Pp. 256. Price: \$24.00 (Hardcover). Reviewed by Nicholas E. Salazar.

What is wrong with Islam? Televisions around the world, shortly after the attacks of September 11, 2001, displayed crowds of Palestinians and Lebanese rejoicing at the carnage wreaked that day. What is the origin of that rejoicing? These questions are of enormous and immediate moment in our

times, and Abdelwahab Meddeb, Professor of Comparative Literature at the University of Paris X-Nanterre, has penned a thoughtful, important text in an attempt to provide some answers. “[M]y thesis,” writes Meddeb, is that “fundamentalism is the sickness in Islam” (p. 6). *The Malady of Islam* provides a chronology of Islamic culture so as to illuminate the genesis of Islamic fundamentalism—and it does not disappoint.

Meddeb’s antidote to the sickness of Islam—its fundamentalism—is Western-style plurality. If only Islam as a collective entity would allow disparate voices to speak without restraint, much as modern Western democracies do, then its radical adherents could be drowned out by the polyphony of multiple opinions. Meddeb would like to see greater self-questioning and debate within Islam. He emphasizes that Islamic law is capable of change, but not until Muslim societies reestablish “the liberty of a plural, conflicting language, enduring disagreement with civility” (p. 189). Meddeb also prioritizes educational reform, to “rid educational programs of the prevailing fundamentalism” (p. 190). But before such a state of affairs can obtain, the cultural and historical causes of today’s malady must be investigated.

Modern Islamic fundamentalism, to be sure, has its origins in the very beginnings of Islam. Literalism, which Meddeb calls “Orthodoxy” (p. 17)—the tendency to take the text of the Qur’an in a straightforward, unvarnished manner—is of ancient pedigree in Islam. One of its earliest exponents was a man by the name of Ibn Hanbal, who was, ironically, tortured for his literal reading of the Qur’an in the ninth century. At the time, Islam had produced a number of diverse and conflicting schools of religious thought, including literalists, such as Hanbal, and the Mu’tazilites, who held a profoundly different view. The Mu’tazilites must have included amongst their ranks the Voltaires of their time, for their intellectual project called for the rationalization of the Prophet’s religion. They were eager to de-divinize the Qur’an itself, since they felt that a literalist regard for its text smacked of a Christian’s veneration of Jesus Christ. Accordingly, when the Mu’tazilites gained political power in the person of the caliph al-Ma’mun, they persecuted the literalists severely, including Ibn Hanbal. And quite naturally, when the literalists regained power, they in turn launched a fierce pogrom against the Mu’tazilites.

The Mu’tazilites, though, are but one salient example of the intellectual diversity and richness of viewpoint characteristic of early Islam. From the tenth to the thirteenth centuries, Islam sat at the very height of human civilization, and Baghdad (followed later by Cairo) was the “world capital.” To enumerate but a few other notables: Abu Nawas, a provocative Arab-Persian poet, extolled the virtues of wine (forbidden by Islam) and homosexual love. In Baghdad itself, Al-Khwarizmi invented algebra. And the greatest Muslim philosopher, Averroes, an ardent advocate of the use of Greek thought in describing and articulating the universe and the human experience, may fairly be called a proto-feminist in that he favored the political and domestic emancipation of women.

Now fast-forward some 800 years to the present. The Islam of today, in Meddeb's view, is rocked by intolerance, violence, and a uniformity of dogma unmatched by any other world religion. It is also a faith of terrible discontent—a religion whose adherents feel cheated and lost in a world in which Islam and, even more critically, Arab-Islamic culture, no longer count for much. What is to blame for this fall from grace?

Meddeb's answer is straightforward enough: the Americanization of the Muslim world, coupled with the radical truncation of traditional Islam. In other words, Muslim nations have been adopting the technology and consumerist culture of America, thus diluting their own distinctive cultures, while Islam has degenerated to become what the author calls "not even traditional but . . . anemic and debilitated" (p. 39). This is an Islam which rejects the complexity and richness of its cultural heritage, as exemplified by the medieval Muslim luminaries named above. Instead, Meddeb sees today's Islam adopting a fiercely uncompromising and blatantly unreflective religious ideology—one that lends itself to violent intolerance and profound resentment.

Meddeb is to be commended for writing this timely study. His cultural chronology of Islam is useful, and his larger explanation of Islam's currently bleak diagnosis is quite persuasive. In investigating the furor of the modern Islamic militant, Meddeb engages in an intuitive analysis: he contends that the militants are angry because they once were something and now they are nothing. A reader is reminded, ironically, of the celebrated scorn of the French for American culture, popularly explained as the result of France's removal from the driver's seat of world affairs. To approximate Islam's resentment, merely put an ample exponent next to that of France.

Meddeb's book could serve as a close companion volume to Bernard Lewis's *What Went Wrong? Western Impact and Middle Eastern Response* (Oxford, 2002), which examines many of the same issues, but through a political rather than cultural lens. Read in conjunction, these two books go a long way toward enlightening the general reader about the history of Islamic civilization and its complex and often strained relations with Western civilization.

The Malady of Islam, however, succeeds as a stand-alone volume. It challenges American readers to reconsider the value of the culture they have exported to the world, and to reevaluate their role as stewards of the world order. These are vitally important issues that thoughtful Americans should ponder today.

Economic Reform and Cooperation

The American Nightmare: Politics and the Fragile World Trade Organization.

By Thomas A. Hockin. Lanham, MD: Lexington Books, 2003. Pp. xiii, 263, four appendices. Price: \$26.95 (Paperback). Reviewed by Wylie Levone.

The breakdown of the recent Doha Round of World Trade Organization (WTO) negotiations in Cancún was a reminder of the uncertainty surrounding the WTO's future. The Doha deadlock exposed a minefield of unresolved issues that member states must cross in their effort to stabilize the management of global trade. It did not, however, bring an end to the WTO or result in a general breakdown of the world trading economy. The potential of such a global economic collapse, triggered by the implosion of the WTO, is the "American nightmare"—in effect a global nightmare—in the title of Thomas Hockin's new book. Hockin, a former Canadian Minister of Trade and a lead negotiator for Canada in the talks leading to the creation of both the North American Free Trade Agreement (NAFTA) and the WTO, offers an analysis of the WTO that combines international relations theory, historical developments in international trade, and personal experience.

The treaty establishing the WTO is literally the largest international agreement in history, weighing in at 26,000 pages and comprising more than 200 agreements from both the pre-existing General Agreement on Tariffs and Trade (GATT) and the formative Uruguay Round in 1995. The keystone of this structure, according to Hockin, is the dispute resolution mechanism incorporated in the Dispute Settlement Understanding (DSU). The future of the WTO, and of the global economy, rests on the success or failure of this mechanism. If it fails, either from overload or unresolved disputes, key members may withdraw from the WTO. Hockin asks: "Can anyone doubt such losses could lead to impotence, paralysis and a likely economic depression, causing a new worldwide financial collapse?" (p. 54).

For the lay reader, Hockin presents a useful introduction to the DSU. The WTO inherited a weak dispute resolution procedure from the GATT, but significant changes have made the DSU a powerful vehicle for the resolution of international trade disputes. The DSU emphasizes dispute resolution without a disruption of trade or a deterioration of relations between nations. To that end, its procedures first direct the disputing parties to non-arbitration procedures: conciliation, facilitation, good offices, and direct negotiation. If these fail, the DSU creates an expedited arbitration procedure to review the dispute and issue first an interim report, and then—if the parties are still unable to resolve their differences on the basis of this report—a decision.

The most dramatic change from the GATT system is that these arbitral panel decisions, subject to appeal, are binding on the parties (under the GATT they could be blocked by a simple veto of the losing party) and are backed by enforcement procedures, including the authorization of trade sanctions against non-complying parties. These are the "teeth" of the DSU that the GATT lacked.

The DSU's unprecedented power, according to Hockin, is the WTO's greatest strength, but is also its greatest threat to survival. If key member states are dissatisfied with the DSU—its rulings, effectiveness, or enforcement actions—they may withdraw from the organization entirely. In other words, if the "teeth" bite the hands that feed them, the whole structure may devour itself and collapse.

Hockin demonstrates that the DSU has so far avoided this fate by successfully balancing realist domestic politics with internationalist ideology. But the ongoing disputes between the United States and the European Union over bananas, steel, genetically modified corn, and hormone-injected beef have challenged the DSU's capacity to resolve disputes effectively and enforce compliance with panel decisions. Given this state of affairs, and the breakdown of the Doha Round trade talks in Cancun, there is plenty of reason to wonder about the WTO's ability to survive its own disputes.

Unfortunately, Hockin does not pursue this analysis further. Instead, he shifts the book's logical flow mid-stream to focus on two arguably tangential topics. The first tangent is China, which acceded to the WTO in 2001. (Parts of Hockin's manuscript are out-of-date in this regard, as it was written before China's accession.) China is the fourth-largest export nation in the world today, and, based on its current growth, it may become the world's biggest economy by 2010; its conduct carries disproportionate influence for the survival of the WTO. Hockin presents an interesting survey of domestic Chinese considerations, bilateral trade relations with the United States, and pending issues that will affect China's relationship with the WTO. He also compares China's domestic dispute resolution system to the DSU. Finding considerable similarity, he concludes that the commonalities may bolster the success of the DSU and, ultimately, the WTO as a whole.

In the second tangent, Hockin devotes great attention to the 1989 U.S.-Canada Free Trade Agreement and its successor, the 1994 North American Free Trade Agreement (NAFTA). This topic comprises a disproportionate amount of a book ostensibly devoted to the World Trade Organization. Much of this analysis is insightful and interesting, but Hockin fails to pursue its relevancy to the WTO. Two brief paragraphs offer a simplistic comparison of the NAFTA dispute resolution mechanisms to the DSU, leaving the reader unsure of the book's true focus.

