

BOOK ANNOTATIONS

BREGER, MARSHALL J., ED., THE VATICAN-ISRAEL ACCORDS: POLITICAL, LEGAL, AND THEOLOGICAL CONTEXTS (University of Notre Dame Press).

FORSYTHE, DAVID P. AND PATRICE C. MCMAHON, (EDS.), HUMAN RIGHTS AND DIVERSITY: AREA STUDIES REVISITED (University of Nebraska Press).

GILLEY, BRUCE, CHINA'S DEMOCRATIC FUTURE: HOW IT WILL HAPPEN AND WHERE IT WILL LEAD (Columbia University Press).

JAYAWICKRAMA, NIHAL, THE JUDICIAL APPLICATION OF HUMAN RIGHTS LAW: NATIONAL, REGIONAL AND INTERNATIONAL JURISPRUDENCE (Cambridge University Press).

LATTIMER, MARK AND PHILIPPE SANDS, (EDS.), JUSTICE FOR CRIMES AGAINST HUMANITY (Hart Publishing).

LOMNITZ, LARISSA ADLER AND ANA MELNICK, CHILE'S POLITICAL CULTURE AND PARTIES: AN ANTHROPOLOGICAL EXPLANATION (University of Notre Dame Press).

MILLS, NICOLAUS AND KIRA BRUNNER, (EDS.), THE NEW KILLING FIELDS: MASSACRE AND THE POLITICS OF INTERVENTION (Basic Books).

RAJAGOPAL, BALAKRISHNAN, INTERNATIONAL LAW FROM BELOW: DEVELOPMENT, SOCIAL MOVEMENTS AND THIRD WORLD RESISTANCE (Cambridge University Press).

RIEFFEL, LEX, RESTRUCTURING SOVEREIGN DEBT: THE CASE FOR AD HOC MACHINERY (Brookings Institution Press).

SLAUGHTER, ANNE-MARIE, A NEW WORLD ORDER (Princeton University Press).

WASSERSTEIN, BERNARD, ISRAELIS AND PALESTINIANS: WHY DO THEY FIGHT? CAN THEY STOP? (Yale University Press).

The Vatican-Israel Accords: Political, Legal, and Theological Contexts. Edited by Marshall J. Breger. South Bend, Indiana: University of Notre Dame Press, 2004. Pp. 416. \$55 (cloth).

Marshall J. Breger's *The Vatican-Israel Accords* is a timely collection of essays regarding the Holy See-Israel Accord, often referred to as the Fundamental Agreement. The Accord, a bilateral treaty, binds both parties to uphold the "human right to freedom of religion and conscience" and establishes full diplomatic relations between Israel and the Holy See. Breger compiles the writings of an array of scholars, who collectively explore a wide range of issues related to the Accord, including the signing parties' motivations, historical events leading up to and following its signing, and detailed textual analyses of the agreements. Breger successfully synthesizes the sometimes conflicting voices; he reveals contributors' intellectual insights by respecting the uniqueness of each viewpoint while stimulating an informed debate about religious freedom.

The first of the book's five sections focuses on the historical events leading to the signing of the Accord in December 1993. Lorenzo Cremonesi's "The States of Diplomatic Negotiations" provides a detailed account of the negotiations culminating in the Accord, portraying a reluctant Israel and a Holy See intent on influencing the peace process. Cremonesi's description of David Jaeger is particularly noteworthy: Jewish by birth, Jaeger converted to Christianity, was ordained a priest, and proved crucial in resolving a critical impasse during negotiations. While the negotiations involved issues too complex to yield to any simple analysis, Cremonesi's essay subtly eases the reader into the kaleidoscope of views that follow.

The book's second section addresses "The Meaning of the Accord." In the first essay, David Jaeger provides historical perspective with a brief but pithy account of the history of the Middle East and its inhabitants, stretching back as far as 639. He emphasizes that the region's history is filled with reversals of fortune, arguing that the "Jewish community [is] in the same position previously occupied by the Muslims." The second essay, by Leonard Hammer, contains an insightful discussion of the difficulties encountered in the interpretation of multi and bilateral treaties. Hammer then embarks upon a detailed, article-by-article analysis of the Accord, speculating about the parties' motivations for each portion. Whereas

Cremonesi claims that the Accord had “symbolic value” for the Israelis, Hammer argues that it merely represented a “prudent political move.” Silvio Ferrari’s concluding essay takes a comparative approach, comparing the Accord to conventions signed with European, Latin American, and two Islamic countries (Morocco and Tunisia). In discussing the Accord, he considers a wealth of background information, leading to an informed commentary. Ferrari focuses on the Accord’s asymmetrical obligations and offers a satisfyingly holistic textual analysis.

The third section, “Vatican Concordats and the Accords,” opens with an essay by Rafael Palomino that analyzes the Accord in light of the Spanish experience. He concludes that “[i]n fewer than 20 years the Spanish legal system evolved from a Catholic state to a system grounded in religious liberty.” He argues that the Israelis should recognize that “agreements on religious matters are more than a tool for establishing mutual relationships with a religious group.” The second essay, by Roland Minnerath, tracks the history of concordats beginning in the mid-nineteenth century, arguing that they no longer imply privileges for Catholics but instead establish basic human rights, as they have evolved into a form of natural law. His discussion of the international concordats is somewhat repetitive, given Ferrari’s work; nevertheless, his general remarks on concordats are instructive. The section’s concluding essay by Leonard Hammer analyzes the Holy See-PLO Basic Agreement, which was signed in 2000, in light of the Accord, offering a detailed textual comparison and commentary on the Palestinian Authority’s foreign relations capacity.

The fourth section, “International Law and the Accords,” is in many ways the most interesting. David Rosen’s opening essay tracks Israel-Vatican relations since the Accord’s signing, discussing the consequences of the Holy See’s and Israel’s differing perceptions concerning their relationship. Mosche Hirsch’s essay analyses the legal status of proselytism in the international community. Striking the appropriate balance between the freedom to maintain a religion without interference and the freedom to proselytize has become increasingly controversial. Given the Accord’s intentionally vague wording, Hirsch argues that the Accord takes an intermediate approach, supplementing his findings with case law from the European Court of Human Rights. Geoffrey R. Watson’s essay

considers pilgrims' rights. Although the Accord does not require either party to admit pilgrims or recognize a natural right to pilgrimage, Watson argues for an emerging customary law right of pilgrimage. Watson also includes a comprehensive analysis regarding the Accord's questionable status as a legally binding treaty, which is extremely informative for international law students. The section concludes with an unremarkable essay by Giorgio Filibeck concerning the teachings of the Catholic Church.

The fifth section, "The Church in the Holy Land Today," opens with an essay by Ruth Lapidot that offers an exhaustive description of life in Israel. Among other topics, she discusses its political structure, the treatment of proselytizing, and religious education. The section's gem is Silvio Ferrari's analysis of the Vatican's policy toward the Middle East during John Paul II's tenure, best exemplified by its approach to Lebanon before it was torn asunder by internal strife. In his essay, Ferrari discusses the Holy See's vision of the Middle East as a region of mixed religious communities, with a special emphasis on the example of Jordan, a moderate Islamic country where a Christian minority is guaranteed respect and equality. The section ends with a detailed survey of the complex situation facing the Palestinian Christians.

