

Book Reviews

Lawless World

Philippe Sands, QC

London: Penguin, 2006 (updated edition), pp 404, \$26.95

The relationship between international law and international relations is rarely given the weight it deserves in scholarly examination. These areas impact upon each other to a large degree, operating in the same practical and conceptual space, and with each affecting the operation of the other. The study of international relations helps to place international law in a theoretical framework, and the practicalities of international law provide the empirical data against which to test international relations theories. Nonetheless, it is rare that a book is devoted to examining this intersection. In this way, Philippe Sands' *Lawless World* is both unusual, and worthy of high commendation.

Over the last sixty years, international law and international relations have become increasingly important – and increasingly complex – in a globalising world. Countries are more interconnected than ever before. Relatively new issues such as the protection of human rights and the ‘war on terror’ are cohabiting with older doctrines including state sovereignty. The ways countries interact has both individual and systemic affects: the ways in which individuals live is affected, as are the ways in which laws are made and broken. As such, *Lawless World* is a text that needed to be written, and that will continue to be important in years to come.

The author focuses mainly upon the response of the United States and the United Kingdom to various issues in international law. This is a fitting approach, as the US and the UK remain great powers with huge influence over both international law and international relations. Many of the twelve chapters revolve around topical issues of international law: climate change, the International Criminal Court, Guantánamo Bay, the war in Iraq, and international trade. At its heart, *Lawless World* argues that the US and UK are currently undermining international law, despite being the architects of most of the post-second world war body of law. Nonetheless, Sands neglects to discuss just how deep-rooted is the US and UK disdain for international rules. Will this move towards a complete abandonment of international law, or merely become a renegotiation of the boundaries? And does this distinction even matter, when one can claim that laws should be applicable to all countries in

equal measure? Yet even though *Lawless World* examines Washington and London's near abandonment of international law, Sands (like most international law advocates) still manages optimism about its operation and future, arguing that 'The rules of international law will turn out to be more robust than the policies of the Bush Administration.' I would argue that the increasing use of international law suggests that Sands is correct to believe in its continued salience.

Sands manages a difficult task for anyone seeking a broad audience for a scholarly text: *Lawless World* is highly accessible and understandable, yet none of the content has been overly simplified. Sands achieves this in several ways. First, he provides a short history of international law since the second-world war, placing events in a framework. Next, he clearly outlines the reasons behind aspects of international law. This means that instead of simply knowing what the law is, the reader is rather left with a comprehensive understanding of the rationale behind the law. Third, Sands is in the privileged position of having been a participant or observer in many of the biggest moments of international law. His first-person discussion of instances such as the *Pinochet* case lends itself to an almost conversational style of writing. This style is highly engaging and allows the reader to have easy access to complex issues in international law. Nonetheless, the book ends rather abruptly, with no concluding chapter. The second-last chapter, "Tough Guys and Lawyers", is particularly powerful, and would have made an excellent concluding point. Instead, Sands essentially fades out, concluding with a chapter about the legality of the war in Iraq. This is admittedly because this edition of the book is updated to include this information. Yet Sands could, and should, have concluded the book with a more striking point about the nexus of international law and international relations in the 'brave new world' of the twenty-first century.

Lawless World underscores an important reality: that international law does not exist in a vacuum. Students of international law all too often forget this, as they study the law without realising the impact of political practicalities. International law is dynamic, frustrating, empowering, affective, and highly important to the way people live. Yet this is often neglected when students open their text books to learn about *jus cogens* and the like. Students are left without a context for international law, and thus fail to fully understand why it operates (or fails to operate) in the ways it does. *Lawless World* tackles this through addressing the nexus

between international law and international relations, and for this reason should be required reading for all students of international law.

*Sophie Rigney**

Legal Feminism: Activism, Lawyering and Legal Theory

Ann Scales

New York: NYU Press, 2006, pp 231, \$59.95

To go against the status quo is undoubtedly controversial. But it is more important to ask such questions as ‘what is the status quo?’, ‘who created it?’ and ‘is the status quo an absolute?’ In *Legal Feminism*, Ann Scales suggests answers to these questions through a feminist-oriented discussion of legal jurisprudence and the concept of law. Its discussion brings into sharp focus issues of taking the law for granted, why we believe so implicitly in the law, how we practice the law, and the danger of conservatism and complacency in the legal context. This text approaches these issues on both a theoretical and practical level.

Legal Feminism outlines both the history and hypothetical futures of legal jurisprudence, looking critically at the way we think about the law. Under examination are the conundrums of the duality of subject and object, certainty and doubt, practicality and scepticism. These are discussed with a clarity often lacking in philosophical texts. Questions are posed in a way that provokes analysis and in-depth consideration and refuses to take the premise of the law for granted.

On a practical level the book is well structured and accessible. Scales explains lesser known concepts such as epistemology, legal positivism and epidemiology, without being patronising. She gives useful, concrete illustrations and practical applications of her ideas throughout the text; her examples and illustrations range from the historical to the modern day. One criticism of the book’s structure, particularly for the legal reader, is the use of endnotes instead of footnotes (the referencing is quite extensive). This is quite frustrating and detracts from the flow of the discussion. However the introduction does give readers an effective road map of what to expect and each chapter builds on the arguments of previous chapters in an effective way.

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