This lack of focus becomes even more pronounced in Hockin's review of NAFTA's Side Accords, which cover environmental and labor issues. Diverging completely from the erstwhile topic of the book, Hockin offers a memoir of his role in the hotly disputed negotiations over whether trade sanctions should follow violations of the Side Accords. Canada's intransigence in these negotiations, based primarily on domestic political concerns and the symbolism of appearing to "stand up" to the United States, nearly resulted in a collapse of the agreement before a compromise solution was found. The "concession" that Canada won relies on Canada's Federal Court for enforcement of Side Accords penalties; Mexico (which has a similar judicial structure but was less obdurate on the issue of trade sanctions) and the United States (which has no equivalent to Canada's Federal Court) are still subject to trade sanctions under the Side Accords.

Hockin draws two conclusions from this experience in relation to the WTO. First, WTO participants and observers must recognize the power of domestic politics, even if only symbolic in nature, to subordinate internationalist ideals. Second, the WTO might effectively silence many of its protesters by drawing on the model of the NAFTA Side Accords to

incorporate environmental and labor issues into the organization. Disappointingly, Hockin goes little further than to propose that every WTO member state create an equivalent to Canada's Federal Court in order to duplicate Hockin's success in negotiating the Side Accords.

The future of the WTO and the stability of the global trade economy are topics of tremendous relevance, particularly given the state of the current Doha Round and the ongoing U.S.-E.U. trade disputes. Hockin hypothesizes a dramatic global economic collapse, but nothing in his review of the DSU, the consideration of China's role in the WTO, or the development of NAFTA substantiates this claim. The isolated sections of insightful analysis and the "insider's view" of international trade politics fail to create a cohesive, coherent analysis of where the WTO stands today, and where it may be heading.

Re-Forming the State: The Politics of Privatization in Latin America and Europe. By Hector E. Schamis. Ann Arbor: The University of Michigan Press, 2002. Pp. xi, 216. Price: \$19.95 (Paperback). Reviewed by Johanna Kalb.

According to the textbooks, privatization of government-owned businesses should boost competition and efficiency, resulting in improved economic performance and macroeconomic stability. The theory, however, is belied by the realities on the ground. In countries as diverse as the United States, Ghana, Peru, and Russia, plans to privatize state-owned business have met widespread resistance, often producing disastrous consequences. After more than two decades of experimentation, one essential question remains: if privatization is good for the public, why is the public so unhappy?

In *Re-Forming the State: The Politics of Privatization in Latin America and Europe*, Hector E. Schamis, Assistant Professor of Government at Cornell, adeptly challenges two major tenets of political economy to provide a more compelling explanation of this apparent contradiction. First, he rejects the widely accepted theory that market reforms are slowed by the challenges of collective action, and that they are therefore usually best implemented by the efforts of an insulated and benevolent policy elite. Second, he discards the notion that market reforms necessarily entail a withdrawal of the state. Supported by a diverse set of case studies from Latin America and Europe, Schamis proposes a different narrative to illuminate the causes and consequences of privatization—one that is more consistent with the actual experiences of and reactions to market reforms.

An extended literature attributes the unpopularity of market reforms to the typical problems of collective action. Privatization, according to this model, creates benefits that are distributed across society. But vested interests that benefit from the interventionist system work to stymie reform efforts. These vested interests are more cohesive and organized than the potential beneficiaries of privatization, and are therefore able to exert disproportionate pressure against reform. Those reforms that do occur supposedly result from

the efforts of "heroic" policymakers who have been able to overcome the political pressure.

Through the lens of the Chilean reform process, Schamis provides an explanation that is more consistent both with the facts and with human nature. He argues that the impetus to privatization is not the breakdown, but rather the reorganization, of distributional coalitions, which he defines as "groups concerned with the distribution of existing wealth among themselves rather than with increasing output" (p. 65). These coalitions perceive the direction the wind is blowing and adeptly adjust in order to capture rents, which, contrary to expectation, are not eliminated by privatization but rather are relocated within the economic system. The drivers of market reforms are not "heroic" policy elites, but rather representatives and allies of new special interests who consolidate their power during the transitional period of political and economic reform.

In Chile, this process occurred throughout the rise and consolidation of the military regime under General Augusto Pinochet. Nationalization and expropriation programs implemented under Salvador Allende had broken down old alliances and created a new distributional coalition of landowners, industrialists, and the middle class. After the military coup, high-positioned executives from the major economic conglomerates transitioned into the government, initially in second-tier positions, but gradually rose through the ranks to prominent roles in the cabinet and central bank. From the inside, these officials were able to shape the policy context of market reforms so as to maximize the benefits for their companies. Consequently, key industries were privatized as vertically integrated monopolies, bestowing exclusive market power on a select few and thwarting the purported goals of competition and economic efficiency.

The impact of what Schamis calls "the revolving door relationships" between political and economic powers during a time of market reform is not a withdrawal or shrinking of the state. Rather, it is a re-formation of the state to protect the priorities of the new distributional coalitions—for example, through enhanced protection of property rights—and to prevent future struggles over wealth distribution. In Chile, "the state . . . moved from a locus of class compromise—or class struggle, as some would render the process—to an instrument leading a structural, market-oriented transformation" (p. 39).

Schamis convincingly applies his alternative theory across political regimes and developmental stages through case studies from both Latin America and Europe. Most interesting is his analysis of Great Britain's reform process under Margaret Thatcher, because it allows for an examination of his model in a democratic context. The Thatcher experiment most closely parallels the rejected model outlined above, which places the "heroic" elites at the center of the reform process. Reform was "initiated . . . in a rather independent fashion, inspired by the [Thatcher government's] staunch belief in the superiority of decentralized private-based allocation over state ownership and regulation" (p. 111). Unlike in Chile, where a coalition of business elites co-opted the reform process, Thatcher used privatization to create a new constituency of reform beneficiaries who would support

continued market liberalization—and vote Conservative. The need to maintain voter support thus forced the Thatcher government to build a much broader and deeper distributional coalition than that created in the authoritarian context of Chile.

By contrasting the British and Chilean experiences, Schamis identifies the particularly beneficial impact of democracy on the outcome of market reforms: democratic politics spreads the benefits of privatization more widely. Indeed, contrary to the oft-stated belief that authoritarianism is a useful political backdrop for successful market reforms, the comparative cases suggest that the power of the vote provides the only real incentive for broadening the class of reform beneficiaries. In democracies, reformers are forced to create distributional coalitions; in autocracies, the distributional coalitions create the reformers. The international financial institutions would do well to take this difference into account in their policy prescriptions.

Schamis's theory of changing distributional coalitions goes a long way toward explaining why privatizations are so broadly unpopular, particularly in the developing world. Populations attuned to the inadequacies of their leaders and the political process assume (with good reason) that privatization will not be led by "heroic" policymakers but by fallible humans who will be certain to protect their own economic interests, families, and ethnic groups, at the expense of the greater good. In such cases, the re-formation of state institutions works to protect the status quo and close off any further debate about the distributive impacts or the social costs of the privatization process.

The academic nature of this book will probably limit Schamis's audience. This is unfortunate, as the author's argument has immediate relevance outside of the ivory tower. Schamis presents a theoretical model that more accurately addresses experiential knowledge about the market reform process and creates a framework through which one can better assess the challenges and threats to the successful implementation of market reforms.

Globalization: Promises and Perils

Democracy's Dilemma: Environment, Social Equity, and the Global Economy. By Robert C. Paehlke. Cambridge, MA: The Massachusetts Institute of Technology Press, 2003. Pp. ix, 306. Price: \$ 27.95 (Hardcover). Reviewed by Lars VIELLECHNER.

Globalization is the buzz word of the new millennium. But what actually is globalization? How does it influence people's daily lives? What problems are associated with it, and how can they be resolved? Recently, scholars of all kinds have devoted themselves to examining the phenomenon. Still, its contours remain somewhat vague, mainly because the implications of increased global interaction are so varied as to evade definition.

Robert C. Paehlke, Chair of the Environmental and Resource Studies Program at Trent University in Canada, offers both a descriptive and prescriptive view on the topic. What he detects is "Democracy's Dilemma."

What he aspires to is a new form of democratic global governance that would improve the balance between three competing priorities: environment, social equity, and the global economy.

Paehlke calls the new era of global integration "electronic capitalism" (p. 15). By this he means a third industrial age succeeding the pre-nineteenth century local craft societies and the mass industrialism of the modern nation-state—"a tale of two transitions" (p. 39). Electronic capitalism is characterized by "increasing global economic and financial integration" (p. 27) and is "increasingly dominated by digital, communications, and automation technologies" (p. 40). Consequently, transactions in the contemporary global economy frequently involve information and services rather than material goods, and products are based more on image than content. Most disturbing, in Paehlke's view, is that economic considerations increasingly dominate global interactions, while social, cultural, or environmental concerns are marginalized. Economic competition thus produces a "race to the bottom" in social and environmental life both among and within nations.

In the course of his analysis, Paehlke makes many insightful observations. Yet some of his remarks appear clearly exaggerated, such as the assertion that advertising is arguably the essence of contemporary culture. Others, such as the observation of "fewer and fewer noncommercial spaces of significance" (p. 81), are rather commonplace. Furthermore, the author often devotes pages to reporting or even quoting the contents of other publications. Here, he could have restrained himself to some more significant references. But all in all, his marshalling of facts serves his purpose—which is to demonstrate that one-dimensional "economism" dominates the contemporary global society (p. 16).

This development leads to the widely recognized "democratic dilemma." On the one hand, the rules of the new interconnected world are established by multinational enterprises and media chains in profoundly undemocratic decision-making processes, while democratically elected national governments lose significance (at worst, they are even forced to adapt to the economic imperatives in order to stay competitive—thus giving up hard-won social and environmental protection policies). On the other hand, a democratic global government capable of compensating for these losses is neither conceivable nor desirable. "In a word, at the global scale, there is no semblance of democracy and no semblance of balance" (p. viii).

Not surprisingly, Paehlke is most critical about democracy's eclipse in the face of the global market. He is too realistic, though, to believe that the wheels of history can be turned back. And he is too wise to reject global economic integration altogether. Not only does he realize that there is "no politically viable alternative to markets" (p. 4) as the basic organizational structure of world society, but he also sees the enormous potential that globalization holds: economic prosperity, work-place and work-time flexibility, and the reduction of racial and ethnic hatred. Globalization could even help discourage war—"nations will hesitate to bomb their own economic assets, not to mention their customers" (p. 267).