The final section, "Catholic-Jewish Relations as a Background to the Accord," consists of one essay by Jack Bemporad, entitled "Jews and Catholics in the Last Half Century." Bemporad maintains that Christian theology has undergone a fundamental revision. The Holy See no longer views the Jewish people as "consigned to perpetual servitude." The Accord recognizes the Jewish community as a long-suffering "universal historic religious people" who are entitled to a homeland. Bemporad also aptly summarizes the work of various scholars (including popes) navigating the divide between Christianity and Judaism. With Bemporad's contribution, the book concludes by making explicit a theme present throughout, emphasizing the importance of open dialogue in the interest of developing a worldwide community of compassion and peace.

As a whole, Breger's work suggests that the open dialogue concerning religious differences engendered by the signing of the Accord, with its focus on religious freedom, is the surest way to peace. Although some of the information conveyed in

the various essays is repetitive and there is a subtle emphasis on the Catholic viewpoint, Breger has succeeded in creating a volume replete with voices that complement even when contradicting each other. A debate rages between the covers of Breger's work—a debate that engages and informs the reader from the first page and carries through to the last.

BY SUZANNE ROMANO

Human Rights and Diversity: Area Studies Revisited. Edited by David P. Forsythe and Patrice C. McMahon. Lincoln, Nebraska: University of Nebraska Press, 2003. Pp. x, 330. \$50 (cloth).

Human rights advocates, scholars, and policy-makers commonly assert that human rights are universal, held by every individual regardless of culture, geography, or nationality, while simultaneously acknowledging and bemoaning the vastly disparate levels of respect afforded to human rights throughout the world. In practice, then, human rights advocates must balance a desire for uniform standards with a pragmatic recognition of the diverse circumstances in which those standards must be applied. *Human Rights and Diversity* is a timely collection of essays exploring how human rights are treated across regions and cultures and how the balance between universal human rights and diversity should be struck.

Human Rights and Diversity is usefully organized into five sections, including an Overview, Europe and the Americas, Africa and Asia, Islam and the Middle East, and a non-geographical section. In the introduction, entitled “‘Area Expressions’ and the Universality of Human Rights,” Abdullahi A. An-na’im suggests that universal human rights standards and respect for diversity need not be mutually exclusive: They can be reconciled by focusing on universality of process, rather than substantive universality.

The Overview contains two essays: one by David L. Richards, “The Civilizational Geography of Government Respect for Human Rights,” and another by Steven C. Poe, “Does Region Matter in the Provision of the Human Right To Physical Integrity?” Using empirical analysis, both of these essays demonstrate that region and culture are important variables to consider when attempting to reveal and explain patterns of human rights abuse throughout the world.

The volume's remaining essays then turn to examine some of the current human rights dilemmas specific to various parts of the world. Eva Brehms begins the Europe and the Americas section with an essay entitled "The Margin of Appreciation Doctrine of the European Court of Human Rights: Accommodating Diversity within Europe." She suggests that the margin of appreciation—granting leeway to individual states in their implementation of regional obligations—can be used to ensure respect for diversity without eroding the legitimacy of international standards in human rights. Patrice C. McMahon next explains, in "Between Delight and Despair: The Effects of Transnational Women's Networks in the Balkans," that respect for women's rights in the Balkans has improved due to efforts by transnational advocacy networks. McMahon's essay demonstrates that a basic institutional model, such as a "transnational advocacy network," can function differently in different areas of the world. Richard Burchill offers another example of this phenomenon in "The Role of Democracy in the Protection of Human Rights: Lessons from the European and Inter-American Human Rights Systems," the final essay of the section. He notes that both the European and Inter-American human rights systems recognize the importance of democracy in ensuring respect for human rights, yet each system enforces democratic norms differently. The Inter-American system defines and enforces the basic structures and processes of democracy, while the European system assumes a certain baseline level of democracy and goes a step further, allowing judges to decide how to apply specific human rights actions within that democratic society.

The next section on Africa and Asia begins with Corinne Packer's "African Women, Traditions, and Human Rights: A Critical Analysis of Contemporary 'Universal' Discourses and Approaches." Packer argues that in order to address gender discrimination in Africa, interested parties must take the complexities African culture into account: Universal standards of human dignity will remain empty promises unless local attitudes can be changed and regional enforcement mechanisms can be customized to regional needs. The section continues with an essay by Mahmood Monshipouri, in which he argues that cultural considerations and extreme poverty make child labor a firmly entrenched and persistent practice in South Asia. According to Monshipouri, to insist on universal stan-

dards in hopes of abolishing all forms of child labor in this region is unrealistic. Rather, Monshipouri argues that efforts should focus on relieving poverty in order to attack the causes rather than the symptoms of the problem. Finally, in "Human Rights and Indigenous Peoples in Africa and Asia," Robert K. Hitchcock finds that Africa and Asia have poor records of respect for the rights of indigenous peoples when compared to other regions. Indigenous groups from these areas, according to Hitchcock, claim that this disrespect may be due to African and Asian states' argument that universal standards of human rights are, in fact, Western standards and that African and Asian cultures should be able to follow their own norms and respect their own values.

To begin the next section on Islam and the Middle East, Zehra F. Kabasakal Arat discusses how Middle Eastern states also make claims of cultural relativism to justify their treatment of women. In "Promoting Women's Rights against Patriarchal Cultural Claims: The Women's Convention and Reservations by Muslim States," Arat illustrates Middle Eastern states' reluctance to respect women's rights by demonstrating that Muslim states' reservations to the Convention on Elimination of All Forms of Discrimination Against Women are the most comprehensive and far-reaching of any states. Emile Sahliyeh follows with "The Status of Human Rights in the Middle East," in which he conducts a study of empirical data and concludes that the Middle East had extremely poor records in human rights and civil liberties in the period from 1978-94. Sahliyeh offers five possible explanations for this trend, including the precarious nature of democracy in the Middle East, foreign policy considerations, strong nationalism in Middle Eastern states, the possible incompatibility of Islam with respect for certain human rights, and, finally, political and cultural considerations peculiar to the region.

The last section of the book, which departs from the geographically-focused format of the preceding sections, contains a single essay by Ilan Peleg, "Ethnic Constitutional Orders and Human Rights: Historical and Comparative Analysis." Peleg examines human rights issues existing in "ethnic constitutional orders"—diverse societies in which one ethnic group enjoys greater relative power. His analysis reminds students of international human rights that, while regional and cultural

studies are necessary to fully understand the contours of the field, country-specific analyses still prove enlightening.

This volume offers a variety of viewpoints that expose and challenge many common assumptions about the relationship between culture and human rights. It will serve as a useful resource for scholars and practitioners by providing a fruitful alternative perspective on the field from a regional—rather than universal or systemic—standpoint.

BY HEATHER HILLMAN

China's Democratic Future: How It Will Happen and Where It Will Lead. By Bruce Gilley. New York: Columbia University Press, 2004. Pp. xvi, 297. \$29.50 (cloth).

Bruce Gilley's fourth book, *China's Democratic Future*, boldly argues that the People's Republic of China will undergo a democratic transition sometime early in the twenty-first century. Although Gilley acknowledges that democratic transitions are highly contingent affairs and are difficult to predict with great accuracy, he is less concerned with pinning down the exact timeline of China's move to democracy. Rather, Gilley focuses on identifying objective conditions that strongly favor the occurrence of a democratic transition in China, indicating the most likely path that this transition will take and appraising its probable effects on China and the rest of the world.

