
Book Reviews

Mark Mazower. **Governing the World. The History of an Idea.** London: Penguin Press, 2012. Pp. 496. £25. ISBN: 9780713996838.

Mark Mazower provides us with a very readable and highly stimulating intellectual history of Western internationalism starting with the Vienna Congress in 1815 and ending in 2012 with the ongoing Syrian civil war. The historical analysis focuses not only on the philosophical and political currents at the heart of 19th and 20th century internationalism but also on how Anglo-Saxon politicians and high ranking civil servants viewed and shaped international institutions during these two centuries; all of this is full of interesting biographical findings, illustrative contemporary quotations, and insightful historical judgement.

The book falls into two parts. The first part is on the 'Era of Internationalism' and covers developments from 1815 until 1939; the second part is entitled 'Governing the World the American Way' and deals mainly with the UN in the post-World War II era until today. Mazower traces four influential currents of 'internationalism' in the 19th century, which are all four portrayed as intellectual and political movements arising as a counter-reaction to the holy alliance of European great powers and the associated restorative anti-liberal policies orchestrated by Metternich: Mazzini's 'Young Europe' nationalism, Richard Cobden's free trade ideology, Marx and organized socialism, and, even though politically less influential, the Anglo-American peace movement. All of these currents are presented by Mazower through short biographical portraits of their inventors who – in the case of Mazzini and Marx as emigrés – lived in London in the mid-19th century. Particularly rewarding is the description of the often tension-filled biographical and intellectual links between them.

In one of the last chapters of the first part of the book Mazower introduces international law and science as a 19th century semantics of internationalism. His main focus in the chapter on international law is on the founders of the *Institut de Droit International* and on the rise of modern international humanitarian law from the Geneva Convention to the Hague peace conferences. Mazower's argument here is partly based on the best available historical research on late 19th century international legal scholarship, in particular on Martti Koskenniemi's *Gentle Civilizer* and on other critical and postcolonial research on the 'standard of civilization' such as Anne Orford's *International Authority and the Responsibility to Protect* on the colonial legacies of humanitarian interventionism. Referring to a British journalist, W.T. Stead, writing shortly after the first Hague peace conference Mazower states, 'Inside Europe, civilization meant peace; outside it, violence' (at 79). W.T. Stead in his article had criticized 'the forces of grab and greed and insatiable aggression' which were at play in how European powers dealt with the so-called 'non-civilized' (quoted at 79).

Mazower illustrates how European racism, hypocrisy, and excessive violence in the colonies were justified through international legal semantics by well-chosen tropes. While capturing an integral element of international legal discourse of this time, other aspects of the evolution of international law could have been mentioned too. The notion of the nation-state as an abstract formalized subject of international law itself for instance is also a highly ambivalent and new construction of 19th century international legal discourse, which ultimately led to a cementation and often violent universalization of European nationalism. It is this 19th century transformation of the old *ius publicum europaeum* into what is often called 'modern international law' which has fundamentally shaped our perception of the world as consisting of independent

nation states on delineated territories until today. Simultaneously it became the intellectual prerequisite of constructing ‘the international’ as something which can potentially be regulated and changed by formal law.

One of the strongest characteristics of *Governing the World* is Mazower’s ability to illuminate biographical and intellectual links between less well known civil servants, activists, and politicians in matters international. One example is his reconstruction of the evolution of the Anglo-American peace movement’s campaign for peace through arbitration and international law. Mazower shows how the campaign eventually resonated with US international legal scholars, practitioners, and billionaires (Carnegie), some of whom later (Taft and Root) became high ranking civil servants and politicians negotiating the League Covenant and the statute of the PCIJ on behalf of the US. But it is the today less well known activist and 1903 Nobel Peace Prize laureate William Randal Cremer, father of the peace through arbitration movement and founder of the Inter-Parliamentary Union, who figures most prominently in Mazower’s account of the Anglo-American move to what he calls ‘international legalism’ in the early 20th century.