Therefore, Paehlke chooses a middle road to resolving democracy's dilemma. He prefers "taming" or "guiding" the global market through careful political intervention rather than "managing" or "controlling" it (pp. 5-6). Paehlke rejects the idea of a global government as too complex and inaccessible to citizens. On this point, he would meet with few counter-arguments, from this reviewer or others. Most of his political contemporaries, following Kant, would further add that the accumulation of power in a single world authority will likely result in despotism. Paehlke is sure, however, that global economic integration needs at least some form of corresponding political integration: "As national economies required national governance, so global economic organization requires some form of global governance" (pp. 47-48).

At first glance, this claim seems more than plausible. The reader learns from Paehlke's "tale of two transitions" that the expansion of markets beyond local borders in the nineteenth century was followed by the expansion of political life to the scale of the nation-state. So a similar political catch-up on the global level would be consistent with historical experience. But perhaps new problems require new solutions. Arguably globalization is not just an economic phenomenon. Yet Paehlke confines his analysis to the economic excesses of globalization. In this field, interventionist politics are indeed desirable.

Paehlke's normative aim is clear from the start: the "democratization of electronic capitalism" (p. 227) by establishing effective democratic governance without government at the global scale. He heads "toward a three-bottom-line perspective" on society which gives equal consideration to economic, social, and environmental concerns (p. 119). But what means should be employed to achieve this end?

The first step, Paehlke argues, is to enhance democracy radically at the domestic level. He mentions possible improvements that include media reforms, sweeping campaign finance reforms, the reduction of average work time (allowing for more political participation), the development of a social science that is multidimensional rather than economic, and—eventually—a wider appreciation of the need for global governance rooted in restored national democracy.

From this basis, the second step would be to create democratic governance at the global level. In Paehlke's view, states should pursue four distinct policies: first, global environmental protection standards; second, labor, human rights, and social protections including—in the long run—global minimum wages; third, a global economic instrument linking worldwide commodity prices to worldwide gross domestic product (GDP) or to the price of manufactured goods; and fourth, a fund to finance technical aid and economic incentives allowing and accelerating environmental treaty compliance in poorer nations. Paehlke suggests incorporating such policies into international trade agreements, thus creating the threat of trade-based sanctions as a means of ensuring compliance.

Hence Paehlke's solution is "to achieve global governance through the cooperation of the effectively democratic national governments" (p. 270). He

is aware that his proposals consist of policies without politics. He is further aware that, even if they could be realized, they would not alone suffice to achieve a benign globalization. However, his proposals indicate that environmental protection and global social equity could be improved without undemocratic, large-scale bureaucracy and government on the global level. And, in fact, some of his policies do have good prospects of success. What makes them most compelling is the prospect of gradual introduction and adoption to the distinctive features of each situation.

Despite these strengths, however, Paehlke's work also falls short of his aspirations in a number of respects. First, Paehlke's proposal of a global democracy based on the existing nation-state system is not particularly innovative. In addition, adhering to the traditional modes of international relations—concerted action by nation-states in the form of multilateral treaties—encounters the same difficulties of enforcement that Paehlke so bitterly deplores in the context of the multilateral environmental treaties already in existence. States cannot be forced to bind themselves, nor can binding treaties be absolutely enforced. From this perspective, Paehlke's strategy appears rather weak.

But perhaps the strength of the author's argument lies precisely in its modesty and realism. At least Paehlke's proposals are feasible. And there is hope for a strong democratic counter-movement against economism from the bottom, once citizens and politicians realize what is at stake. After all, as Paehlke rightly points out, consumer choice could turn out to be the most effective weapon in a world that appears more economic than ever.

Distant Proximities: Dynamics Beyond Globalization. By James N. Rosenau. Princeton: Princeton University Press, 2003. Pp. xvi, 439. Price: \$24.95 (Paperback). Reviewed by Nicholas Stephanopoulos.

In *Distant Proximities: Dynamics Beyond Globalization*, James N. Rosenau, University Professor of International Affairs at The George Washington University, seeks to construct a theoretical framework within which globalization—that oft-used but elusive term—can be better understood. Unfortunately, critical flaws undermine his efforts.

Rosenau unwittingly highlights the three major weaknesses of his work in his self-congratulatory postscript. First, as he climbs “up the ladder of abstraction” in his observations of world politics, Rosenau writes that he cannot help but ask about any phenomenon, “‘Of what is *this* an instance?’” (p. 406). This predilection for seeking (and inventing) theories that encompass every item in the news leads Rosenau to endless proposals in *Distant Proximities*, most of them ill-considered when they are controversial, and rather obvious when they are not. Next, Rosenau admits that his academic thinking has abandoned “scientific criteria of parsimony . . . in favor of an interpretive approach . . . that lack[s] scientific discipline” (p. 407). Unfortunately, this more expansive style of inquiry leads frequently to argument by anecdote, and to sweeping assertions about the state of the world

backed up by little more than a few *New York Times* stories. Finally, Rosenau explains the book's "initial premise" as holding that "people and communities at every level are undergoing transformations that are profound, pervasive, and consequential" (p. 413). But *Distant Proximities* is too quick to argue that everything—people's skills, the exchange of information, the authority of governments—is in the midst of unprecedented transformation. Rosenau never pauses to consider that events today may reflect gradual historical processes rather than sudden upheaval.

All of these flaws are apparent in the book's first three chapters, where Rosenau lays out the crux of his theory of world affairs. One important characteristic of the "emergent epoch," according to Rosenau, is that no events are truly remote or irrelevant anymore (p. 3). Instead, even the most seemingly far-flung happenings are "distant proximities" that have consequences for people no matter what their location. Another crucial feature of the contemporary world, in Rosenau's eyes, is "framegration," a label "intended to suggest the pervasive interaction between fragmenting and integrating dynamics unfolding at every level of community" (p. 11). The final major element of Rosenau's worldview is that "macro structures" such as governments and corporations are less central to history than they once were, and that "individuals have become increasingly central to the course of events" (p. 25). To understand contemporary developments, Rosenau argues, one must look not only to the actions and motives of collectivities, but also to the micro-macro interactions between individual people and the institutions that represent them.

Two of the problems with Rosenau's analysis are suggested by the book's postscript. First, the concepts of distant proximities, "framegration," and micro-macro interactions are, when one gets past the labels, so obvious as to be unhelpful. Second, if Rosenau's theoretical constructs are to be at all interesting—that is, if he believes distant events to be dramatically *more* proximate than before, or framegration much *more* prevalent—then he fails to back these contentious claims with sufficient empirical evidence. He makes no historical comparisons to prove that the coexistence of integration with fragmentations and the emergence of individuals as global actors are as new as he claims. A third problem with Rosenau's worldview, not hinted at in the postscript, is his repeated failure to take a position regarding the importance of the dichotomies in each of his theoretical constructs. What is the relative influence of distance compared to proximity, of fragmentation vis-à-vis integration, or of micro- and macro-actors? Rosenau never offers an answer.

In contrast to the initial chapters of *Distant Proximities*, the next section of the book, in which Rosenau discusses the multiple ways in which individuals experience "framegration," is creative and insightful. According to Rosenau, people can be conceived as "populating any one of twelve worlds," with each "world" corresponding to "a predominant perspective on life . . . through which people arrange their priorities among the opportunities available to them, the threats they perceive as serious, the values they hold dear, the goals to which they aspire, and the horizons they view as salient" (p. 41). Four of these worlds are local; their occupants are oriented primarily

toward the proximate and near-at-hand. Another four worlds are global, because the people who populate them "think and act on a scale that exceeds a local context" (p. 118). Finally, there are the four private worlds of the Cynics, Illegals, Tuned-Out Passives, and Circumstantial Passives, all "so remote from the course of events anywhere that they are not occupants of any of the local or global worlds" (p. 154). Just how new a development are these twelve worlds? What is the relevant size and importance of each world? Why must people inhabit just one world at a time and not more depending on the aspect of their life in question? But these objections should not cloud Rosenau's accomplishment. With his twelve-world model, he has constructed an innovative framework for thinking about globalization not only at the level of states and markets, but also in terms of how individual people experience it.

Rosenau next turns back to the topic of "framegration," and describes four key trends underlying today's fragmenting and integrating forces. First, he posits that a "skill revolution" is taking place in which "the pace of skill acquisition today has expanded at a faster rate than was the case in prior epochs" (p. 233). Second, Rosenau sees a concurrent "information revolution" (p. 256), thanks to the vastly more rapid exchange of information made possible by modern technological advances. Finally, the last two developments sustaining "framegration" are the attenuation of traditional authority structures (i.e. governments) and the emergence of new, more flexible spheres of authority that include a wide array of nongovernmental actors. As earlier in the book, Rosenau makes little effort to ground these grand claims in facts, and frequently lapses into hyperbole about the "transformation of . . . global structures" and change of "the linear into the nonlinear and the sequential into the simultaneous" (pp. 257, 262).

In the final part of *Distant Proximities*, Rosenau applies his theoretical framework to four important global issues: human rights, corruption, poverty, and quality of governance. The chapter on human rights is the most compelling of the section, as Rosenau carefully traces the impact of the four key "framegrative" dynamics on the protection of human rights worldwide. Even here, he overlooks many of the crucial aspects of the human rights debate, such as the prioritization of political and civil versus social and economic rights, or the tension between national sovereignty and individual liberties. In the subsequent chapters, Rosenau fails to engage in the type of discussion demanded by his theoretical method. His chapter on corruption dwells almost exclusively on one particular NGO, Transparency International; the chapter on poverty mostly emphasizes the need for more international relations academic literature on the subject; and the brief chapter on governance is too busy positing new theories (e.g. "Möbius-web" governance) to explore the implications of framegration for modern statecraft.