China's Democratic Future is divided into ten chapters, grouped in three sections which correspond with Gilley's view of the three stage process (crisis, transition, and consolidation) through which the Chinese Communist Party (CCP) will lose its monopoly on political power and be replaced by a democratic government. In Part One, Gilley provides a thematic, comparative, and historical overview that emphasizes the universal, value-neutral nature of democracy and highlights the depth of China's democratic potential. He argues forcefully against "hostile Manicheans" and "misty-eyed Orientalists" who uphold the view that, due to its political, philosophical, and cultural heritage, China is essentially unsuited for democratic governance. Countering claims that legacies such as Confucianism and nationalism have imbued the Chinese nation with a fundamentally antidemocratic ethos, the author points to the examples of Japan, Taiwan, and South

Korea, three vigorously democratic nations that also possess Confucian and nationalist heritages. Concerns about the undemocratic behavior of people in China are misplaced, he asserts, because it is often only after a democratic breakthrough has occurred that political leaders and citizens begin to internalize democratic norms of behavior. As he terms it, “democrats do not make democracy, democracy makes democrats.”

Gilley synthesizes a wealth of empirical studies that indicate that, in terms of its per capita GDP and the size of its middle class, China is already capable of sustaining a nascent democracy. In addition, he refers to a wide range of contemporary Chinese sources that suggest there is both a growing recognition of the need for democratic reforms in China and an increasing ability within Chinese society to carry out such reforms. He notes that the liberalization of society since the era of “opening and reform” began in 1978 has created unprecedented opportunities for public and private actors at all levels to begin shaping the state to reflect their own interests. At the same time, as the state has relinquished effective control over most aspects of its citizens’ daily lives, non-state actors have developed the organizational resources needed to bring about a democratic transition.

This transition, as Gilley predicts in Part Two, will be brought about through the political mobilization of these empowered social actors, followed closely by the defection of a group of reform-minded “breakthrough elites” within the CCP. Elite defection is the key aspect of a successful transition stage, as Gilley sees it, because it will set in motion “an almost perfectly controlled experiment in social decision-making such as was used in the theories of the political philosopher John Rawls.” In this scenario, because they are faced with an unknown future and lack the ability to impose a new form of authoritarianism, even undemocratically inclined elites will find themselves embracing democracy as the only viable solution to the crisis in governance.

Although he does not rule out the possibility of politically-motivated violence during the transition phase, Gilley suggests that an elite-led extrication will allow for the relatively orderly creation of a “caretaker government,” thereby largely avoiding the widespread chaos that might accompany a popular overthrow of party control. Although the student-led protest in Tiananmen Square in 1989 was suppressed with military force,

the People's Liberation Army is likely to remain on the sidelines in the event of an elite-led democratic transition due to its increasing professionalization, the removal of its business empire, and the loss of its seats on the politburo. After the end of the CCP's stranglehold on state power, completing the process of democratic transition will require holding national elections and ensuring that interim rulers hand over the reigns of state power to a popularly-chosen government.

In the final part of the book, Gilley assesses the chances for the long-term success of China's transition to democracy and examines the monumental changes that such a transition would entail for China and the rest of the world. Gilley acknowledges that any discussion of the likelihood of a successful consolidation must, by its very nature, be highly speculative. Factors weighing in favor of a successful consolidation include the presence of a small but significant middle class, a functional bureaucratic apparatus, a reasonably robust market economy, and an emerging respect for the rule of law. Those weighing against a successful consolidation include the presence of deep ethnic divisions, widespread corruption, drastic income inequality, and the absence of any organized political opposition. There also remains a significant unknown that greatly complicates any prediction about the success of Chinese democracy: the behavior of, and choices made by, political elites.

Successful consolidation of a democratically-elected government in China would fundamentally transform regional and global politics. A democratic China would be entrusted to share in the burdens of providing for Asian regional security and would play an important role in promoting democratization in the region's remaining dictatorships—North Korea, Vietnam, and Burma. In Gilley's view, a democratic China may also take on a role as the leader of a new "North-South movement," raising legitimate challenges concerning the inequitable distribution of the world's resources. Arguing against those who see China emerging as the greatest threat to U.S. strategic interests in the twenty-first century, Gilley predicts that, following democratization, China's significance to the United States, and the West in general, is likely to diminish in the short term, just as Russia's strategic significance has faded in the wake of the dissolution of the Soviet Union.

Gilley admits that the particulars of his predictions are likely to be incorrect, and, indeed, looking so far into the future is often a tricky proposition. Nevertheless, *China's Democratic Future* represents an important contribution to the analysis and understanding of democratic transitions and Chinese politics. This well-researched, carefully argued, and vividly written account is certain to inspire lively debate among scholars and diplomats and is a must-read for anyone interested in China's social, political, and economic challenges and its prospects for a democratic future.

BY N. JOSHUA MILLER

The Judicial Application of Human Rights Law: National, Regional, and International Jurisprudence. By Nihal Jayawickrama. Cambridge, England: Cambridge University Press, 2002. Pp. cxxix, 965. \$190.00 (cloth).

The original human rights principles articulated in the 1948 Universal Declaration of Human Rights have since evolved considerably through judicial interpretation. In his voluminous work, Nihal Jayawickrama attempts to corral these interpretations from many sources into one comprehensive volume. Jayawickrama's work draws credibility from the time he spent teaching constitutional and human rights law at the University of Hong Kong and the University of Saskatchewan, as well as his service as Attorney General of Sri Lanka and as the head of the anti-corruption non-governmental organization Transparency International.

Jayawickrama states that he aims for his work to complement Paul Sieghart's massive 1983 book *The International Law of Human Rights*. Along those lines, the text (which took more than ten years to write) is intended to accumulate judicial interpretations of human rights in order to empirically demonstrate their universality. In so doing, Jayawickrama covers superior court case law of over eighty countries, the jurisprudence of the U.N. Human Rights monitoring bodies, the European Court of Human Rights, and decisions from the Inter-American system.

Jayawickrama pursues his goal in three main sections. In the first section, he gives an overview of the historical and juridical background relevant to his survey. He canvasses both the domestic and international protection of human rights, as

well as the International Bill of Human Rights. In the second, he focuses on the general principles of interpretation, non-discrimination, limitations, and derogations. In the third and most lengthy section, he canvasses the judicial consideration of various substantive rights, including the right of self-determination, the right to freedom from torture, the right to a fair trial, the right to freedom of expression, and the right to education.

Without doubt, Jayawickrama's text is ambitious in its scope and contains a plethora of information. There are, however, three main concerns with the author's chosen approach. First, the validity of assembling judicial readings that interpret various provisions from such divergent sources without providing the context and analysis relevant to each is questionable. Jayawickrama appears to bring together these materials from seemingly arbitrarily chosen jurisdictions as if to represent a cohesive collection.

Second, in his discussions of human rights law, which range over one thousand pages, economic and social rights occupy only about five percent of the text, and there are certain glaring omissions from the jurisprudence Jayawickrama analyzes. For example, while the author declares December 31, 2001 as the cut-off date for law incorporated into the book, there is no mention in the section pertaining to housing rights of the Constitutional Court of South Africa's ground-breaking decision in *Grootboom v. Oostenberg Municipality et. al.* from October of 2000. In that case, the Court held that it may consider whether measures taken by the state to realize socioeconomic rights under the South African constitution (including the right to have access to adequate housing) were reasonable. Similarly, the section on social security ignores the Swiss Federal Court decision in *V. v. Einwohnergemeinde X und Regierungsrat des Kantons*, in which the Court ruled that there was an implied constitutional right to "conditions minimales d'existence" (basic minimum levels of subsistence) that can be invoked by both Swiss citizens and foreigners alike. These are but two examples of the troubling omissions from Jayawickrama's text.

