

For reasons that must have to do with the fact that Rowe works in England, I found myself thinking, as I prepared this review, of Wren's memorial in St. Paul's Cathedral: "*Lector, si monumentum requiris, circumspice.*"²⁷ Rowe, happily, is alive and well, and this book is anything but his memorial. Rather, it is, in a sense, a monument of our challenging era. If you wish to see why the book is important, all you need to do is look around you.

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The Impact of International Law on International Cooperation: Theoretical Perspectives. Edited by Eyal Benvenisti and Moshe Hirsch. Cambridge, New York: Cambridge University Press, 2004. Pp. xiii, 316. Index. \$95, £60.

In this edited collection, the product of a conference held at Hebrew University of Jerusalem Faculty of Law in 2001, Eyal Benvenisti and Moshe Hirsch bring together leading international legal scholars and international relations theorists to advance an interdisciplinary agenda for analyzing interstate cooperation. The editors' broad objective is to develop "a more refined understanding of the forces that pull states toward closer cooperation . . . and [of] the impact of different types of international norms and diverse institutions on the motivations of states" (p. 1). A second, narrower goal is to compare legalized interstate cooperation in two high-profile issue areas: international trade and protection of the global environment.

The book adds to a burgeoning second generation of interdisciplinary scholarship that uses social scientific approaches to analyze the design and efficacy of international rules and institutions. The first generation, exemplified by a 1989 article by Kenneth Abbott¹ and a 1993 article by Anne-Marie Slaughter,² promoted a dual agenda. It

²⁷ "Reader, if you seek his monument, look around you."

¹ Kenneth W. Abbott, *Modern International Relations Theory: A Prospectus for International Lawyers*, 14 YALE J. INT'L L. 335 (1989).

² Anne-Marie Slaughter Burley, *International Law and International Relations Theory: A Dual Agenda*, 87 AJIL 205 (1993).

introduced legal scholars to social science theories and methodologies, and demonstrated to political scientists the importance of law in understanding how nations behave.

The next wave of scholarship, dating from around 2000, advances this joint enterprise in several new directions. It extends theoretical paradigms, identifies hypotheses, tests them with empirical evidence, and analyzes the structures, incentives, and pathologies of specific facets of the international legal system. Recent books and articles in this vein examine intergovernmental organizations,³ international courts and tribunals,⁴ compliance,⁵ and a wealth of treaty-design features, including exit and escape clauses,⁶ membership rules,⁷ reservations,⁸ renegotiation and

³ E.g., JOSÉ E. ALVAREZ, *INTERNATIONAL ORGANIZATIONS AS LAW-MAKERS* (2005); MICHAEL BARNETT & MARTHA FINNEMORE, *RULES FOR THE WORLD: INTERNATIONAL ORGANIZATIONS IN GLOBAL POLITICS* (2004); Laurence R. Helfer, *Understanding Change in International Organizations: Globalization and Innovation in the ILO*, 59 VAND. L. REV. 649 (2006); Barbara Koremenos, Charles Lipson, and Duncan Snidal, *The Rational Design of International Institutions*, 55 INT'L ORG. 761 (2001).

⁴ E.g., Andrew T. Guzman, *The Cost of Credibility: Explaining Resistance to Interstate Dispute Resolution Mechanisms*, 31 J. LEGAL STUD. 303 (2002); Laurence R. Helfer & Anne-Marie Slaughter, *Why States Create International Tribunals: A Response to Professors Posner and Yoo*, 93 CAL. L. REV. 899 (2005); Eric A. Posner & John C. Yoo, *Judicial Independence in International Tribunals*, 93 CAL. L. REV. 1 (2005); ROBERT E. SCOTT & PAUL B. STEPHAN, *CONTRACT THEORY AND THE ENFORCEMENT OF INTERNATIONAL LAW* (2006).

⁵ E.g., Beth A. Simmons, *Capacity, Commitment, and Compliance: International Institutions and Territorial Disputes*, 46 J. CONFLICT RES. 829 (2002). Compare Oona A. Hathaway, *Do Human Rights Treaties Make a Difference?* 111 YALE L.J. 1935 (2002) and Ryan Goodman & Derek Jinks, *Measuring the Effects of Human Rights Treaties*, 14 EUR. J. INT'L L. 171 (2003).

