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policy to remain in government hands, and would prohibit privatising the conduct of hostilities. Nevertheless, as they and other contributors acknowledge, the question of what functions should remain public is ultimately political rather than conceptual.

So far, politicians have been unwilling to set clear limits to privatisation. US legislation prohibits outsourcing of "inherently governmental" functions, but this remains undefined. The UK's Deregulation and Contracting-Out Act 1994 does identify specific functions that cannot be contracted-out under its provisions, but the list is very narrowly drawn and, interestingly, does not expressly include military functions. It is, of course, still possible that privatisation might be deemed unacceptable in particular cases. Nevertheless, on the evidence presented in this book, it seems unlikely that outsourcing military and security functions will cease any time soon. The political reality appears to be that domestic audiences do not care enough to press for change, even in the face of revealed abuses, while international organisations are too weak to do so, and anyway, subject to the same pressures as states to engage in more and more operations with insufficient personnel. In fact, the strongest moves to distinguish legitimate from illegitimate activities have come from within the industry itself, but there must be serious doubts about the adequacy of self-regulation in this regard. In conclusion, this book casts valuable light on a neglected aspect of privatisation. However, it might have been more successful in advancing understanding of its general themes if the contributors had made more reference to the highly sophisticated, but largely non-US, theoretical literature on privatisation, regulation and accountability that already exists.

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Jan Klabbers, Anne Peters and Geir Ulfstein, THE CONSTITUTIONALIZATION OF INTERNATIONAL LAW

Oxford: Oxford University Press (*www.oup.com*), 2009. xx + 393 pp. ISBN 9780199543427 (hb). £63. ISBN 9780199693542 (pb). £24.99.

There has been no shortage of publications on the constitution of the international community, or on the constitutionalization of international law or of specific "sectors" of international law (e.g. trade law) for that matter. Any number of international documents, sets of documents, or sets of rules has been claimed as constituting the international (legal) community, from the United Nations Charter to *jus cogens* norms to the judicialisation of international trade law to human rights obligations. And, to make matters worse (or at least more confusing) various understandings and conceptions of the terms "constitution" and "constitutionalization", not to mention "international community", have been offered. As a result, it becomes hard to disagree with a contention that x or y is the "constitution of the international community", when "constitution" is understood in this way and "international community" in that. All this on top of more or less cognate projects to demonstrate the emergence of a global administrative – rather than constitutional – law.

In the midst of this burgeoning discussion on the potential existence of an international constitutional order, the book by Klabbers, Peters, and Ulfstein seeks to sketch what shape the constitutionalization of international law might possibly take (rather than showing definitively what the constitution of the international community is). In this, the tone of the book is decidedly normative, setting out what *should happen* for international law to become constitutionalized. Constitutionalization represents, in the authors' view, an appropriate (if not

the most appropriate) response to what *is actually happening* on the ground: globalisation, fragmentation of international law, verticalisation of its organisation, and privatisation of previously public (state) functions, all this in a clearly pluralist legal environment. The authors have resolved to offer the constitutionalist response to these developments, and they have elected a unique way for doing so: not through an edited collection, nor through a typical co-authored book, but rather through a book that was "conceived and written as a joint undertaking" (vi), yet a book where each chapter bears the name (and the distinctive style) of its author.

The outcome reads surprisingly well – the book is coherent, despite the aforementioned distinctive styles and despite the wide variance in the length of the various chapters (Anne Peters, for example, has written more than half the book in terms of pages, even though she is responsible for only two substantive chapters and the conclusions), and the argument is tight and provocative. The book is structured in six substantive chapters and a concluding chapter. The first chapter (Klabbers) "sets the scene" in a particularly helpful manner, explaining what the authors actually mean by "constitutionalization" and what current problems the concept is supposed to help international law respond to, all the while defining and linking together every term used. Chapter 2 (Ulfstein) deals with the international institutional aspect, complemented by chapter 4 (Ulfstein) which focuses on the international judiciary, while chapters 3 (Klabbers) and 5 (Peters) could be summarised as dealing with a constitutionalist view of the sources and the subjects of international law. Chapter 6 (Peters) picks democracy as the one substantive aspect of the global constitutionalist endeavour that merits special examination, justifying the choice on the basis that democracy is most conspicuously absent in international law, as compared to, for example, the rule of law.

Chapter 7 (Peters) concludes the book, taking up challenges to the international constitutionalist project and responding to them, underlining the central thesis of the book that the "constitutionalization" of international law is a method of inquiry, a way to highlight deficiencies in the international legal system, and a normative agenda for international law's future development. In so doing, it provides a fitting ending to this coherent book whose well structured argument keeps the reader engaged throughout the almost 400 hundred pages, and which helps put the whole constitutionalist debate in international law in clear perspective.

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THE MANUAL ON INTERNATIONAL COURTS AND TRIBUNALS. Ed by Ruth Mackenzie, Cesare Romano and Yuval Shany, with Philippe Sands

Oxford: Oxford University Press (*www.oup.com*), 2010. xxvi + 547 pp. ISBN 9780199545278. £95.

The introduction to this book describes four different phases in the development of international dispute settlement. Early in the history of this subject, most international disputes were settled between states themselves or submitted to *ad hoc* bodies created for the sole purpose of settling a particular dispute. The second phase started with the establishment of the Permanent Court of Arbitration in 1899. At this time, states recognized the need for a standing body which was available to settle international disputes peacefully. The end of the second world war marked the beginning of the third phase when the number of international courts and tribunals gradually expanded. They included general courts, such as the International