Third, one stated purpose of the text is to establish that modern human rights norms are universal in nature. In that regard, Jayawickrama's text reflects the essence of one of the central debates in international human rights discourse.

Namely, should the inherent nature of the rights in question be construed as universal or relative? The author, like the mainstream human rights movement, displays an unwavering reverence for the universality of these norms, thus adopting the view that rights are absolute and that there are certain norms and values applicable to every society and culture that cannot be abrogated. Engaging more actively with the relativist critique would have rendered Jayawickrama's treatment far less superficial.

This text will no doubt be of use to students, government and non-governmental officials, and legal practitioners as a primer on the subject. However, Jayawickrama himself states that he has "not set out to produce a scholarly work on human rights or on international law." In that regard, the lack of analysis and cohesion suggests that this text should not, and will not, be taken seriously as a piece of scholarship. Further, despite the author's claim to the contrary, one is left with doubts about whether the work will be regarded as "a definitive text on the subject," as its author claims.

BY AARON A. DHIR

Justice for Crimes Against Humanity. Edited by Mark Lattimer and Philippe Sands. Oxford, United Kingdom: Hart Publishing, 2003. Pp. xv, 512. £58 (cloth).

Since Nuremburg, international criminal law has undergone a rapid and revolutionary expansion due to the trials of Senator Augusto Pinochet and Slobodan Milosevic, as well as the creation of the International Criminal Court. In *Justice for Crimes Against Humanity*, Mark Lattimer and Phillippe Sands, who conceived of the book during their work on the *Pinochet* case before the House of Lords, attempt to connect and assess these new developments from a variety of perspectives, including those of scholars, practitioners, and a judge.

The book is divided into four key parts: Atrocity, Impunity and Justice; Justice in International and Mixed Law Courts; and Justice in National Courts; and Perspectives from Practitioners. The book begins with an account by Benjamin Ferencz of his experience as a prosecutor at the successor trials at Nuremburg, followed by an essay by Christopher Hill advocating for universal jurisdiction in modern international law. Part One concludes with two essays. The first is by Brigitte

Stern, who evaluates whether former heads of states should be entitled to jurisdictional immunity either nationally or internationally. She makes a compelling argument that, following the House of Lords' *Pinochet* decision, official acts will be difficult to condemn as international crimes. The second is an essay by Timothy McCormack, which explains the history of various states' willingness to prosecute their own nationals.

Part Two opens with an essay by Graham Blewitt describing the establishment and rules of the International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR). It also includes an essay by M. Cherif Bassiouni that describes the events leading to the adoption of the statute of the International Criminal Court in Rome and one by Judge Richard May on the ICTY's and ICTR's rules of evidence and procedure. Diane Orentlicher concludes Part Two with a thoughtful essay focusing on mixed law tribunals and addressing the possibility of national hybrid courts composed of national and international elements as a response to the establishment of the ICC.

Part Three opens with William Acevez and Paul Hoffman's well-reasoned analysis of the U.S. prosecution of crimes against humanity in its national courts. They make the normative recommendation that, whereas civil liability in the United States is robust as a result of the Alien Torts Claims Act, criminal liability must also be imposed to effectively prosecute crimes against humanity. Next, Clare Montgomery and Fiona McKay write two separate essays focusing on U.K. jurisprudence. Montgomery discusses implications of the *Pinochet* decision for U.K. criminal law, whereas McKay compares civil liability for crimes against humanity in the United Kingdom with that of the United States. Finally, Andrew Clapham's essay concludes Part three by focusing on a case brought by the Democratic Republic of Congo against Belgium at the International Court of Justice. He uses this case to illustrate the Court's rule of absolute immunity for foreign ministers before the authorities of other states. Clapham's piece is a refreshing alternative to the style of the other works in the volume, as it offers a narrow focus and pointed recommendations.

Part Four includes eyewitness perspectives from practitioners in the field of international criminal law, including Alex Boraine on the South African Truth and Reconciliation Process; Sadakat Kadri on the prosecution of Hastings Banda

in Malawi; Eric David on the international tribunals' contribution to international criminal law; and Geoffrey Bindman on prosecutions in the United Kingdom.

Finally, Mark Lattimer's concluding essay offers thoughtful observations and identifies unifying themes in the book. He ultimately narrows his analysis to the tension between national sovereignty and the international enforcement of human rights. He concludes with the prediction that the continuing progress of international criminal justice will ultimately force national leaders to be more responsive to the people that they govern.

Contending that the book navigates "uncharted waters," as the editors of *Justice* do, is inaccurate and misconstrues the real contribution of the book, which is that it compiles useful material on international criminal law into one volume. Without similar compilations of essays in the field of international criminal law, the authors have avoided the common academic challenges to other established voices in the field. However, failure to explicitly address and grapple with past arguments may contribute to the book's overall avoidance of rigorous analysis of the present state of the law in favor of a description of the current state of the field and a few basic recommendations.

Further, Lattimer and Sand's decision to incorporate a wide range of perspectives, including those of practitioners, enhances the sense of the book as presenting a descriptive narrative of events rather than a comprehensive examination of core issues at stake in shaping the relatively new body of international criminal law. Perhaps Richard May's remark in his essay with respect to rules of procedure and evidence of the international criminal tribunals that "it is too early . . . to come to any conclusions," can be applied more generally to the entirety of this volume. If so, the recent emergence of the concept of international justice helps explain the general lack of substantive recommendations and well-reasoned analysis in *Justice for Crimes Against Humanity*.

BY JOANNA POZEN

Chile's Political Culture and Parties: An Anthropological Explanation. By Larissa Adler Lomnitz and Ana Melnick. Notre Dame, Indiana: University of Notre Dame Press, 2000. Pp. ix, 161. \$26.00 (cloth); \$14.00 (paper).

In *Chile's Political Culture and Parties*, Larissa Adler Lomnitz and Ana Melnick advance a universal theory of political culture and then apply this theory to Chile's political history. The authors claim that earlier, psychological methodologies fail to adequately describe political culture in non-Western and developing nations and instead propose an anthropological approach. While the use of anthropological concepts to explore political culture is intriguing, Lomnitz and Melnick are not entirely successful in their application of those concepts. Thus, while their book raises important questions, it fails to provide the reader with many answers.

The authors begin by discussing political culture and its historical genesis. They postulate that political culture finds its basis in the structure of social networks that are related to power as well as in the "symbol system" that legitimizes, nourishes, and supports that power. These networks are premised on both horizontal and vertical relationships, the relative importance of which varies according to the particular society. In the case of Chile, horizontal networks dominate, resulting in coordination among members of the same group rather than an intra-group hierarchy. The symbol system, they argue, can be seen in the specific rituals, discourse, architecture, and emblems that political parties adopt. This political identity is perpetuated through lifestyle choices such as preferred entertainment, educational institutions, and occupations. Finally, Lomnitz and Melnick profess that political culture, though prone to gradual change over time, can occasionally undergo large and sometimes violent and drastic change in times of war or revolution.

After examining the notion of political culture, the authors use the Chilean Radical Party and the Christian Democratic Party to illustrate their model of networks and symbolism. For example, with respect to the Chilean Radical Party, the authors argue that it was founded by a group of upper-class friends who shared common beliefs in secularism and anti-clericalism. As this horizontal network of friendship began to crystallize into a political party, it became possible to identify common symbols, such as holding positions as firemen or Ma-

sons, pursuing academic studies in Europe, and forming Radical clubs to informally debate current events.