American international ‘legalism’ also becomes the author’s red thread in depicting the creation of the League of Nations and explaining US withdrawal from the Covenant. To the dismay of American internationalists ‘the League abandoned the legalist paradigm’ (at 136). According to Mazower the disappointment of the (legalist) American internationalists even became an important reason for the American withdrawal from the League project. However, through the introduction of a ‘cooling-off period’ in case of conflicts between members of the League, which required all members to submit their disputes to arbitration, judicial settlement, or action by the League Council (Article 12) as well as through the establishment of the PCIJ, the League Covenant accommodated quite a few of the demands of international legalist circles. In fact, there was great enthusiasm among progressive Western international lawyers regarding the new Geneva institution in the early interwar period, and the League’s organs made use of the medium of international treaty law (codification) on an unprecedented scale. What remained unfulfilled though (until today) was the most ambitious wish of the peace through law movement: the call for compulsory jurisdiction of the new court.

Mazower expresses his view of the League in two main arguments. First, the League was a failure when it came to high politics and reasonably successful in technical and humanitarian co-operation, which is a familiar characterization of the performance of the new Geneva institutions. Secondly, the League was an extension of the British and French Empires under the guise of a universal organization. Particularly interesting in this context is Mazower’s reconstruction of the establishment and performance of the League’s Permanent Mandates Commission (PMC) to scrutinize the work of the mandatory (colonial) powers (at 170–173). He points to the inadequate response of the PMC to cases like the 1925 French bombardment of the centre of Damascus to put down a nationalist uprising, but at the same time concedes that institutionalized external supervision modified the perception of colonial rule: ‘[i]n a small way, perhaps, by establishing the principle of international oversight and making it respectable, the commission paved the way for postwar decolonization. But it is worth asking how long the colonies might have remained under imperial or mandatory rule had the Second World War not intervened and American anticolonialism (and America’s fear of Bolshevism) not been added to the mix’ (at 170).

In the second part of the book Mazower portrays the founding and development of the United Nations through the lens of changing US foreign policy imperatives. At the outset the UN from this perspective is first and foremost the old League plus the continuation of the wartime cooperation between the US, Russia, the UK, and China, which is institutionalized through permanent membership of the Security Council including veto powers. According to this convincing reading of the foundational period the old League after a first class burial is reborn with a hierarchical collective security system, which is freezing the 1945 status quo. Another new element was the specialized Economic and Social Council, initially a reform idea developed for the

League, with the task of co-ordinating economic, social, and humanitarian activities of the UN. What makes Mazower's history of the UN remarkable is that he does not solely focus on the Cold War as an explanatory matrix for the development of the UN. Instead the book puts particular emphasis on decolonization and global economic regulation inside and outside UN institutions. Like the remainder of the book this history of decolonization and of the turn to 'development' is presented as a history of an unfolding US hegemony culminating in the post-1980s and the by now infamous neoliberal 'Washington consensus'. Compared with this Western development agenda enforced by the World Bank and the IMF, Mazower (at 376) describes the post Millennium Chinese involvement in the Third World as a 'welcome relief':

For the evidence suggests that efforts to export Western ideas of the rule of law to rural societies with robust complex legal traditions of their own has been far from productive and has even created instability and violence. Rushed and poorly thought through, a sequence of Western policies –from modernization to structural adjustment ... – have created a trail of havoc that makes the more ideologically minimalist and pragmatic approach from Beijing look socially responsible.

It is this realistic and critical tone that is typical of Mazower's approach to intellectual and institutional history and makes his texts a stimulating read, in particular for those international lawyers who want to get a better understanding of the ideological power dynamics behind institutional developments. In this part of the book it also becomes obvious that Mazower has only a limited interest in the more concrete history of international law in the UN era. Major legal developments brought about in the first four decades of the UN in the law of treaties, the law of the sea, codified international human rights law, and as regards general principles such as self-determination and non-intervention are not substantially dealt with, even though they are closely intertwined with decolonization and the turn to 'development' and 'human rights' within the UN. But is this a typical reviewer's move to criticize the author for not having dealt with what the reviewer finds particularly interesting in the matter at hand? To a certain extent it surely is and Mazower never pretends to write a *legal* history of the United Nations.