⁶ Laurence R. Helfer, *Exiting Treaties*, 91 VA. L. REV. 1579 (2005); Peter Rosendorff & Helen V. Milner, *The Optimal Design of International Trade Institutions: Uncertainty and Escape*, 55 INT'L ORG. 829 (2001); Edward T. Swaine, *Unsigning*, 55 STAN. L. REV. 2061 (2003).

⁷ E.g., SCOTT BARRETT, *ENVIRONMENT AND STATECRAFT: THE STRATEGY OF ENVIRONMENTAL TREATY-MAKING* (2003); Ryan Goodman & Derek Jinks, *How to Influence States: Socialization and International Human Rights Law*, 54 DUKE L.J. 621 (2004).

amendment procedures,⁹ and the relationship among treaty form, substance, and nonbinding norms.¹⁰ Viewed collectively, these studies provide a more precise account of how states shape legal rules and institutions to achieve mutually beneficial joint gains.

This edited collection fits comfortably within this new generation of interdisciplinary work. The ten chapters, which Benvenisti and Hirsch ably summarize in the introduction, can be divided into three categories. The first category includes purely theoretical pieces, such as Anne-Marie Slaughter's thoughtful prospectus on the future of interdisciplinary scholarship (which also deftly summarizes the theoretical contributions of the other chapters); Kenneth Abbott and Duncan Snidal's excellent analysis of three pathways to international cooperation (a chapter that extends the "legalization" framework that the two authors developed in an influential special issue of *International Organization*);¹¹ George Downs and Michael Jones's nuanced discussion of how states' concern for reputation promotes compliance with international commitments differently for industrialized nations than for developing countries (an iteration of the authors' earlier article on the differential effects of reputation);¹² and Hirsch's use of rational choice and sociological theories to study the impact of globalization on compliance with international law (he predicts that increased interactions among states, improved retaliation opportunities, and an abundance of credible information will increase compliance levels

overall, but much less so for poorer states than for wealthier ones).

A second set of contributions focuses on specific institutions or legal rules. These chapters include Benvenisti's claim that International Court of Justice judges create efficient customary law rules that are readily accepted by states when their political negotiations deadlock; Robert Howse's prediction of how the World Trade Organization Appellate Body will assess rules that link trade preferences for developing countries to compliance with labor and environmental standards; Helen Milner, Peter Rosendorff, and Edward Mansfield's use of domestic politics to explain the prevalence of escape clauses in trade agreements; and Petros Mavroidis's overview of the relationship between the WTO and human rights.

A third group of chapters analyzes compliance with international rules. In this category are Edith Brown Weiss's assessment of the different compliance strategies that prevail in trade, environment, human rights, and arms control agreements, and Arie Kacowicz's historical review of Latin American states' mixed record of compliance with international arbitral rulings in territorial disputes.

If the book contains a flaw, it is that, with the exception of Slaughter's contribution, each chapter reads as a freestanding work unrelated to the others. The editors have unfortunately made little effort to connect ideas and approaches that cut across multiple chapters or to draw more general insights or conclusions.

As a result, the most important collective contribution of the chapters is an implicit one—the writers' focus on international law and politics as dynamic processes. This approach is consistent with that of other second-generation scholars, whose work moves beyond arid theoretical debates about whether international law matters to analyze how specific rules and institutions harness the incentives of state and nonstate actors to enhance cooperation and increase compliance with international law. At this more fine-grained level of analysis, issues such as problem structure, externalities, variable reputation, and changes in state interests or the geostrategic environment in which they operate are all important subjects of study. Scholars of international affairs interested in these

⁸ E.g., Edward T. Swaine, *Reserving*, 31 YALE J. INT'L L. 307 (2006); see also Laurence R. Helfer, *Not Fully Committed? Reservations, Risk, and Treaty Design*, 31 YALE J. INT'L L. 367 (2006).