The final section, which focuses on party subcultures, develops the idea of politics as culture. In addressing the political culture of the Christian Democrats, for example, the authors emphasize the party's foundation in Catholic values. The qualities this party's members should possess—austerity, distaste for materialism, and a commitment to the common good—flow from this foundation. The path to leadership has varied, from simply requiring daily participation in local political activity to requiring that one have openly challenged the government during the Pinochet dictatorship. What has never changed, the authors argue, is the requirement that leaders maintain a high standard in moral character and flawless personal and social affairs. Unlike Radicals, Christian Democrats focus on the family and familial celebrations. In addition, the authors note that party members typically have very austere and heavily regulated lifestyles.

The most striking flaw of the book is that much of its treatment is historical. The majority of the analysis applies the authors' proposed model to the early years of Chile's Radical Party, which serves more as a history lesson than an application of their political culture model. Further, contrary to the assertion that they are studying political culture, the authors pay a disproportionate amount of attention to politics, to the detriment of developing a cultural theory. In addition, it is unclear whether the cultural norms the authors attach to each party existed before the formation of the party or were a consequence of that formation.

In sum, although the book may put forth a new heuristic, the subject of political culture is not itself ground-breaking. However, as a technical matter, the book is well written, well supported, and easy to follow. Despite the above criticisms, this book would probably appeal to those interested in general Chilean political history. It could also provide a good starting point for scholars interested in research on an anthropologically-based approach to political culture.

BY RITA MAGNUSEN

The New Killing Fields: Massacre and the Politics of Intervention. Edited by Nicolaus Mills and Kira Brunner. New York: Basic Books, 2002. Pp. 276. \$16.95 (paper).

“Peacekeeping is an honorable activity, but not if there is no peace. Sometimes, unhappily, it is better to make war.” While Michael Walzer’s words comprise a small portion of *The New Killing Fields*, they succinctly crystallize its argument. The volume, edited by Nicolaus Mills and Kira Brunner, is a compilation of essays by writers who were on the scene during, or shortly after, some of the worst humanitarian crises of the last half of the twentieth century. Through their accounts and collective frustrations, the reader gains great insight into the horrors of humanitarian disaster and the immense difficulties of preventing them.

The book focuses on three of the most egregious examples of genocide since the Holocaust: Yugoslavia, Rwanda, and East Timor. Although these atrocities were widely publicized as they occurred, no government or international organization was able or willing to see them for what they were. Only in Yugoslavia, and only after years of delay, did a strong military response take place. The contributors vividly portray the cost of inaction by detailing the events that led to the deaths of more than one million people, while struggling to identify the basis of global inaction.

The book consists of fourteen chapters divided into five parts. Part One provides background, and sets the tone for the rest of the book. In Chapter One, Nicolaus Mills discusses the importance of “Language of Slaughter,” and argues that how a story is presented will often have as much or a greater effect on how it is perceived than the facts of the story itself. He argues that the more melodramatic the story, the less likely it is to inform or affect a reader rather than merely entertaining him. Instead, Mills advocates the formation of a new reporting style in which journalists “bear witness” to events in order to make them more salient. In Chapter Two, Michael Walzer attempts to establish a framework for determining who should intervene in internal conflicts, when they should intervene, and how they should do so.

Determining when intervention is required necessitates drawing a line between the general nastiness that some governments inflict upon their citizenry and heinous acts of geno-

cide. While many governments appear to approach these two situations as lying on a continuum, gradually increasing diplomatic pressure over time until the only solution left is intervention, Walzer argues against such an approach. Instead, he envisions a chasm between these two extremes, arguing that while a systematic political approach is required when dealing with mere nastiness, as soon as the situation become one fitting the designation of genocide or ethnic cleansing, intervention is immediately necessary. While he acknowledges that determination of that exact point in time may be debatable in some cases, the examples presented in this book represent instances where intervention, although clearly justifiable, either never took place or did so only after political tactics had been exhausted and then only after the chasm had been crossed.

In addressing who should intervene, Walzer takes a pragmatic approach: "who can, should." Although he recognizes that a multinational approach would generally be seen as the most justifiable, he argues that unilateral action, particularly that taken by neighboring countries, is often the swiftest and most effective form of intervention. The bureaucracy of the United Nations and the suspicion that confronts any action by NATO or the United States generally means that actions taken by such agents occur only after considerable delay. Walzer also counters the common argument that intervention should only be taken for altruistic purposes; instead he asserts that it is often, if not always, some form of self-interest that propels one country to intervene on behalf of the citizens of another. Finally, Walzer argues that while an in-and-out policy of intervention is preferable, it is simply not practicable in many cases. Whether it is the rebuilding of infrastructure, the creation of new political structures, or the need to act as a buffer between factions, the intervening country will often be required to remain beyond the cessation of hostilities. Chapter Three discusses the lessons learned from the Cambodian killing fields and how they should have been applied to prevent these later acts of genocide.

Parts Two through Four make up the heart of the book. They contain accounts of events leading up to the various acts of genocide that occurred, stories of specific atrocities, the efforts that are now underway in Yugoslavia, Rwanda, and East Timor to try to deal with the past atrocities, and the current struggle to prevent returning to the familiar cycle of violence.

It is beyond the scope of this review to give proper credit to each of the writers who have graphically and memorably contributed to this powerful account of depths to which humanity can sink and the ease with which others can ignore the plight of those suffering. Suffice to say that these writers have successfully borne witness to the deaths of more than 200,000 Muslims over three and a half years in Yugoslavia, roughly 800,000 Tutsis and moderate Hutus in just one hundred days in Rwanda, and 1,200 East Timorese in just a few weeks.

Common themes unite the various contributions to this section. For example, the United Nations, the institution commonly thought of as a protector and liberator of besieged peoples, is portrayed as an obstacle to effective intervention at best and, at worst, as inadvertently complicit in the atrocities through its inaction. In Kosovo and Bosnia, accounts emerged of peacekeepers standing by helplessly as atrocities were committed because their rules of engagement prohibited the use of force unless they themselves were attacked. In Rwanda, there is an account of a commander of U.N. forces requesting permission for his contingent of 2,500 soldiers to raid weapons stores and disarm local mobs before any violence began. Instead, three months later the troops were pulled out of the country just days after the killings had begun. And in East Timor, where violence was expected after the results of the vote on independence from Indonesia were announced, many credit the U.N.'s announcement of the results two days ahead of time with causing additional deaths: People who planned to take shelter in the local hills before the announcement were caught off guard. The authors offer such criticism to highlight reforms necessary to enable the U.N. to become more proactive and effective.

The final part of the book, Chapters Thirteen and Fourteen, reviews changes that have taken place in the way the world reacts to acts of genocide since the end of World War II and offers suggestions for dealing with such acts in the future. Ultimately, both Michael Ignatieff and Samantha Powers reach the conclusion that the likelihood of significant change on an institutional level is minimal.

In Chapter Thirteen, Michael Ignatieff explains that the lack of intervention in many instances between the end of World War II and the end of the Cold War resulted from two primary factors: First, the U.N. Charter prioritized respect for

state sovereignty (mandatory compliance) over human rights (merely permissive); second, the West was more concerned with keeping Communism out of other countries rather than whether such countries abused human rights. In spite of the changed political landscape today (in which former Soviet Bloc countries have added human rights provisions to their constitutions), the inviolability of state sovereignty still takes priority, according to Ignatieff. Further, any intervention that does take place occurs only after exhaustive efforts to secure the legitimacy of such actions.

