

UN in particular always struggle to avoid the twin traps of bad realism and bad idealism, of succumbing to either excessive cynicism or excessive wishful thinking. Knight tries to get around this problem by framing his work as an exercise in critical theory. He spends considerable time discussing the agent-structure issue and how international institutions like the UN are creatures of habit and practice yet are able to break out of routines and undergo change. He acknowledges the role of power and interests—"multilateral institutions reflect the underlying configuration of power at a particular critical juncture" (p. 184)—but is strangely silent on whether the United States or any other key state actors would support the governance model he proposes as a basis for UN reform.

After a survey of various approaches to UN reform, ranging from those of "status quo advocates," "incremental process reformists," and "adaptive reformists" to more radical views ("dissolutionists" and "successionists"), Knight boils down the modes of changing international organizations to three: reform, adaptation, and learning (p. 40). He argues that neither reform (explicit, planned, formal restructuring) nor adaptation (informal, reflexive, nonpurposive organizational responses to changing circumstances) have worked to make the UN a more effective multilateral institution. He calls for learning as the preferred mode of change and offers a "subsidiarity" model as the best chance for "rethinking" how the UN should function. Similar to the model adopted by the European Union, subsidiarity amounts to "sharing the labour of governance with central, regional, and local bodies" (p. 173). The book is surprisingly sparing in its elaboration of what this would entail, and only a few pages at the end (pp. 170–8) describe the model. Indeed, at a time when Knight admits economic issues threaten to overtake traditional security issues as a paramount global concern, the only real recommendation he puts forth is in the war/peace area: a greater role for regional organizations, such as the Organization of African States and the Organization of African Unity, and, as conflict managers. Not only is this an underwhelming recommendation after almost 200 pages, but also, as the author recognizes, regional organizations have not had much success in the security field over the years.

A central twofold question of our time is: (1) How much government/governance do more than six billion human beings want in their lives, that is, what is the proper relationship between state and society, and (2) to the extent it is understood that some measure of government/governance is needed, what is the optimal level for maximizing benefits in a given issue area, that is, global, regional, national, or local? Knight's book, at times very insightful and eloquent, makes a modest contribution in helping us confront this puzzle. One only wishes he had carried the analysis farther.

The International Law Commission of the United Nations.

By Jeffrey S. Morton. Columbia: University of South Carolina Press, 2000. 225p. \$29.95.

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Before the eyes of the world, between 600,000 and 800,000 Tutsi were murdered, many hacked to death in front of their families. Rather than confront Hutu power and challenge those responsible for this attempted genocide, the UN pulled out of Rwanda. President Clinton later apologized for the inaction and passivity of the United States. U.S. indifference toward the Rwandan holocaust endures as the Clinton administration's paramount foreign policy failure. After World War II the international community pledged that genocide would never again be tolerated, but in Rwanda it was. Can victimized peoples ever put their trust in the UN and international law? Is it possible both to establish internation-

ally binding codes of conduct that criminalize genocidal practices and to enforce these codes?

Jeffrey Morton helps answer those questions through his exploration of the work of the International Law Commission (ILC) of the UN in two specific endeavors: the establishment of a binding code of international crimes and the creation of a standing international court. His descriptive and empirical study focuses on the evolution of the term "international crimes" and the ILC debates that resulted in the *Draft Code of Crimes against the Peace and Security of Mankind* and the *Draft Statute of the International Criminal Court*. (These documents are included in the book's appendix.) Since the end of the Cold War, the ILC has devoted most of its time to these issues of international criminal law. Morton's book provides a valuable overview of the significant accomplishments of the ILC in these critical areas.

Students of international law will find the first four descriptive chapters on the history and work of the ILC particularly useful. Morton begins with a well-written summary of the history and organization of the ILC and proceeds with clarifying analysis of ILC work on international crimes, the draft code of crimes, and the international criminal court. He adeptly summarizes the breadth of international crimes, including international terrorism, drug trafficking, torture, colonial domination, genocide, apartheid, war crimes, crimes against humanity, aggression, aircraft hijacking, and piracy. His history of the struggle to codify a draft code of crimes against the peace and security of mankind dramatically illustrates the unprecedented challenge the ILC confronted. The clear summary of the legal sources used and the principles enshrined in the draft code by the ILC is of particular value to scholars of international law.