Distant Proximities is ultimately a deeply unsatisfying book. It is rife with new terms and labels, but short on evidence to substantiate its claims. Its key points seem adorned with fancy prose in order to appear more insightful and contentious than they actually are. And its author seems so preoccupied with how his work fits into the scholarly literature on globalization—a fixation most apparent in the chapter on "Prosperity and Poverty," where he

dwells on the perceived gaps in the literature—that the concerns of the general reader are neglected. Rosenau's new tome, then, stands as a warning against theorizing too quickly—and writing when you do not have much to say.

The New Geography of Global Income Inequality. By Glenn Firebaugh. Cambridge, MA: Harvard University Press, 2003. Pp. xiii, 257. Price: \$49.95 (Hardcover). Reviewed by Hal Frampton.

Everyone knows that global income inequality is increasing. Everyone knows it so well, in fact, that all sorts of publications—from popular journals such as *The Economist* and *The New York Times*, to the scholarly works of sociologists such as Anthony Giddens and Manuel Castells, to official reports of the World Bank and the International Monetary Fund—cite the explosion of global income inequality without any supporting evidence, assuming that readers would never doubt its veracity. But it is precisely this claim that Glenn Firebaugh sets out to disprove in his new book, *The New Geography of Global Income Inequality*.

Firebaugh, Chair of the Sociology Department at Pennsylvania State University, uses the same data sets and statistical methods as mainstream reports to arrive at the iconoclastic conclusion that global income inequality peaked in the mid- to late-twentieth century and has since started to decline. He begins by conceptualizing global income inequality as the average disproportionality between the incomes of people across the world, taking care to define inequality as a positive, not normative, measure. He then separates this disproportionality into two terms: 1) income inequality *within* nations; and 2) income inequality *among* nations. Using Gross Domestic Product (GDP) and Gross National Product (GNP) estimates for the nineteenth and twentieth centuries, Firebaugh makes the generally accepted argument that divergence of income levels among nations exploded with the advent of the industrial revolution. This trend, he argues, continued through the remainder of the nineteenth century and most of the twentieth century.

To demonstrate the decline in inequality over the past thirty to forty years, Firebaugh employs five standard statistical indices but relies almost entirely on the two that allow him to measure inequality levels among and within nations separately, and then to add them to determine total inequality. The results show a regular pattern of decline in inequality among nations from 1965 to 1989, and from 1990 to 1998, respectively.

Firebaugh's findings appear robust when checked against other studies, and when one accounts for certain variables such as the use of GNP rather than GDP as the measure of income. However, the data do have one major flaw: they are discontinuous between 1989 and 1990 because of the breakup of the Soviet Union and the addition of so many new nations. As a result, the indices measuring from 1965 to 1989 and those measuring from 1990 to 1998 are not directly comparable. It is true that both show a decline over their respective periods, but imputing a trend over discontinuous data is tenuous at

best, especially given that the latter period (1990 to 1998) saw a short-lived spurt of economic growth that has since come to an end.

Still, Firebaugh presents strong evidence that income inequality among nations, as he defines it, declined to some degree over the latter half of the twentieth century. This is not to say that those who claim rising inequality are necessarily wrong. Many standard and almost all popular analyses calculate global income levels by looking solely at per capita GDP. Firebaugh, by contrast, weights per capita GDP by population, in order to factor in the number of people around the world who are actually living at each income level. Because Asia has had a boom in both population and economic growth over the past twenty years, weighting reveals a marginal decline in inequality among states. Unweighted analyses, on the other hand, show no such trend, due to the continuing income stagnation in a number of small, very poor nations, mostly in sub-Saharan Africa. Considering both unweighted and weighted measures allows Firebaugh to map out a late-twentieth century geography of income inequality in which Asian nations appear to be catching up most quickly to the Western world, while Latin American and Eastern European nations are also closing the gap but more slowly, and African nations continue to lag.

Rather than moving from this new map to a more sophisticated discussion of the forces behind the statistics, Firebaugh wades into the murkier area of calculating inequality within nations. Using samples of states from each region of the world, he shows that income inequality within nations seems to be increasing, but at dramatically different regional rates (10 percent in Western Europe, 20 percent in Asia, and almost 100 percent in Eastern Europe). Surprisingly, he barely comments on these differences. Instead, he simply aggregates his figures to show a global increase of inequality within states of between 16 and 20 percent since 1980—a figure comparable to the aggregate rate of decline in inequality among states. Since the actual level of inequality among states is larger than levels within states, these proportional rates of decline yield a small net decrease in total global income inequality.

While his statistical analysis is incisive and, at times, extremely compelling, Firebaugh fails to explain his findings adequately. He identifies four causes of the overall decline in global income inequality and the rising importance of inequality within nations—the expansion of industrialization, the rise of the service sector, the development of similar national institutions and bureaucracies, and the spread of technologies that reduce the importance of labor immobility. But he then fails to elaborate on these changes. Instead, he makes sweeping predictions that global income levels will continue to converge, that inequality among states will become virtually irrelevant, and that inequality within nations will become the dominant component of overall income inequality.

Interesting as these predictions are, they are only as meaningful as the theory on which they are based. Unfortunately for Firebaugh, his theory, at points, lacks in detail and analysis. Firebaugh's predictions rely on statistical trends that show only a marginal decrease in overall global income inequality and that cannot be projected into the future with any certainty. Furthermore,

the new trend in global income inequality identified by Firebaugh is based on aggregate figures that conceal fundamental questions about the real nature of income inequality. For example, why do levels of domestic income inequality vary so much between regions? Why does Africa continue to lag? Will this situation change? Why is Latin America not catching up as quickly today as it was through most of the twentieth century? Why is inequality within Latin American states, already the highest in the world, still increasing while Asia's economies rapidly expand without a major explosion in domestic inequality? All of these questions bear significantly on the future of the aggregate trend in global income inequality, yet Firebaugh largely fails to address them.

Still, Firebaugh brings a level of quantitative rigor to the globalization debate that is rare. His analysis maps out a very new geography of global income inequality that is far more sophisticated than the cookie-cutter polarization analysis so entrenched in popular and academic discourse. Because the underlying quantitative analysis is sound, Firebaugh leaves ample room for other scholars to fill in the gaps in his theory. In sum, Firebaugh's work advances the discourse on globalization and income inequality and provides others with a firm starting point from which to explore in more detail the actual dynamics of the new geography of global income inequality.

The Search for Justice

The Origins of Justice: The Evolution of Morality, Human Rights, and Law.

By John O'Manique. Philadelphia: University of Pennsylvania Press, 2002. Pp. xii, 206. Price: \$36.50 (Hardcover). Reviewed by Jonathan Lewinsohn.

Ever since Thomas Hobbes's *Leviathan* described life in the state of nature as "solitary, poor, nasty, brutish, and short," Western philosophy has portrayed "original man" as a selfish, rational maximizer of interest. In *The Origins of Justice*, John O'Manique challenges this paradigm by identifying an empirical state of nature which recognizes the natural human propensities for empathy, altruism, and community. Drawing extensively from neo-Darwinian research, O'Manique displaces reason as the primary human trait and discovers the origins of morality, rights, and justice within biological inclinations captured and transformed by human self-consciousness. He thus challenges positivist approaches to the law, and suggests that morality and human rights can—indeed, should—be given greater credence and priority in the law.

O'Manique, Distinguished Research Professor at the Norman Paterson School of International Affairs at Carleton University, aims to provide a realistic account of the origins of justice. In so doing, he seeks to replace the abstractions of the ubiquitous Western paradigm, which has been informed by not just Hobbes but also Immanuel Kant, John Stuart Mill, Robert Nozick, and John Rawls. The crux of O'Manique's argument is that both selfishness and cooperative behavior existed naturally in early humans as a result of

evolutionary development. O'Manique is not denying the human propensity for egoism. Rather, he is seeking to balance it with an equally strong developmental inclination toward altruism, which he sees as crucial to the emergence of justice. O'Manique's work contributes to the understanding of early human development, but the argument fails as a critique of the prevailing Western paradigm.

Like animals, human ancestors were driven by biological inclinations to fulfill developmental requirements. While many of these inclinations related to selfish desires, others suggested an instinctive openness to the needs of others. With the development of self-consciousness, early hominids gained the ability to reflect on these biological inclinations and to transform them through the assignment of value. Activities that promoted further development, such as eating or helping others, were considered "good," whereas developmentally destructive behaviors were "bad."

The role self-consciousness plays in this process is, in O'Manique's view, the distinguishing feature of humanity. Self-consciousness requires an understanding of the divergence between self and other. Only once individuals are aware of this distinction can they produce reflective responses. O'Manique is quick to seize on the implications of this conclusion: self-consciousness, i.e., that which makes man human, cannot develop in a solitary environment.

From here, O'Manique launches his most effective critique of the Western paradigm. Under the Western view, reason is the essence of humanity and controls human behavior. Accordingly, seemingly altruistic acts—including the establishment of justice—must necessarily be reduced to a particular manifestation of selfishness. The major Western social, political, and legal theories have developed upon the assumption that "[t]he autonomous rational planner, or maximizer, is basically selfish" (p. xi). Yet, in O'Manique's analysis, rationality could not have emerged independent of self-consciousness. Since self-consciousness in turn could not have developed in isolation, it follows that community, and its concomitant notions of altruism, must have preceded reason. The emphasis that Western philosophers placed on reason, therefore, obscures the true nature of human development. More importantly, if reason itself is only produced through human interaction, then justice does not need to be considered solely through the framework of rationality.

With reason removed from its primary perch, O'Manique proceeds to show how justice emerged through the self-conscious transformation of man's natural inclinations. It is here, however, that his argument, as a critique, begins to encounter difficulties. To O'Manique, morality is the self-conscious expression of biological inclinations. To have practical effect, these statements of moral obligation (e.g., "ought" and "should") must produce rights, or claims, which arise from the understanding that they will induce a response from *others*. Once rights become embedded in the community, the biological inclinations on which they are based are subject to continued expansion by self-consciousness. In periods of crisis, when certain behaviors by individual community members are seen as developmentally threatening, these moral systems are canonized as justice. As O'Manique notes, "The idea

'it is good to help *these* others'—an idea that has gained efficacy in the community—[will] eventually encompass '*those* others' and, perhaps in time, '*all* others'" (p. 142). Without contracts, promulgations, constitutions, or rationales, justice is born.