In Chapter Fourteen, Samantha Powers reviews the ways that nations have responded to genocides in the past century, including international response to Turkey's solution to its "Armenian problem" in 1915 and the Nuremburg and Tokyo trials after World War II. Powers focuses on the Nuremburg trials and points out that the prosecutions that took place were based more upon crimes against the peace than punishment for any acts of genocide. Specifically, she states that no one was prosecuted for events that took place before the Nazi invasion of Poland, signaling that it was not genocide but cross-border aggression that national leaders sought to punish.

Powers and other authors suggest that politicians are very careful to avoid using words like "genocide" and "ethnic cleansing" when discussing these types of events as they are unfolding, arguably for fear that they might inadvertently trigger the 1948 Convention on the Prevention of Genocide. Passed unanimously by the U.N. General Assembly, the signatories to this treaty have pledged to prevent and punish genocide, yet, since its enactment, the Convention has apparently never been invoked to prevent or stop any such atrocities. The Convention is itself an example of U.N. policy that is strong in appearance but weak in effect.

The chapters by Powers, Ignatieff, and Walzer are the most compelling in the book. Still, even when taken as a whole, the volume provides helpful analysis that meaningfully advances the debate on human rights and intervention.

BY THOMAS R. PRICE

International Law from Below: Development, Social Movements and Third World Resistance. By Balakrishnan Rajagopal. Cambridge, United Kingdom: Cambridge University Press, 2003. Pp. xvi, 343. \$80 (cloth), \$29 (paper).

Globalization may be its own internal contradiction: Successful propagation of globalization may simultaneously serve as an impetus for resistance against globalization itself. In *International Law from Below*, Balakrishnan Rajagopal addresses the role of social movements in international legal transformation by examining the relationships among ordinary people, development, human rights, and the process of creating international law and its institutions. Given the dearth of international legal scholarship exploring these dynamics, Rajagopal's book is relevant to international legal scholars—particularly those from the West—who, if interested in understanding grassroots movements and the emergence of a transnational civil society, must undertake a critical self-examination of the ideological and political assumptions upon which international law is based.

To claim, as Rajagopal does, that he captures the “alternative narrative of resistance and write[s] it into the very text of law” misconstrues his noteworthy achievement. Rather than focusing on law itself, Rajagopal reconceptualizes the process by which international law is created, moving from a decontextualized process (from above) to one approaching a social history (from below). The mainstream approaches to international law, Rajagopal asserts, are misguided by a Western, elite bias and fail to adequately account for development discourse and the agency of ordinary people acting through social movements in both the process of creating and the substantive outcomes of international norms and institutions. In focusing on “subaltern voices,” Rajagopal’s “purpose is to contest particular ways of explaining international legal change” and, in doing so, to move beyond traditional paradigms embodied by the realist-statist and individual-liberal theories.

Rajagopal divides his analysis into three parts. In the first, he briefly frames his argument by introducing resistance as an analytical category in international law (based upon the foundational ideas of Michel Foucault, Frantz Fanon, Antonio Gramsci, and Partha Chatterjee) and by exploring the troubled relationship between international law and development.

Part Two focuses on the relationship between resistance, development, and international institutions. Rajagopal views the relationship between international institutions and the Third World as “Siamese Twins.” He argues that conceptual separation is difficult given the extent to which development, human rights, and environmental issues interact in the Third World. The analysis is organized historically to support Rajagopal’s argument that various justifications for development merely serve as incidental points of entry for the management and control of “the natives.”

Initially, he argues, the Mandate system of the League of Nations provided the “institutional link between colonialism and development” by solidly vesting power in the hands of technocrats. The form that the Mandate system took was based on the collection of information, rather than any consideration of conditions on the ground. As such, the Mandate system converted “humanitarianism from a principle of domination . . . to one of governance,” according to Rajagopal. Today, he argues, the ideology driving First World intervention in the Third World is democratization, which is simply the latest “point of entry” for Western manipulation of power. These historical examples bolster Rajagopal’s argument that international law has become a science of administration rather than a system of rules and that it is unable to account for the non-institutional spaces that Third World individuals and social movements occupy, such as the family, the informal economy, and non-party political activity.

Part Three critiques the idea that human rights are the only legitimate discourse of Third World resistance. In the longest and most interesting chapter of the book, Rajagopal claims that although human rights may be the only recognized discourse of resistance, the regime is unable to respond adequately to the need to engage social movements. There are four primary reasons that human rights render such movements invisible. First, human rights are based upon colonial power structures, so that their realization ultimately runs the risk of reproducing the very paradigm human rights are opposed to in the first place. Manifestations of this phenomenon include the Doctrine of Emergency in Article 4 of the International Covenant on Civil and Political Rights, which provides a formal mechanism to manage and control resistance, as well as the narrow definition of torture in international law, which ig-

nores structural violence. Second, Rajagopal attacks the centrality of the state in human rights discourse: Although the human rights field treats the state with deep suspicion, it is ultimately dependent on the state for its realization. The proliferation of state functionaries and bureaucracy, Rajagopal argues, extends to the human rights arena, enabling state institutions to create and define such rights. Third, human rights discourse lacks a coherent theoretical approach to violence and thus only opposes violence when it is embodied in civil and political violations, thereby obscuring the kinds of economic violence that social movements struggle against. Finally, social movements involve cultural politics, and human rights discourse has been unable to adequately respond to relativist critiques raised by such cultural dialogue.

Concluding that human rights discourse is thus incapable of serving as the only language of Third World resistance, Rajagopal's next stage of analysis addresses other ways of linking social movements and international law based on the rights to identity, territory, and autonomy. Locating sources of alternative discourses, however, calls for an exercise in defining social movements. Rajagopal explores how social movements critique development by defining politics in cultural terms, by opposing bureaucratization and institutionalization as a means of social control, and by challenging liberal and statist conceptions of rights, including, prominently, property rights. Rajagopal concludes Part Three with a brief case study of the Women's Working Forum, a social movement of lower caste women in India.

In order to chronicle the relationship between international law and the Third World, Rajagopal challenges traditional categories in international law such as human rights, development, democracy, civil society, and resistance. The attempt is noble and necessary: Too few international legal scholars are working to address the relativist critique of universal rights or attempting to bridge the gap between individual rights and structural violence. However, Rajagopal, in undertaking such an ambitious critique, may have taken too big a bite of the apple. In masterfully deconstructing our traditional international legal categories, Rajagopal fails to reconstruct them to provide meaningful guidance as to *how*, in the real world, his ideas might inject a less Western, elitist bias,

and open space in international law for the Third World resistance he so ardently champions.

BY ZOE GOTTLIEB

Restructuring Sovereign Debt: The Case for Ad Hoc Machinery. By Lex Rieffel. Washington, D.C.: Brookings Institution Press, 2003. Pp. xv, 338. \$ 39.95 (cloth).

To respond to future sovereign debt crises of the kind that occurred in Mexico, Asia, and Russia in the 1990s, many commentators propose the establishment of a permanent sovereign debt restructuring mechanism. Using a historical approach, Lex Rieffel rebuts this proposal and argues instead that minor improvements to the existing *ad hoc* system will more adequately address debt crises in the modern economy. The author's long experience at the U.S. Agency for International Development, the U.S. Treasury Department, and the Institute of International Finance enriches and lends credibility to his account.

