Book Review

James Crawford and Martti Koskenniemi (eds). ***The Cambridge Companion on International Law,*** Cambridge: Cambridge University Press, 2012. Pp. xi; 471. Index.

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1. Professor James Crawford and Professor Martti Koskenniemi, in the edited book *the Cambridge Companion on International Law*, make endeavor to stage such introduction to international law that takes interdisciplinary and critical approaches for shedding light on reasonable coverage of the motley sub-fields of international law. To fulfill the aim up to the hilt, learned editors have synchronized diverse group of pedantic contributors into this book. The eighteen chapters of this book are stratified under the rubric of four general themes which are, in introduction part, illustrated as 'windows' for approaching the substance of international law.

There are two salient features that make a dragging line between this book under review and other contemporary international law books. The first one is that the book makes a separate part (Part IV) to dapple with 'projects' of international law which are not unambiguous but caters to the international lawyers, students and professors various unsettled and undecided issues to mull over. Safeguarding human rights, eliminating poverty, resource conservation, regulating international trade and investment and establishing international order- are the pivotal projects which are discussed, under the rubric of 'projects of international law', from chapter 12 to 18. The second feature, which is no way the least from its point of significance, is that the learned editors have synchronized diverse group of pedantic contributors to delve into the orb of international law. The aim is that such variegated disciplinary orientations circling from positivism to post modernism would gild this book politically and theoretically informed and well entrench in practice and paves a critical and traditional comprehension of the field.

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2. First part of the book, encompassing three chapters (**Chapters 1-3**), deals with the operation of international law in the sphere of diplomacy where the rules, institutions and techniques are sketched under the aegis of international law. Gerry Simpson in **Chapter 1** depicts how the intervention of international law chugs through the ever-changing but dynamic orb of diplomacy. For revealing picturesque vicissitudes of international law, Gerry Simpson propounds historical sketch of its interaction with diplomacy. His findings reveal that international law emerges sometimes as virtuous, sometimes as marginal or simply as passive reflection of state power. Martti Koskenniemi, in line with Gerry Simpson, also opines international law as indefeasible part of international diplomacy. Although, in **chapter 2**, he depicts international law as an expression of large aspirations for better world in tandem with an aspect of the world of philosophical, historical, political and religious idea; his chronological approach to stage the history of international law is immensely Eurocentric in nature. Frederic Merget, in **chapter 3**, delves into the brewing debate about 'international law as law', which he fixates, in the concluding part of the chapter, as a dynamic and constantly evolving one (p. 89). The dynamic nature of fluidity enables international law to respond to any need, swiveling into a backdrop for projecting variegated diversity, community, power and idealism characteristic of the global system.

3. The second part, spanning from **chapter 4 to 7**, explores the drifting horizon of statehood and expansive idea of sovereignty. In **chapter 4**, Karen Knop contends that (p.96) in international law literature, the state has revivified as pivotal organizing idea in both orb of national and international level. She aptly notes that state's significance as a structuring concept acts like impetus to its obvious subtle tenacity, one at a time, in international law. In **chapter 5**, James Crawford delves into much detail to reveal constituting elements of sovereignty, which is deemed as 'defeasible but protected status' in international system (p. 132), as a matter of international law. Although in the orb of law, sovereignty is defended as bulwark for protecting the autonomy of states and for projecting them into the future; the appraisal of sovereignty in the realm of international relations theory is otherwise than that. James Crawford whisks away the argument that significance of sovereignty is being diluted; rather he upholds its status as basic constitutional doctrine indefeasible for standard operating assumption of a decentralized international system. Bruno Simma and Andreas Müller, in **chapter 6**, dapple with the scope of legal authority of

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jurisdiction within the ambit of international law. International law of jurisdiction reiterates the structure of the 'decentralized but imperfect' international legal order. The authors remark that jurisdiction is not a monolithic or one size fits all concepts rather appears in variegated forms (p. 147). Allocation of jurisdiction will remain continuous challenge in the dynamic construct of international law. The authors note that law of jurisdiction lags behind the evolution of the general international law whereas the coliseum of international law is becoming stippled with differentiated and colourful in terms of its actors and beneficiaries (p. 156). In **chapter 7**, as per David Kennedy, understanding the tangled domain of law and war in international affairs would ensure a reorientation in our thinking about international law more broadly. Warfare is embedded in the structure of international law which unravels the fact that the viaduct between the two has never been broken. David Kennedy notes that the international law about war functions simultaneously in two directions; by offering a doctrinal and institutional coliseum for a kind of combat over the effectiveness and limits of war and on the other hand, offering a doctrinal and institutional framework for transforming sovereign power and violence into right. He remarks that observing international law about war through the periscope of international social, political and economic life, rather than a tussle between power and right, would visualize international law as a terrain for political and ethical engagement.

4. Third part of the book, spanning chapters 8 through 11, deals with techniques and arenas of subfields of international law. In **chapter 8**, Hilary Charlesworth forthrightly depicts international law as a legal system which is constantly under the froth of challenges. She notes in conclusion (p.200) that sources of international law are selective, partial and spangled with complex web of ideas, commitments and aspirations. She points out that (p.189) article 38 (1) of the ICJ statute, which is deemed as canonical when considering sources of international law, shrouds the fact that international law is channeled through the conduits of multi-layered process of interactions, instruments, pressure and principles. Charlesworth opines that the two notions of 'hard law' and 'soft law' which are swelling towards the opposite direction to each other also mirror the range of international law makers along with legally and morally pluralist nature of international society. In **chapter 9**, Benedict Kingsbury deals with the question referring how far the developments of international courts are leading to a waypoint which are more prone to 'jurisdiction' of

international system. He skims through the history and overview of ten types of international courts which are created by intergovernmental agreement or by agreement between a national government and a foreign private entity. His exploration ends by highlighting their limitations. Kingsbury argues that since current global politics is still entwining to reformist rather than rejectionist as to judicialisation, liberal legalism continues to have substantial reach and influence.