With this argument, O'Manique believes that he has revealed the fundamental shortcoming of the prevailing Western paradigm. Self-consciousness and community, rather than reason and competition, are the foundations for morality, rights, and justice. O'Manique contends that the flawed "Theories of Justice" espoused by Western scholars from Hobbes to John Rawls and Robert Nozick, although they differ in many respects, all rely on a crucial misunderstanding of the natural state. Yet the book remains unsatisfying. This is partly due to the overly broad manner in which O'Manique applies its conclusions. But on another level, it results from the feeling that his argument complements, rather than critiques, the paradigm it claims to be toppling.

O'Manique faults Western thought for putting "undue emphasis on reason and autonomy" (p. 11) by abstracting to all humans the qualities of the modern white male. Hobbes, Nozick, Rawls, and others developed theories of justice as a solution to a hypothesized natural condition where rationality and self-interest created fear and conflict. O'Manique explains, however, that this reasoning erroneously conflates culture with nature. In his theory, culture is the total environment—"its moral systems, its institutions, its science, its techniques, its art" (p. 103)—constructed by self-conscious humans and passed down over generations. Self-consciousness allows for the construction of culture by granting humans the ability to deviate from their developmental parameters and to devalue any of their natural inclinations, including altruism. Thus, as natural inclinations were transformed by their union with self-consciousness—as culture was constructed—these inclinations risked being distorted. As O'Manique wistfully concludes, "[c]ultures surround us now, but were not part of the original condition. We must not commit the anachronistic sin of projecting contemporary culture, or any culture, onto our image of our beginnings, onto our *state of nature*" (p. 105). Humans are both self-interested and altruistic, but the balance between the traits varies over time and space as a result of culture. Rational self-interest may have become predominant in Western culture, a conclusion that is not universally shared, but O'Manique argues that this trait should not be identified as a natural condition.

The problem with this conclusion is that it misunderstands the project of the Western paradigm. To Hobbes, Rawls, Nozick, and others, the goal was not to identify empirically the traits of original humans. Rather, it was to arrive at theories of rights and justice based on the condition of humanity in the era preceding civil society. Many of these thinkers refer to this period as a "state of nature," but only in the sense that man is free to act on his own, without the artificial limitations imposed by justice. The origins, or inevitability, of negative human traits are irrelevant to the project, for the goal is the creation of a civil society that can produce (the best form of) justice. In fact, both Rawls and Nozick emphasize that their accounts of primordial society do "not need to reflect the real world during that period in human

development" (p. 10). O'Manique, on the other hand, is on an empirical quest for the origins of justice. These are two very different endeavors.

O'Manique is correct when he discusses the natural human inclination toward altruism. He is certainly not the first thinker to see the Hobbesian "state of nature" *cum* "state of war" as unrealistic. He also rightly points out that self-consciousness, in its construction of culture, has distorted certain natural inclinations to the benefit of reason and competition. To O'Manique, this is lamentable, for contemporary research on evolution reveals that humans do not have to be selfish rational maximizers. He acknowledges that the "major difference" between his approach and that of the major Western philosophers is his "search for actual evolutionary origins" (p. xi). But he fails to see that this search can enhance, rather than detract from, the theories of justice developed by Hobbes, Nozick, and Rawls. O'Manique may be fighting an antagonist who does not really exist.

Toward a Just World: The Critical Years in the Search for International Justice. By Dorothy V. Jones. Chicago: The University of Chicago Press, 2002. Pp. ix, 270. Price: \$30.00 (Hardcover). Reviewed by Philippa Webb.

The past decade has seen a proliferation of international tribunals, hybrid courts, truth commissions, and civil compensation schemes aimed at achieving some kind of international justice in the wake of mass atrocities. War crimes trials are in progress in Kosovo and East Timor as well as The Hague and Tanzania; soon the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia will begin their own. But the most prominent development in this field has been the rapid negotiation of the Rome Statute of the International Criminal Court, and its entry into force on July 1, 2002. In the wake of these developments, international justice has become the focus of intense interest in scholarly, diplomatic, and political circles as well as in the media. It seems highly appropriate that the 1990s was named the United Nations Decade of International Law.

It is therefore initially surprising that Dorothy V. Jones chooses to focus on the *first* half of the twentieth century in *Toward a Just World: The Critical Years in the Search for International Justice*. Jones, a scholar-in-residence at the Newberry Library and associate in the history department of Northwestern University, argues that the period from 1899 to 1948 was the definitive era in the search for international justice, because this was "when the matrix within which later efforts would unfold were given lasting shape" (pp. 225-26). The book proceeds through this period in chronological format from the 1899 Peace Conference at The Hague to the founding of the United Nations after World War II. Jones uses two techniques to set her book apart from other historical accounts and to substantiate her argument that the formative years for international justice came before 1948. First, she analyzes well-known events in a different light by focusing on overlooked aspects or by setting them in new contexts. Second, she examines little-known events that either

have been forgotten or were overshadowed by other incidents at the time, but which she contends have had a lasting impact on the thinking about international justice.

Jones devotes nearly three chapters to the euphemistically named Manchurian Incident, deftly showing how this famous event takes on new meaning when viewed through the lens of international justice. The Manchurian Incident, spurred by Japan's invasion of Manchuria in 1931, is traditionally regarded as a failure of international political will: the Lytton Commission named to investigate the affair simply issued a report and Japan withdrew from the League of Nations, unpunished and undeterred from future aggression. However, Jones reads the event as "a dramatic symbol of changing attitudes towards international affairs" (p. 45). She points to the fact that 25 countries other than Japan and China felt compelled to comment on the incident and affirm their governments' support for the international principles in the League of Nations' Covenant and the 1928 Pact of Paris (renouncing war as an instrument of national policy). She portrays the widespread dismay at Japan's flouting of these conventions, which in turn required Tokyo to justify its actions using the rhetoric of justice and peace, as evidence of a new debate about the standards of international behavior. Jones then compares the Lytton Commission to two earlier commissions of inquiry in 1913 and 1925 (the former a Carnegie Endowment for International Peace effort to reach a settlement in one of the Balkan wars, and the latter a League of Nations commission investigating a conflict between Greece and Bulgaria) to show the increasing credibility and standing given to such investigations. Her extensive research certainly destabilizes the stereotypical characterization of the Manchurian Incident, even if the reader is not completely convinced that the Lytton Commission can be regarded as a diplomatic success.

Jones's analysis of the war crimes trials after World War II also makes a valuable contribution to the contemporary understanding of these well-studied events. Since thousands of pages have already been written about the Nuremberg Trials, Jones takes a different approach. First, she expands the frame of reference by examining some of the lesser known trials that took place outside of Nuremberg. The conflict had been a global one, and the "passions [of the fighters] were to be brought under control and subjected to the discipline of law in hundreds of courtrooms throughout Europe and Asia" (p. 168). Second, she places the trials in a fresh context by recasting them as the site of conflict between "those for whom the state was the center of thought and action and those whose center encompassed the protection of individual human beings and international peace as well" (p. 170). She traces the way lawyers trained in domestic law entered the field of international law and moved carefully to define international crimes, to identify and apply precedents, and to conduct fair trials. Her close examination of several trials paints a picture not of "victor's justice," speedily and superficially delivered, but of professional caution, multi-tiered arguments, and conservative readings of the documents that empowered the tribunals.

In some ways, Jones's decision to focus on the margins or to explain the well-known from a new vantage point leads to an uneven coverage of the

period that she considers so crucial. She examines the crisis years of the 1930s and the post-1945 war crimes trials, but barely touches the period from 1900 to 1930 and glances over the years of actual combat during World Wars I and II. While her focus on marginal events is both admirable and original, it also undermines her argument that these years saw a steady pursuit of international justice. If these were indeed the "critical years," then more discussion of the debates and events that took place on center stage would have been helpful.

Nonetheless, *Toward a Just World* fills an important gap in the literature on international justice, which is dominated by books that commence their analysis with Nuremberg and never look back. Jones demonstrates the value of examining an earlier period, not to cover old ground but to analyze it with the benefit of hindsight. Gore Vidal has called America the "United States of Amnesia," and there is certainly a tendency for history to be forgotten rather than learned from. Historical works such as Jones's book force people to confront how much has remained the same in the struggle toward global justice. Like the lawyers and judges at Nuremberg and Tokyo, the states parties to the International Criminal Court are still trying to define the crime against the peace, now known as the crime of aggression. The name has changed, but the deep conflict between state action and individual criminal responsibility persists. However, Jones also reminds the reader that huge shifts in consciousness are not only possible, but have already occurred—including the ability to conceive of justice outside the narrow confines of domestic jurisdiction. This is the kind of book that one reads from beginning to end rather than dipping into individual chapters. Although not a reference book or a comprehensive study, *Toward a Just World* is a valuable background text to the current search for international justice.

War Crimes and Genocide

A Century of Genocide: Utopias of Race and Nation. By Eric D. Weitz. Princeton: Princeton University Press, 2003. Pp. 360. Price: \$29.95 (Hardcover). Reviewed by Marek Grabowski.

The proliferation of genocide constitutes one of the most tragic developments of the twentieth century. In *A Century of Genocide*, Eric D. Weitz, Associate Professor of History at the University of Minnesota, explores the combination of factors that led to this proliferation, using as his examples the cases of the Soviet Union, Nazi Germany, the Khmer Rouge, and ethnic cleansing in the former Yugoslavia. Given the voluminous scholarship both on specific instances of genocide, and on genocide in general, Weitz attempts an innovative comparative approach.