The first four chapters of *Restructuring Sovereign Debt* frame the subject matter and provide valuable background information on relevant terms and actors, making the work an excellent resource for students and researchers unfamiliar with sovereign debt issues. For such readers, Rieffel's introduction of concepts and vocabulary is both crucial to an appreciation of his later discussions and useful as basic knowledge necessary for an understanding of current events and policy debates. More experienced readers, however, may easily bypass these chapters, and thereby avoid a sometimes tedious discussion of topics ranging from net present value and moral hazard to different forms of debt and the role of the International Monetary Fund (IMF) as a lending institution.

Beginning in Chapter Five, Rieffel delves into the multiplicity of procedures used over the past half century to resolve debt crises in their various forms, including the Paris Club process, the Bank Advisory Committee (or London Club) process, and the Brady Plan. In describing the gradual evolution of the Paris Club, which developed in the 1950s to restructure debt owed to government agencies in industrialized countries, and the London Club, created in the 1970s to restructure debt owed to commercial banks, Rieffel applauds the past successes of *ad hoc* restructuring mechanisms due to their flexibility and

pragmatism. He does so without minimizing the inadequacies necessitating reform and the uncertainty and inefficiency inherent in an ad hoc approach.

In Chapter Ten, Rieffel turns to the modern era of sovereign debt crisis, identifying the emergence of bond financing as the most important change to which the system must now adapt. The Paris Club, London Club, and Brady Plan processes are all inapplicable to this new economic challenge. Since 1994 there have been four major financial crises—in Mexico, Asia, Russia, and Argentina—and roughly half a dozen other sovereign bond workouts. As Rieffel describes these experiences, he convincingly shows how each country and each region face individualized obstacles to recovery due to the unique circumstances that caused the particular crisis.

Chapter Eleven is the heart of Rieffel's analysis; it critiques the proposals at the center of the current debate on proper responses to bond-related financial crises, including the proposed creation of a Sovereign Debt Restructuring Mechanism (SDRM) by the IMF. That proposal, which is intended to create incentives for countries with unsustainable bond debts to resolve them promptly and orderly and eliminate the need for bail-outs by the international community, faces a difficult road to implementation and may have too many inherent flaws to be practicable, according to Rieffel.

The final chapter of the book provides Rieffel's analysis of the appropriate policy going forward. He suggests that obstacles to effective bond workouts are not irreconcilably different from those encountered by the first bank workouts in the 1970s. Instead of creating a permanent and inflexible machinery, Rieffel suggests that a new restructuring process can successfully evolve using a combination of contractual solutions and an expansion of the range of methods available during such workouts. These may include bilateral financing, rescheduling loans from multilateral development banks, collaborating between public and private sectors, and otherwise preventing crises. Using the historical evolution of the *ad hoc* machinery of the Paris and London Clubs as evidence, Rieffel illustrates that inadequacies in the systems of debt restructuring do not compel permanent institutions and that superior solutions can develop organically through the practices of the interested actors.

Restructuring Sovereign Debt conscientiously presents the interests of all major actors in these processes and emphasizes the balancing act required in resolving economic crises effectively and fairly. The text's primary value is its thorough and concise narrative of sovereign debt issues in the post-World War II period. This detailed empirical account goes well beyond mere textbook recitation and provides a compelling basis for rejecting the establishment of a permanent debt restructuring mechanism. Ultimately, Rieffel more than compensates for the absence of academic innovation with a reasoned and pragmatic argument that has potentially significant practical and policy implications.

BY CASSANDRA MARSHALL

A New World Order. By Anne-Marie Slaughter. Princeton, New Jersey: Princeton University Press, 2004. Pp. xviii, 341. \$29.95 (cloth).

That the world currently faces a globalization paradox is easy to see by the contrasting images and mindsets of, for example, Basel Committee central bankers and anti-trade demonstrators at the World Trade Organization's Cancun meeting. On the one hand, "peoples and their governments around the world need global institutions to solve collective problems that can only be addressed on a global scale." On the other, the establishment of a kind of world government as a response to this need appears undesirable and pragmatically impossible. Anne-Marie Slaughter highlights and recommends transnational governmental networks as a middle road to workable global governance in this book, which updates and expands her article "The Real New World Order," written for the seventy-fifth-anniversary issue of *Foreign Affairs*. Slaughter contends that the relatively recent growth of issue-based advocacy networks, hailed by Kofi Annan as one way to expand the voices in global decision-making, risks unhinging international rules from any local moorings to which they are currently tied. In short, the globalized world faces a tri-lemma: It demands not only globalized rules and decentralized power, but also some degree of national accountability. Although governmental networks are not a panacea, they may be, in the words of Winston Churchill, the "least worst" alternative. In order to move forward with this conceptual and political

framework, Slaughter argues, we must refashion our understanding of what comprises a functioning modern state, as well as our substantive conceptions of sovereignty.

One of Slaughter's central goals is to systematically identify already existing governmental networks and examine them through a new theoretical lens. In particular, she argues that the traditional conception of a unitary state is of little use either for studying the modern world or for remedying its pathologies. The decision-making and enforcement functions of states have become more complex, requiring them to expand their policy considerations beyond their territorial boundaries. In response, states have begun to disaggregate into their component institutions to address the problems raised in certain issue areas. While Slaughter is quick to underscore that the state remains the central international actor, she emphasizes that the intersecting trends of state disaggregation and functional expansion have significantly increased the scale, scope, and type of transgovernmental networks. This expansion has created horizontal networks of state regulatory, judicial, and legislative institutions as well as less developed vertical networks between national units and their supranational counterparts in regional or international organizations. Rather than conceiving of these networks as eroding state sovereignty in the conventional sense of immunity from external interference, Slaughter adopts the conception of sovereignty as the capacity to participate in governance, a position championed by Abram and Antonia Chayes. In this sense, she argues, while governmental networks may lead to a disaggregation of traditional sovereignty, they can ultimately increase a state's overall sovereign capacity.

Chapters One through Three present the book's central empirical material, discussing network developments between regulatory, judicial, and legislative bodies and distinguishing between three types of governmental networks. Information networks allow governmental participants to exchange and update information on an issue area, and then formulate, disseminate, and, in some cases, aid in the implementation of codes of best practice. Enforcement networks allow members to optimally enforce national laws and international norms by more efficiently penalizing violators of criminal, environmental, business, and other regulations. Harmonization networks, perhaps the most contentious category, allow regulators to formu-

late and synchronize the details of broadly drafted national laws.

The first chapter goes into great detail on the development of transgovernmental regulatory networks, which can develop under the auspices of existing international organizations through executive agreements and from the interaction of agencies through mechanisms such as Memorandums of Understanding (MOUs). Slaughter highlights the work of Kalypto Nicolaidis to show that these regulatory networks can strengthen an agency's hand in disagreements with other states or international bureaucracies. She calls these networked state regulators "the new diplomats," thus recognizing the weakening executive branch monopoly in the formulation and implementation of transnational rules.

Chapters Two and Three address the lesser known forms of judicial and legislative networks. Slaughter argues in Chapter Two that interactions between national courts—where judges use each others' opinions as persuasive precedent or negotiate on cases of transnational litigation—constitute horizontal informational, enforcement, and harmonization networks. She points out that vertical judicial interaction may construct even broader legal norms, as with global human rights law and the establishment of a European legal community. In Chapter Three, Slaughter acknowledges that legislators have traditionally expressed their foreign policy concerns through control of the executive but highlights the ways in which government networks have given legislators a greater voice on the world stage. The legislative voice appears strongest at the regional level, where horizontal networks have acted as "catalysts and correctives for regional integration."