Instead, international law is dealt with in separate sections of the book without a sustained attempt by the author to weave legal developments into the reconstructed web of the discursive evolution of the institutions at hand. Law is an 'idea' in the context of early 20th century institutionalization and is depicted as (naïve) international legalism, or appears in the late 20th century as an increasingly corrupted language to justify Western interventions in other countries. Throughout the book, law is mentioned only in its relation to hegemonic projects which is the almost natural result of Mazower's strong focus on hegemonic powers (UK and US) as the driving forces behind the creation and development of international institutions. He is particularly critical of the invention of the 'responsibility to protect doctrine' and international criminal law, and it is in this context in which the author gives us a cautious indication of how he wants international law to be (at 395):

A world in which violations of human rights trump the sancticity of borders may turn out to produce more wars, more massacres, and more instability. It may also be less law-abiding. If the history of the past century shows anything, it is that clear legal norms, the empowering of states, and the securing of international stability more generally also serve the cause of human welfare.

It would of course be interesting to know what exactly is meant by 'clear' legal norms, the 'empowering' of states, and international 'stability', and whether Mazower would link these characteristics to specific historical periods or examples. Given the book's sustained critical engagement with colonialism it surely cannot be mistaken as pure 19th century nostalgia. All in all, it is probably fair to say that Mazower's historically informed notion of international law not only has considerable critical bite but at the same time seems to encapsulate an at least

rudimentary belief in the value of order between states; an order beyond moral hypocrisy, double standards, and Great Power instrumentalization of the law.

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Mónica García-Salmones Rovira. ***The Project of Positivism in International Law***. Oxford: Oxford University Press, 2013. Pp. 448. £70.00. ISBN: 9780199685202.

That positivism is not the promised land of legal methods has become a truism among critical international lawyers. All too often the proclaimed objectivity, neutrality and science has turned out to be intertwined with ideology and domination. In line with the historical-economic turn of the Helsinki school, Monica García-Salmones Rovira's book *The Project of Positivism in International Law* finds the historical roots of positivism deeply embedded in the development of a global neo-liberal economy. The economic foundations of the method are unearthed with two intellectual biographies of its founding fathers, Lassa Oppenheim and Hans Kelsen, whose life projects have so far escaped critical scrutiny. The book weaves into these two biographical studies the story of international law as a pragmatist and scientific project that freed the discipline from the tradition of natural law to become a servant of global economic interests.

Lassa Oppenheim is known as a representative of the British tradition and one of the most progressive international lawyers of the era before World War II. His biography illustrates how particularly the lawyers of the Empire answered to a specific demand: the need for law and adjudication in the light of a growing global economic interdependence. In terms of method, García-Salmones Rovira describes how Oppenheim could paradoxically argue for an international society and the principle of the balance of power, simply by stripping his legal method of philosophy and replacing it with the content-independent notion of progress (at 48). In the English tradition of liberal political thought, it was the power of interest per se that could create an international community, a community with its roots in commerce and free trade (at 67): 'Interests claimed monopoly over normativity, interests being at the centre of the theory and the measure of the ethical value of the legal enterprise' (at 73). Political problems merely played a disruptive role for the progress of the family of nations. Still, Oppenheim had a preference for constitutionalism and democracy (at 111). He argued, however, for a specific coupling of private and public interests in the course of the colonialist enterprise. For example, he claimed that native tribes did not have a place in international law but, paradoxically, granted private companies permission to acquire territory and sovereignty (at 105). Oppenheim, in the author's words, 'managed to be both a formalist, whose aim was to reduce patches of law to a system, and a pragmatist in pursuit of utilitarian interest' (at 119).

Legal science and economic pragmatism hit the spirit of the Empire, and Oppenheim was at the centre of the modernization of international law. Still, through the negligence of philosophy, his method was not convincing. Crucial for his scientific endeavour was the origin of rules, and García-Salmones Rovira argues that this is where his method ultimately fails: '[T]he test of whether a rule was a legal rule was whether a rule had been recognized. But to gain that knowledge one would need to inquire whether the Family of Nations had recognized it as a legal rule, which was exactly what we [the international lawyers] were searching for' (at 117). Oppenheim's methodological failure – the *fondement mystique* – paves the way for the Copernican turn in positivism in the person of Hans Kelsen. This second intellectual biography occupies the greatest part of the book. Some references to Oppenheim are made, but still one cannot fail to see that this book is for the most part aimed at a demystification of Kelsen. And this treatment