For the sake of analytical clarity, Weitz utilizes the definition of genocide found in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide: the intentional destruction, in whole or in part, of a population defined by race, nationality, religion, or ethnicity. Under this definition, as Weitz readily admits, genocide cannot be viewed as a

phenomenon unique to the twentieth century. Indeed, cases of genocide date back to antiquity. Nevertheless, Weitz contends that three specific characteristics of twentieth-century genocides set them apart from their predecessors: they were initiated by utopian, revolutionary regimes that wielded unprecedented power and openly aimed to remake society; they involved obsessional categorization of the population; and, finally, they entailed substantial mobilization of the population at large in the actual perpetration of atrocities. Underlying all of these elements are the dual ideas of race and nation, formulated essentially during the European enlightenment, which helped the utopian state define itself, its enemies, and its allies, and which serve as partial explanations of the genocides themselves.

Weitz systematically applies the above theoretical framework to his chosen cases of genocide, dividing each discussion into sections describing the utopian dreams of the regimes, the categorization of the population, the initial repressions, the “tipping over” into actual genocide, and the rituals that accompanied the killing. Although the format results in symmetric arguments, the unique circumstances of each genocide mean that rigidly applying a single theoretical framework inevitably distorts or omits significant features of the genocide in question.

There are a number of flaws with the framework Weitz has constructed, including its failure to devote sufficient attention to leaders. Each genocide, and indeed each system responsible for it, depended heavily on the personal charisma and leadership of a particular person. Thus, to varying degrees, it was not the “state” that was itself revolutionary or utopian, but the leader who both molded and used the state to accomplish his vision. Indeed, while the state and the population at large cannot be relieved of their share of responsibility, without the leadership of men such as Hitler and Stalin, the genocides described in the book might very well not have happened. Weitz implicitly acknowledges the importance of leadership in the Nazi genocide by discussing Hitler’s particular hatred of the Jews. Although other genocidal leaders might have lacked Hitler’s intense focus on a particular group, their ruthless disregard for human life remained a crucial factor in the genocides perpetrated under their rule. By explicitly including the “leader factor” in his theoretical framework, Weitz could have better explained the causes and direction of each genocide.

Weitz’s framework also assumes the existence of a point or a period of time during which each regime “tipped over” from non-genocidal forms of oppression into actual genocide. Weitz points to the existence of often self-generated conditions of stress such as war or difficult domestic situations. Such stresses provided both the cover and the opportunity to carry out policies unacceptable during calmer periods. However, this theoretical assumption, while providing a partial explanation, does not stand up to closer scrutiny, mainly because it suggests too much of a linear progression. Although times of crisis may facilitate genocides, they are by no means necessary, or sufficient, features of such events. This is particularly clear in the case of the Soviet Union, which perpetrated several actions qualifying as genocides under Weitz’s working definition, as the author himself points out. Far from

identifying the “tipping over” crisis in each case, Weitz contents himself with general statements about the Soviet Union’s internal woes coupled with its fear of Germany, whose rearmament in the 1930s supposedly spelled doom for the Soviets. This is not to argue that “tipping over” crises preceded each case of Soviet genocide and that Weitz failed to identify them, but rather that in some cases such crises may not have existed at all.

Given the specificities of each regime, Weitz’s reliance on theories of race and nation as the underlying explanation for genocide may at first appear too broad. However, a closer look at the unfolding of the genocides in Weitz’s case studies strongly supports his argument. Setting aside the two regimes where nation and race overtly played key parts in the categorization—Nazi Germany and Serbia—one must ask whether the Soviets and Khmer Rouge, ostensibly concerned with class equality, also deployed racial and national ideologies as the primary categorizing tool. Indeed, as Weitz shows, they did. In both regimes, categorizing by class proved too vague and difficult to serve as a tool for systematic terror. Both regimes eventually turned to categorizing by nation, and the actual genocides perpetrated by each (against such groups as the Chechens, the Crimean Tartars, the Chinese, the Vietnamese, and the Chams) were distinctly national in character despite any class-based rhetoric. While Weitz does not explicitly make this point, the phenomenon he identifies suggests that national and racial ideologies were, and possibly still are, strong enough to permeate even those regimes whose explicit goal was a classless society without distinction as to race.

Finally, Weitz’s work suffers from an omission perplexing to any student of Polish history. Poland, occupied by both Nazi Germany and the Soviet Union during World War II, twice suffered what qualifies as genocide under the United Nations definition. Victim counts ran into the millions under each regime. Weitz’s focus on the Jewish holocaust perpetrated by Nazi Germany offers no excuse for the exclusion from his analysis of the millions of non-Jewish Poles murdered by Nazis through executions and concentration camps. This is especially true given the far more detailed discussion of Roma and other non-national groups. German anti-Slavic rhetoric, while not as virulent as its anti-Jewish rhetoric, nevertheless provided a racialized basis for the killings of Poles, thus placing them within the scope of Weitz’s work. Weitz’s treatment of Poles under the Soviet regime is similarly fragmentary. He mentions that the Soviets’ ostensibly class-based categorization scheme at times targeted Poles specifically by dubbing them kulaks, and that during the war the Poles became viewed as a security risk. However, he never discusses the mass executions and the systematic deportations, under extreme conditions, of over two million Polish citizens by the Soviets during World War II itself. This lapse stands out in bold relief against Weitz’s detailed discussion of the other nationalities that suffered deportation or extermination under the Soviet regime.

Despite these shortcomings, Weitz’s work remains valuable as a comparative treatment of twentieth-century genocides. Readers will certainly find Weitz’s systematic theoretical approach a fertile ground for thought. Weitz’s discussion achieves its objective—it provides a blueprint of a

convergence of factors that may lead to genocides, enabling people better to identify and thus perhaps to address the warning signs of impending genocidal disaster.

War Crimes: Confronting Atrocity in the Modern World. By David Chuter. Boulder: Lynne Rienner Publishers, 2003. Pp. ix, 299. Price \$ 55.00 (Hardcover). Reviewed by Zachary Bookman.

With the advent of the International Criminal Court (ICC) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), the world may be expecting a new era of war crimes justice. David Chuter tones down these hopes by proffering a realist's approach to the manifold complexities of international war crimes trials. His latest book, *War Crimes: Confronting Atrocity in the Modern World*, provides a useful perspective on many war crimes issues, from the plausible causes of such crimes to the potential for the successful international prosecution of war crimes.

Chuter is a quarter-century civil servant from the British Ministry of Defense. He is widely traveled, well read, and versed in the intricacies of politicized court proceedings. His writing is fluid and frank, making the work readable, albeit serious. The book is organized topically, discussing war crimes in segments, including their origins, the relevant law, the politics, the investigations, the arrests, the trials, and the future prospects of tribunals.

The book first addresses the nature of war crimes and why they happen. Chuter eschews the "sanctimoniousness and emotionalism" that often informs war crimes debate in favor of the plain language of law and experience (p. 4). He dispels the myth that war crimes are senseless acts perpetrated by the inherently evil. More often, he argues, rational motivations and practical considerations play a role. Lest one think indiscriminate killing constitutes *prima facie* evidence of senseless barbarism, Chuter points out that Yugoslavia actually had compulsory military training, making combatant distinctions difficult, if not unfeasible, during the violent Balkans conflicts of the 1990s (although, of course, this fact does not explain mass killings of women, children, and the elderly). Likewise, in Liberia, every male of military age is construed as a potential soldier.

These points lead to Chuter's argument that war crimes are culturally specific and need to be understood within their ethical and social contexts. In fact, "there are still societies today (including some in the Balkans) where cheating, robbing, or murdering members of an out-group are regarded as honorable and even praiseworthy" (p. 17). In addition, wars fought against abstractions, such as heresy, communism, or terrorism, are often the most brutal. Violence is easiest for a nation or army to justify when the enemy is dehumanized and the line between combatants and non-combatants is blurred.

As states have progressed politically and socially, a growing body of international law has promulgated the idea that members of minorities should be accorded the same rights as members of the dominant group. Crucial to the enforcement of this norm, Chuter writes, is the centralization of authority:

"[t]he feud and the reprisal were to be replaced with disinterested justice administered from a central authority" (p. 18). The development of the modern state has thus been essential to the safeguarding of individual rights, and "[e]ven today, there is a strong correlation between a breakdown in central authority and the commission of atrocities" (p. 18). One goal of the international system, then, is a greater understanding of the political and economic conditions that underlie war crimes.

Chuter's attempt to trace war crimes to general causes seems an ambitious first step toward prevention and deterrence. If direct causes of war crimes consistently exist, the international community should ideally identify potential humanitarian disasters and intervene before fighting erupts. Recent attempts to intercede in already violent situations (such as Somalia) have proven failures. Even the NATO bombing of Kosovo, which achieved its objective of removing Slobodan Milosevic, disrupted and destroyed thousands of lives.

Turning to war crimes litigation, Chuter points out that one distinctive challenge in this area is differentiating criminal acts from legitimate warfare. He debunks the commonly held notion that war crimes are easily identifiable, pointing out that "wars are increasingly fought between scratch militias who may have had little formal training in anything, let alone the laws of war, led by leaders, rather than officers, who may have had little more" (p. 63). In addition, defendants will often plead "obedience to orders," or "coercion" from fear of death (pp. 72, 73). How are these pleas to be considered? Even the Geneva Convention's legal classifications seem less useful when twelve-year-olds are gun-wielding combat veterans, as in the Democratic Republic of the Congo or Liberia. Chuter observes that "[a]ny troops sent into Rwanda in 1994 to 'stop the genocide' would have found themselves firing on women and children, who made up a substantial proportion of the Hutu killers" (p. 80).

As Chuter moves to the politics and organization of current war crimes tribunals, the pace slows, but he raises a number of salient points. First, the vocabulary of international criminal law is "culturally specific, constructed and manipulated by a very small number of countries, most of which have English as their native or second language" (p. 94). Second, highly publicized Western inconsistencies—such as continued enforcement of the death penalty in the United States in the face of a ban on capital punishment by the international criminal tribunals—undermine international support for war crimes justice. Third, war crimes tribunals such as the ICC or the ICTY are extraordinarily expensive and complicated organizations, involving numerous interpreters and translation technologies, a high burden of proof on the prosecutors, and international travel and communication. Here, Chuter makes the interesting point that war crimes trials must achieve external political or ethical ends outside of justice or deterrence to justify their costs; equal amounts of resources invested in health, hunger, or vaccination programs would save far more lives and suffering.