Chapters Four and Five synthesize the material findings of the earlier chapters into a more developed theoretical account of the disaggregated world order and how it could be more effective as a form of global governance. Chapter Four highlights how transgovernmental networks can be called into action in order to create horizontal networks of networks to deal with particular challenges. States may also delegate some of their power to supranational organizations, thereby establishing vertical networks that enable such organizations to harness the power of their national counterparts while simultaneously subjecting them to member states' supervision. Slaughter argues that international organizations and government net-

works are not in competition. Rather, they are interconnected, with international organizations sometimes playing host to, and sometimes arising from, the governmental networks themselves. Chapter Five argues that these networks can lead to more effective global governance by promoting the convergence of national law and by highlighting situations of informed divergence, where national or regional actors justify and clarify their adoption of any rule that counters the global trend. Compliance with transnational rules may be developed through capacity-building networks, vertical enforcement, and such soft power mechanisms as debate and socialization. Slaughter argues that a more complete embrace of government networks as the framework for a new world order could strengthen these networks and effectively allow them to become self-regulating.

The last of the substantive chapters develops Slaughter's responses to the central criticisms of government networks, which include: charges of global technocracy, the distortion of national political process and judicial decision-making, unrepresentative input into international rule-making, and concerns about reifying uneven distributions of power among states in the international realm. A reconceptualization of the state to include functional disaggregation and networking is central to the policy recommendations Slaughter presents in response to these criticisms. Only if national publics recognize that government officials perform both domestic and international functions will they know to review both of these roles. To enhance accountability and control requires transparency in networking, shedding light on government networks (as distinct from general advocacy networks), and increasing the role played by legislative networks. Slaughter argues that these procedural elements must operate in the larger context of more general norms, which include global deliberative equality, a preference for locating governance power at the most local functional level, and a respect for legitimate differences between network participants.

While Slaughter's policy recommendations acknowledge the risks posed by these networks, her overall perspective remains rather optimistic. The greatest virtue of governmental networks, she argues, is that "they can perform many of the functions of world government—legislation, administration, and adjudication—without the form." But it is precisely this

loss of form that has troubled many critics of transnational networks. While form is not valuable in and of itself, it is helpful as a self-evident indicator of underlying function. There is little indication in her book that the procedural and normative safeguards she recommends will develop naturally along with the governmental networks she recommends. Given that these networks have, thus far, lacked the kind of governmental aspects that might alert unmindful national publics of their supranational government functions, it is unclear how Slaughter envisions that these safeguards will emerge.

A New World Order constructs an excellent framework for debating these critical issues, and Slaughter provides valuable direction to both supporters and critics of transgovernmental networks in establishing this innovative paradigm. The book is highly readable, with language that is accessible to serious theorists and political practitioners alike, and the argument is easy to follow. A reader's approach to the debate on global governance, regardless of its final bearing, will no doubt be shaped in part by Slaughter's engaging scholarship.

BY ODETTE LIENAU

Israelis and Palestinians: Why Do They Fight? Can They Stop? By Bernard Wasserstein. New Haven: Yale University Press, 2003. Pp. x, 226. \$25.00 (cloth).

In *Israelis and Palestinians: Why Do They Fight?*, Bernard Wasserstein addresses the most fundamental questions arising from the Palestinian-Israeli conflict, including a number of issues that often get overlooked. Through historical analysis, Wasserstein analyzes how demography, labor issues, environmental factors, and territorial claims in the region have evolved since the early twentieth century. His approach is refreshing; unlike other authors, he does not directly assess emotionally-charged versions of the conflict's history or the subjective interpretations of leadership. Instead, Wasserstein focuses on detached, objective criteria that, he argues, reveal what really separates the parties and suggest what might be done to bridge that divide.

Wasserstein begins by describing the demographic characteristics of the Israelis and the Palestinians. He argues that, in this conflict, demographics have often dictated policy. In a clear and unusually accessible fashion, often relying on charts

and maps, Wasserstein shows how demographic data has historically influenced the proposals that reach the negotiating table and demonstrates that, as demography has changed, peace proposals have as well. Thus, Wasserstein shows how the 1931 census in Mandate Palestine was pivotal in animating the conflicting policies of Jewish and Palestinian nationals; the former pressed for more Jewish immigration, while the latter responded with sometimes violent opposition. Moreover, the 1931 census, combined with population projections, proved to be the decisive factors in determining Jewish immigration.

This study and its results are important, Wasserstein argues, because it is rational, objective considerations that determined how the land was divided in the 1947 U.N. partition plan and that will determine how the land will be divided in the future. With a rapidly growing Palestinian population in the West Bank and the Gaza Strip and with limited Jewish immigration to Israel, some demographers predict that, by 2020, Israelis will be a minority in the area between the Mediterranean and Jordan River. Such a prospect, Wasserstein notes, is untenable to the Jewish State and explains why Ariel Sharon—Israel's most noted proponent of "Greater Israel," an Israel that includes Gaza and the West Bank—is building a separation fence.

But the question remains whether partition (or, in present parlance, separation) makes sense. Put more directly: Are Israelis and Palestinians capable of living without each other? Once again, Wasserstein takes on the role of a historian by providing a succinct socioeconomic history of Palestinians and Israelis in the twentieth century, which reveals that the end of the century brought industrialization and urbanization to Israel but largely left Palestinians behind.

Wasserstein's theory on the interdependence of the Israelis and Palestinians is supported by arguments on labor and environmental resources. For example, Israeli reliance on Palestinian labor is crucial to the conflict. Before and during the Oslo Peace Process, Palestinians laborers traveled from their homes in the West Bank and Gaza Strip to work in the Israeli construction and agricultural industries. A mutual dependence resulted from the Israelis' demand for cheap Palestinian labor and the Palestinians' need for Israeli wages. However, following the outbreak of the Second Intifada in 2000, this cyclical economic relationship gave way to a cycle of vio-

lence. In place of Palestinian labor, which Israel deemed too grave a security threat, Israel began importing labor, most notably from the Philippines and the Commonwealth of Independent States.

While Wasserstein identifies kernels of cooperation, the question remains whether Israeli and Palestinian experiences with labor and resources represent a pathway towards peace. While Wasserstein effectively uncovers those elements of the peace process that are moved by rational thinking—whether driven by mutual self-interest (resources) or the interest of self-preservation (demographics)—he fails to answer whether other points of tension in the conflict can be mitigated by such rational considerations. Wasserstein seems to imply that it is precisely those factors that are bound by purely rational considerations that are most fundamental to the conflict and will eventually stop the violence.

Yet, it is striking that Wasserstein attempts to answer the question of why Palestinians and Israelis fight without studying the central role that terrorism and violence play in the conflict. The complex phenomenon of terrorism is never directly assessed. If Wasserstein believes that terrorism and violence are indeed details and not fundamental factors in reaching a solution, he should at least explain why that might be. Nevertheless, Wasserstein does a good job of illuminating which factors are central to determining a peace plan, why peace makes sense for both parties, and how any solution will require a soft separation rather than an iron wall. Wasserstein convincingly shows that the Israeli-Palestinian conflict is not, at its most fundamental, rational level, inherently different from any other conflict and that a little rational thinking will go a long way.

BY ROGER ZAKHEIM