Jan Klabbers, in **chapter 10**, propounds argument as to the upsurge of international organizations and the development of international institutional law. He confines the argument within the ambit of formality and informality, in more specific, tension between stability and flexibility. Klabbers points out that activities, course of action and appreciation of international organization result from interplay between theory of functionalism and more overtly normative idea that acts of organizations ought to be subject to some form of control. He notes in conclusion (p.243) that despite still remaining as an abstract creature to depict actual image, it is undisputed that under the aegis of international organizations, international law has become institutionalized. In **chapter 11**, Dino Kritsiotis explores the feasibility of enforcement of institutionalization through the conduit of international obligations and decisions. In international law, matter of enforcement is wreathed with the question of its effectiveness. Kritsiotis chronicles the system of enforcement of international law, from the period of English philosopher John Austin who deems enforcement as perquisite for the existence of law. He points out that in spite of being uneven and imperfect, the stepping stones of development in enforcement can be deemed as inkling to a more advanced normative system commanding the increased of respect of states and other actors.

5. The fourth part, spanning **chapters 12** through **18**, mirrors the exploration of international law's recent but pivotal projects where international law is being used as vehicle to mull over on undecided and unsettled issues. In **chapter 12,** Anne Orford revivifies the analysis of examining the way in which international law is involved in forming and sustaining an orderly world despite the fact that the viaduct between international law and international order is wreathed with hazed contention and too difficult to determine the proper relation. Orford contends that international law is becoming functionalist and

existing to garner 'systematic objectives' and 'to vindicate community objectives'. To fulfill such functions, the state is, as per Anne Orford, 'only one contender among others' and is surrounded with challenges hurled by emergent system of international administration.

Although the establishment of rule of law makes a conduit to the hierarchy-creating function of international law, B.S Chimni, in **chapter 13,** depicts rule of law not as exceedingly elusive notion featured with variegated comprehension depending upon different jurisprudential standpoints and orb of perspectives. But such diversity in understanding also helps to make multi-faceted assessments of its contribution in the coliseum of democratic society. The learned professor delves into an exploration scouring to find the limits of rule of law in the multiple worlds of international law, where there is presence of different approaches and where the principal actors are not equal in capabilities, resources and power. Like sleuth, the learned professor propounds an international rule of law, which is heading towards the way of becoming a more plural construct saturating the cognizance of cognate narratives in other cultures and civilizations, and in line with the effort he propounds (p. 305) the Indian experience of living in a 'composite culture', which is a shared culture and not unified or homogenous. The subject of Susan Marks's **chapter 14** is the human rights aspects of international law. She latched onto skepticism regarding the progressive features of the international human rights regime. Swedging for her arguments, she contends that how the magnitude of injustices remain unidentified as problems in the human rights culture and would look away from human rights institution.

In chapter 15, Sarah M.H Nouwen chugs out that international customary law, which is the most sensational field of international law, is wreathed with ambiguity. Although the projects of international customary law, which is also most spectacular among other international law projects, is that of bringing international penal justice to war scourged population, Noumen depicts an empirical scenario as to the role of International Criminal Court in the current African crises (Sudan, Northern Uganda) to focus the historical and political meaning of the project.

6. In **chapter 16**, Helene Ruiz Fabri makes an endeavor to depict how the global systems of money, trade and investment have evolved after the scourge of the Second World War. She notes that the chained shockwaves of financial crisis and recessions reiterate the brewing

debate on the requisite but still deficient of supervision, co-ordination and regulation in the world monetary system so as to check such abseil in the future. In **chapter 17**, Thomas Pogge makes structural and constructive criticism regarding the fumbled dealing of International Human Rights systems with poverty which is also pivotal cause of moral and political disaster. He notes that various international institutional structures are seamlessly responsible, in third world state, for systematic persistence of injustice like poverty. Despite such scenario, Thomas Pogge suggests (p.390) that reforming the supranational institutional arrangements of wealth distribution is not completely an ineffectual effort; rather carefully crafted and targeted institutional reforms are realistic and offer the vista for attaining secure progress.

Tension between conservation and exploitation of natural resources is latched onto the policy making orb of international institutions and hence, as a consequence the wrack of influence is prone to those who are at the apogee role of such institutions. Sundha Pahuja, in **chapter 18**, confines her analysis within the swedges and compromises of two vital projects of international law. One is exploitation of natural resources to attain development; another is conservation of the natural resources not to ensure development but to evade the swingeing dangers to the global biosphere. Sundhya Pahuja notes that debate between exploitation and conservation will be brewing in international law and institutions. She also argues for the theme of 'global common' as one source of possibility and idea, even though it is subject to many uncertainties, that targets problems and processes.

7. In conclusion, the approach of this book is insightful in that it is not merely repackaging of existing materials of international law, rather this well organized book is testament to the diversity of exciting new researches being conducted in the coliseum of international law. Hence, in this respect, the book does represent something of a novelty in the orb of international law.