The latter part of the book canvasses the investigatory and arrest processes, examines the complexities of a trial, and includes an extended

discussion on the nature of truth-finding. Here, the book suffers from overly strict adherence to its topical format. Chuter's points could have been imparted more vividly through extended discussions of other investigations, such as those that occurred in post-Nazi Germany, the Balkans, and South Africa. Instead these important events become little more than interspersed references and fail to provide valuable context.

For example, at one point, Chuter embarks on a fascinating analysis of the conflict in the Democratic Republic of the Congo, but truncates it so as not to stray from the topic at hand. In this discussion, Chuter stresses that it may take three months to drive across the Democratic Republic of the Congo, a country of fifty million people with almost no infrastructure. Moreover, the existence of five main languages, and two hundred altogether, demonstrates the capacity required of an international effort to stop factional fighting, collect evidence or information, or prosecute warlords. More description of similar challenges faced in other conflict areas would better impart the realism that Chuter espouses.

The book ends by putting forth a modest outlook for the international war crimes tribunals. Chuter surveys a set of policy options from preventative diplomacy to military intervention, truth commissions, and education, but he ultimately points out the flaws of each approach rather than recommending a course of action. Chuter's goal, however, is not to advocate policies: he seeks instead to provide an independent and critical assessment of the international tribunals and the many factors and challenges to their ultimate success. Judged by this standard, *War Crimes* is a serious and useful piece of scholarship, written by a devoted expert.

Humanitarian Intervention

Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law. By Anne Orford. Cambridge: Cambridge University Press, 2003. Pp. ix, 243. Price: \$75.00 (Hardcover). Reviewed by Tara Helfman.

Reading Humanitarian Intervention is an exercise in subversion, a provocative study of narrative and counter-narrative. Anne Orford, a critical legal theorist at the University of Melbourne Law School, draws on disciplines from human rights and international economic law to post-colonial and feminist theory in telling the life-story of humanitarian intervention in all its past failings and future possibilities. She aims first to understand the dominant narrative of humanitarian intervention in international law, and then "to find ways to ensure that 'humanitarian intervention' has a more radical meaning than simply support for a particular kind of state-based, capitalist and militaristic world order" (p. 37). The only way to achieve this, she argues, is by engaging in a "kind of productive misreading that . . . involves breaching some of the protocols that govern international legal scholarship" (p. 38). In

this sense, the book is subversive indeed, for it demands abandonment of traditional readings of international law in favor of a new way of thinking.

Narrative assumes a number of forms in Orford's account. The most important for the author's purposes is an idea of narrative as a source for the values and legal norms that underpin the act of intervention. One locates these narratives, according to Orford, in legal texts. Orford believes that if people read the texts of such narratives in a manner that is counter-intuitive to their original meaning and purpose, they can overthrow the dominant narrative, which is shaped by and, in turn, helps to shape all other accounts.

According to Orford, the dominant narrative of humanitarian intervention emerged after the Cold War. She explains that a "new kind of international law and internationalist spirit" appeared possible in "a world no longer structured around the old certainties of a struggle between communism and capitalism" (p. 2). That zeitgeist found expression in what Orford identifies as "the new interventionism" (p. 2), the willingness not only to enunciate humanitarian values, but also to enforce them. This willingness manifested itself on all levels, from the individual lawyer turned "human rights warrior[]" (p. 6) to the international organization deliberating whether and how to take action in times of humanitarian crisis.

Observers hoped that the U.N. Security Council and multilateral organizations such as NATO could serve as viable and legitimate repositories for the executive force of the international community. By acting through these institutions, human rights activists could threaten tyrants with lawful force rather than assume the position of supplicants. Orford argues that while international preparedness to act in defense of human rights grew markedly during the post-colonial and post-Soviet struggles for self-determination, humanitarian intervention also served as a pretense under which powerful states and international institutions such as the IMF began to fill positions of authority and influence vacated by imperial powers.

The dominant post-Cold War, post-colonial narrative that Orford wishes to subvert is in part the product of an "imaginative geography" (p. 82) collectively created by the international community. The map of this geography consists of two spaces, one of which is peopled by those in crisis who need to be saved from the exploitation of their own political elites. The other side of the map is inhabited by international law and the international community, which "are portrayed as the bearers of peace, democracy and human rights to local communities in need of saving" (p. 83). The imagined distance between the two is underpinned by the fallacious assumptions that humanitarian crises have historically developed in isolation, and therefore that greater international involvement in troubled places could have averted these crises. However, Orford notes that the "international community can be located inside, not outside, th[e] space of violence. Inactivity is not the alternative to intervention" (p. 110).

In addition to an "imaginative geography," the dominant narrative is formed by another imaginative exercise: the imagining of the self and the other. In this section of her argument, Orford relies heavily on feminist, post-colonial, and psychological theories of differentiation, arguing that dominant

readings of the texts of international law “involve[] a similar staging of the autonomous, sovereign, Western state against the lacking, castrated, femininised Third World state” (p. 155). The Western state assumes the role of the hero while onlookers in that state read along in the narrative, sharing in the pleasure of being on the side of the good. The Third World state assumes the role of the stranger in need of salvation. The victims appear on television long enough to humanize their plight, but then disappear from view once they begin to intrude on the comfortable life of the West. In this manner, argues Orford, the dominant narrative of intervention reinforces colonial stereotypes and reaffirms the existing order.

The reader may disagree (at times vehemently) with Orford’s characterizations of events, but this stems more from the fundamental nature of those events than from any fault in Orford’s methodology. Something is missing from Orford’s analysis, though, leaving it incomplete and provoking further. Although the author exhorts her reader deliberately to “misread” the texts of international law, she does not explain precisely what these texts are or how the dominant narrative is rooted in them. The collective imaginings of the international community seem to be located in psychological phenomena rather than in legal texts, making it difficult to understand precisely where the narrative Orford is reading is “written.” The question is further complicated by the position of human rights in *jus cogens*, where it seems to straddle the line between an intuitive and a positive normativity.

Finally, the very idea of deliberate misreading renders Orford’s exhortation to the reader deeply unsettling. International law is at once a dynamic and stabilizing institution—dynamic in its capacity for growth and stabilizing in its aspiration toward the peaceful resolution of conflicts. But it becomes volatile and destabilizing when one purposely abandons its meaning through misreading. Rejecting the inherent and original meaning of legal texts subverts one of the basic functions of the law itself: to encourage the unity and predictability of outcomes. In no way, though, do these criticisms detract from a book that is thoroughly researched and lucidly written. Moreover, in an era of preemptive action, *Reading Humanitarian Intervention* is a welcome, if not a necessary, contribution to the study of humanitarian intervention and human rights.

Rethinking Humanitarian Intervention: A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions. By Brian D. Lepard. University Park, PA: Pennsylvania State University Press, 2002. Pp. xix, 496. Price: \$55.00 (Hardcover). Reviewed by Eric Pai.

When and how should states and international organizations use military force to prevent the violation of human rights? The United Nations struggled with these questions throughout the 1990s as it confronted different types of humanitarian crises in Bosnia-Herzegovina, Somalia, Rwanda, Haiti, and Kosovo. Part of the difficulty in answering these questions is that while they

can be approached from any one of several perspectives, no single discipline seems capable of delivering a fully satisfactory response. Considerations of morality, international law, politics, and religion all play important roles in developing an effective remedy to the problem.

Brian Lepard, an Associate Professor of Law at the University of Nebraska, takes up the challenge of developing an interdisciplinary solution in *Rethinking Humanitarian Intervention*. Lepard's approach is based on an ethical principle he calls "unity in diversity," which refers to "the unity of all human beings as equally dignified members of one human family, who in turn can, within a framework of unity, develop and take pride in individual, national, ethnic, or religious identities" (pp. 33-34). This principle is actually a composite of two simpler values: the unity of the human family, and the diversity of individuals and communities. Political philosophers who study global theories of justice would identify this composite principle as an attempt to occupy the middle ground between two traditionally competing schools of thought. Liberal cosmopolitanism focuses on the equal dignity and rights of all human beings regardless of geographical location or national boundaries. By contrast, communitarianism emphasizes the value and importance of special relationships among persons in particular communities, including nations. Lepard's "unity in diversity" principle strikes a compromise by moderating the cosmopolitan position to give some weight to the values of community and diversity.

If "unity in diversity" has the advantage of commanding broad support and consensus, this may be partly because of its corresponding disadvantage—the principle provides no clear policy guidance with regard to humanitarian intervention. "Unity in diversity" suffers from the same problem as equality, which most everyone agrees is an important value in the abstract, but disagrees as to what it means in practice. Lepard solves this dilemma by enumerating a list of "fundamental ethical principles" that are closely tied to "unity in diversity" (pp. 56-57) and have more substantive content. One such principle is respect for universal human rights, such as life, physical security, subsistence, freedom of moral choice, and participation in government through consultation. Other principles include respect for government and law, peaceful relations among states, and principles of just war. Lepard ends up with a long list of essential ethical tenets that will likely strike most readers as being fairly reasonable.

Two aspects of the methodology Lepard uses in choosing the principles, however, are disappointing. First, even though the principles are of an ethical nature, Lepard does not draw explicitly upon moral philosophy to defend his selections. Instead, he shows how they follow from documents of international law, such as the U.N. Charter and the Universal Declaration of Human Rights, as well as from major religious texts, including the Bhagavad Gita, the Torah, Buddhist scriptures, the Analects, the New Testament, the Qur'an, and Baha'i writings. Since he makes no reference to moral philosophy, the moral force of the arguments for these principles comes entirely from their intuitive appeal and the weight that one accords to these textual sources.