⁹ E.g., Barbara Koremenos, *Contracting Around International Uncertainty*, 99 AM. POL. SCI. REV. 549 (2005).

¹⁰ E.g., Kal Raustiala, *Form and Substance in International Agreements*, 99 AJIL 581 (2005); Andrew T. Guzman, *The Design of International Agreements*, 16 EUR. J. INT'L L. 579 (2005).

¹¹ Kenneth W. Abbott, Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, & Duncan Snidal, *The Concept of Legalization*, 54 INT'L ORG. 401 (2000).

¹² George W. Downs & Michael A. Jones, *Reputation, Compliance, and International Law*, 31 J. LEGAL STUD. 95 (2002).

and related subjects would do well to review the individual contributions in this edited volume.

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The Humanitarians: The International Committee of the Red Cross. By David Forsythe. Cambridge, New York: Cambridge University Press, 2005. Pp. xv, 356. Index. \$75, £47, cloth; \$31.99, £17.99, paper.

During the Rwandan genocide, the International Committee of the Red Cross rotated its personnel several times so that its delegates would not develop a bias against the genocidal Hutus. This single observation by political scientist and University of Nebraska professor David Forsythe encapsulates the myriad contradictions that drive the humanitarian organization's mission to protect and assist victims of armed conflict and to promote respect for humanitarian law, including holding accountable those who violate it. Indeed, Forsythe provides convincing evidence that the gauntlet of influences that the ICRC has run during its 140-year existence has transformed it from a "totally unprofessional organization" to one that is "highly professional" (p. 9) and has taught it to be more independent and more neutral—and thus more effective.

The Humanitarians is Forsythe's second book on the ICRC. The first one, *Humanitarian Politics: The International Committee of the Red Cross* (Johns Hopkins University Press, 1977) broke new ground with its focus on ICRC field operations and policymaking processes. This new work, in Forsythe's typically conversational tone, essentially seeks to answer the question "What has changed in thirty years?"

Forsythe's introduction lists some telling contradictions about the ICRC. It is a unique agency that is not intergovernmental because no states are members, but is distinguishable from nongovernmental organizations (NGOs) because it enjoys international legal status under the Geneva Conventions. With about two thousand professional staff and another ten thousand local employees worldwide, the ICRC visits more detainees of various designations than any other organization and

coordinates the largest relief programs in the world for conflict situations. Nevertheless, according to Forsythe, it remains poorly known due to its "mindless" and "dysfunctional tendency toward" secrecy (p. xi) and its "poor communications policy" (p. 1).

The ICRC considers itself the guardian of international humanitarian law (IHL), but few people understand what that means, at least in practice. The organization touts humanitarian law as the foundation of its humanitarian mandate and as the rules of the road for parties to armed conflict, but easily ditches the rule book when to do so helps advance its humanitarian initiatives. It displays liberal (humanitarian) goals but pursues them through conservative means (cautious, minimalist objectives that are profoundly influenced by the consent of public authorities and armed groups). Even so, it has, over time, expanded its activities enormously despite its limited mandate. It is the product of, and maintains strong ties to, Judeo-Christian culture but presents itself as a secular Good Samaritan.

Despite its unique status and ever expanding tentacles, the ICRC is just one of a growing number of organizations with overlapping mandates and activities, including NGOs (such as Human Rights Watch, Amnesty International, and Human Rights First) and both public and private relief agencies (such as the UN High Commissioner for Refugees, UNICEF, World Food Programme, Oxfam, and World Vision). In the face of such competition, is the ICRC's vision of neutral humanitarianism a form of "moral bankruptcy" (p. 6), or has the ICRC carved out an important and enduring role that complements that of other players? Does the ICRC ameliorate the worst consequences of war, or does it naively contribute to them by making compromises in return for access—passively permitting it to be manipulated and "instrumentalized" by parties to armed conflict?

The first part of Forsythe's three-part examination covers the ICRC's history from its origins at a time when war was still fought by armies on foot and horseback, distinctively outfitted and lined up against each other on battlefields of chessboard regularity—a time when "the major European