Second, Lepard's reliance on highly selective quotation from a few major religious texts to demonstrate support for his approach comes across as superficial and lacking. As Lepard himself acknowledges, most of these texts are sufficiently long and complex that one could just as well find textual support for the opposite of some of his principles. Additionally, if his concern is how members of these religions would respond to his choice of fundamental ethical principles, it seems peculiar to focus on the texts directly rather than on the interpretations and practices that believers have derived from these texts. Here, Lepard argues that "[b]elievers regard these texts as the most authoritative statements of ethical principles within their religious systems, even if believers fall short in putting these principles into practice . . ." (p. 44). But if the hope is to achieve the *actual* consensus of religious persons of diverse faiths on these principles, more attention should be paid to religious practice, in addition to dogma. Otherwise, Lepard's fresh approach may lack the support needed for successful implementation.

Lepard has developed his essential ethical principles in the hope that they will guide the interpretation of international treaties that address the issue of humanitarian intervention. To illustrate the way in which his principles can be operationalized, Lepard uses them to resolve ambiguities in the United Nations Charter and other documents that govern the behavior of the Security Council or the United Nations as a whole. Lepard begins his analysis by considering whether human rights violations may be found to constitute a "threat to" or "breach of" the peace, which is a precondition for enforcement action under Article 39 of the U.N. Charter (p. 149). He demonstrates that traditional methods of legal interpretation do not provide a definitive answer to this question and then draws upon his ethical framework to argue that the precondition should be interpreted broadly to allow some interventions of this kind. He follows a similar approach in applying his ethical principles to problems such as consent, the use of force, and the obligation to intervene. Lepard's analysis of these problems is well thought-out and reflects his expertise in international law.

Yet can Lepard's approach feasibly be implemented in the present-day context of international politics? He admits that one needs a fair amount of optimism to believe that government leaders and ordinary citizens will adopt his fundamental ethical principles. In the concluding chapter of the book, Lepard expresses his concern over apparent negative trends in this area. Many governments claim to espouse his principles but routinely ignore them in practice. Other governments, for reasons of ethnic and religious nationalism, self-interest, or state sovereignty, refuse even to acknowledge the validity of the principles. Despite these negative trends, Lepard maintains that there are grounds for believing that his hope for implementation of his principles is not unfounded. For instance, he points to opinion polls and other statistical evidence suggesting that there is public support for human rights and peace as long-term goals and that strong leadership can harness public opinion toward achieving these goals. Lepard's empirical research on this issue encourages some optimism, but is not sufficiently comprehensive or far-reaching. It

remains an open question whether his approach could actually be adopted by the United Nations and achieve a reasonable degree of success.

Overall, Lepard's book makes a valuable contribution to the literature on humanitarian intervention. Although his argument is weakened by the superficiality of his discussion of the ethical, religious, and political aspects of the topic, Lepard has succeeded in presenting a coherent approach to humanitarian intervention that takes all of these aspects into consideration and results in reasonable intuitive arguments. His interpretation and analysis of international humanitarian law is nuanced and compelling. *Rethinking Humanitarian Intervention* provides an excellent starting point from which philosophers, theologians, and political scientists can launch a more in-depth analysis of the ethical, religious, and political implications of the principles that Lepard articulates.

The Environment

The Global Environment and International Law. By Joseph F. C. DiMento. Austin: University of Texas Press, 2003. Pp. xiv, 248. Price: \$21.95 (Paperback). Reviewed by Gretchen Hoff.

Can international law save the environment? Over the last twenty-five years, while governments have signed over 250 international environmental treaties, global environmental degradation has, if anything, increased. The United States' recent decision to abandon Kyoto Protocol negotiations and the failure of the 2002 World Summit on Sustainable Development to adopt new treaties or enforcement mechanisms call into doubt whether law can in fact protect global resources.

Joseph F. C. DiMento, in *The Global Environment and International Law*, assesses this critical question through an analysis of over thirty years of international environmental law-making. The author, Professor of Law and Society and head of the Research Group of International Environmental Cooperation at the University of California, Irvine, acknowledges the failures of environmental law. Unlike the pessimists in his field, however, DiMento is hopeful that law can yet be successful in saving the global environment. DiMento's optimism stems not only from the "impressive successes" (p. 10) of environmental law, which include reducing ozone-depleting substances, oil pollution, pesticides, and the extinction of endangered species, but also from the ways in which society is learning to structure international law to better manage global environmental problems.

In an effort to illustrate how international law is currently organized, DiMento develops a taxonomy that starts with treaties and conventions, but expands to include regional, multilateral, and bilateral agreements, customary law, and "soft law." He explores how these forms of international law exist within a context of other institutions and organizations, creating various legal regimes with differing levels of jurisdiction, opportunities for dispute resolution, enforcement mechanisms, and standards for compliance.

In addition to assessing the existing legal regimes, DiMento contributes to the literature by identifying who the law is designed to target. The author first focuses on business, both national and multi-national corporations, with a well-balanced, if optimistic, account of how business can affect environmental quality and respond to international law. Second, DiMento looks at the impact of individuals on the planet, addressing environmental harm caused by population growth and poverty, as well as the over-consumption that results from higher standards of living. Finally, DiMento acknowledges that national governments are themselves the targets of international environmental law.

While DiMento is correct that international environmental law aims to shape the decisions of national governments, he fails sufficiently to address the many ways in which governments serve as obstacles to the law's implementation. DiMento refers to successful public agreements and conventions but ignores the many instruments that governments choose to sign but fail to implement by not enacting the necessary domestic legislation. For example, while the Rio Declaration of 1992 included Principle 10, a global agreement on the importance of access to information in environmental decision-making, the World Resources Institute has found that many of the signatories have much to do before their citizens can access disclosed information in both law and practice.² Since many international environmental treaties depend on the willingness of national governments to enforce new norms, the failure of governments to do so in their domestic policy is one of the chief obstacles to the treaties' sustained implementation.

The bulk of the book consists of five detailed case studies. In his examination of the Montreal Protocol, the Black Sea Environmental Programme (BSEP), the Basel Convention, the North American Agreement on Environmental Cooperation, and the Framework Convention on Climate Change, the author summarizes five critical environmental problems and the results that emerged in international environmental law. DiMento also attempts to assess the actual effects of these laws on environmental quality. His conclusions are unsurprising: he characterizes the Montreal Protocol as a success, the BSEP as notably weak, and the Climate Convention as thorny and difficult.

The author provides an exhaustive summation of the motivating concerns, legal structures, and results of these regimes, but never quite reaches the point of addressing why the regimes have differing levels of success. Although DiMento draws insightful conclusions as to some of the critical factors in institutional success, including scientific consensus, political support, financial and organizational resources, transparency, and compliance mechanisms, he does little to grapple with the problem of why some regimes fail. Why does Montreal work, while Kyoto does not? What gives observers hope for the Environmental Side Agreement of the North American Free Trade Agreement, but not for the Black Sea Environmental Programme? One obvious response might be that international environmental law fails when

2. ELENA PETKOVA ET AL., WORLD RESOURCES INSTITUTE, CLOSING THE GAP: INFORMATION, PARTICIPATION, AND JUSTICE IN DECISION-MAKING FOR THE ENVIRONMENT 3 (2002), at http://governance.wri.org/pubs_pdf.cfm?PubID=3759.

confronted with hostile political and economic circumstances and a lack of support from the world's major players, especially the United States. While DiMento discusses the role that political and institutional factors play in the implementation of legal regimes, he does not explicitly address the extent to which the success of an international environmental law is the result of support from powerful states.

DiMento's analysis would have been strengthened by the inclusion of a case study that focused on new models of multi-stakeholder decision-making, such as the procedures of the World Commission on Dams. DiMento could also have addressed one of the most hotly debated developments in international environmental law—the “public-private partnership” endorsed at the 2002 World Summit on Sustainable Development. These partnerships, which are designed to bring together corporations, national governments, foundations, nongovernmental organizations, and other stakeholders, were envisioned as collaborative efforts to implement the environmental laws of the past thirty years.

DiMento's recommendations, many of which anticipate rapid scientific developments and emerging cultural norms of environmental protection and transparency, begin with a call to decelerate the massive proliferation of treaties in exchange for investing more in effective implementation of existing law. When new treaties are needed, DiMento encourages better law-making through international participation and cooperation in the treaty-making process. DiMento notes the communication problems and cultural gaps that plague international decision-making and urges “ongoing, egalitarian, [and] interactive environmental diplomacy” (p. 157).

Although DiMento affirms the inclusion of civil society and the importance of access to information and public participation in making decisions, he does not hesitate to contradict conventional wisdom by counseling restraint in the amount of authority granted to nongovernmental organizations (NGOs). Since “NGOs are self-appointed and not necessarily democratically representative” (p. 171), their role should be limited to that of advisor rather than decision-maker. DiMento explains that even when their function is restricted, NGOs' participation can be problematic. While they contribute distinctive skills and resources to the decision-making process, particularly by “promot[ing] interests not otherwise represented,” NGOs can also increase the influence of developed countries in relation to developing countries, “displace useful negotiations by states[,]” and make negotiations even slower and more complex (pp. 171-2).

DiMento's other recommendations include a reminder of the importance of regulatory approaches since “[c]ertain international problems cannot avoid regulatory solutions” (p. 163). In his view, “ozone depletion and species extinction would not have lessened without rules and sanctions” (p. 163). Impressed by these past successes, DiMento argues that regulation—including sanctions, liability rules, and other enforcement provisions—should be used in addition to “flexibility mechanisms, market force, and trading” if “climate stabilization” is to be achieved (p. 163). DiMento also argues for greater parity between environmental laws and free trade regimes. Given the recent

debate over this issue in World Trade Organization negotiations, DiMento's call for upward harmonization between environmental and trade regimes is particularly salient.

The Global Environment and International Law will be useful to students and the general reader with an interest in the field. By outlining and clearly assessing the factors of success in international environmental law, DiMento has created a valuable tool for practitioners, including NGOs, government agencies, and all those who seek to work within the system to protect the global environment. DiMento's recommendations make it clear that the time has come to focus strategically, and in new ways, on the contributions that law can make to protecting global resources. This book provides readers with the tools they need to understand and improve the body of international environmental law.