Morton's chapter on the international criminal court provides a concise review of attempts to establish the court, culminating in the Rome conference in June 1998, and a review of the arguments for and against the creation of a permanent body. Morton focuses on the role of the ILC in drafting the statute for the court. Much progress has been made by the ILC in codifying legal principles into binding rules. The end of the Cold War opened a political door for the creation of an international criminal court, and the ILC moved with dispatch to draft a workable statute.

In the final two chapters, Morton presents an empirical analysis of the ILC. He constructs a database through content analysis of the recorded debate among ILC members on the wording, substance, and scope of the respective draft articles. Commission members' positions are treated "as observations that, when coded, generate data regarding the degree of consensus within the commission on draft articles" (p. 79). Numerical values are assigned to statements, ranging from 1 (minimal consensus) to 5 (maximum consensus). From these data, Morton seeks answers to two questions: "(1) Do commission members function independent of or as extensions of their home governments? and (2) What impact, if any, did the end of the cold war have on the International Law Commission" (p. 102)?

On the first question, Morton concludes, "the empirical results are clear and conclusive: the political arena in which nation-states compete for the attainment of their vital interests has penetrated the International Law Commission to such extent that commission debate is a microcosm of world politics. The existence of a cohesive East European bloc of commission members, conflict between commission members from Eastern and Western blocs, a North-South divide, and Southern cooperation in commission debate indicate in the strongest of terms that, indeed, the International Law Commission is a reflection of the political, ideological, and economic struggles of the international arena" (pp. 102–3).

In regard to the second question, the data reveal that the end of the Cold War greatly affected the ILC. "The conflict-

tual relationship of East and West ended, and Southern cooperation experienced a significant decline" (p. 105). The second set of findings thus reinforces the first, namely, "that the Law Commission reflects the international arena in which it functions" (p. 105).

Morton's study takes a view of international law shared by classical political realists and classical Marxists: International law and international organization cannot be insulated from international politics, economics, and political power. In fact, most "idealists" and liberal internationalists would accept the impossibility of positing international law as totally independent of power politics. ILC members may strive to serve "in a personal capacity" independent of nation, but their inherent bias (due to their education and professional training) will most likely be toward their ideological worldview of their home state.

In the end, Morton's conclusions suffer from problems often seen in behavioralist studies. Some behavioralists and numerous rational choice theorists tend to make exaggerated claims about the validity of their approach and the "science" behind their methods. Morton presents a strong defense of behavioralism as a scientific method of inquiry and argues that international law as a field has declined due to its separation from these methods (p. 75). He wants international law to adopt "systematic, statistical testing of propositions," which would provide "a firm footing" and allow it "to enter into the mainstream" of international relations study (p. 76).

I find this argument unconvincing. I am reminded of the caution toward behavioralism expressed by Charles Lindblom in his presidential address to the American Political Science Association in 1981 "Another State of Mind: Presidential Address, 1981" (*American Political Science Review* 76 [March 1982]: 9-21). Lindblom is skeptical about political science's pretensions to be a science. To qualify as a "science" means that our procedures would give us "discoveries," that is, new or nontrivial insights about the political sphere. Many statistical studies end up confirming the obvious. Scholars of international law have long noted the effect of power politics and the international system on the creation and implementation of legal codes and rules between states. To these legal scholars, Morton's statistical analysis may simply be confirming the obvious.

Traditions of War. Occupation Resistance and the Law. By Karma Nabulsi. Oxford: Oxford University Press, 2000. 293p. \$72.00.

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This book is a work of considerable scholarship that began life as a doctoral thesis under Adam Roberts at Oxford University. More than three pages of acknowledgments bear witness to its pedigree. They also disclose an intriguing combination of English traditionalists and non-English revolutionaries who sustained the author in the transformation of a research thesis into an elegantly produced book, which is a classic in the style of the English School of international relations. Clearly, there is yet another story to be written, however, about the curious provenance of such a work. It may very well be a very much more interesting and intriguing story than the one the book pursues, although this itself is not without interest and importance.

Traditions of War pursues a number of complex and related themes and excavates many historical archives in exploration of its core problematic: the failure of the laws of war to resolve the problem of distinguishing between lawful and unlawful combatants. Traditional approaches—those of the central paradigms of international relations theory and the

key concerns of international law—ordinarily supply the analytical optics employed in these kinds of investigations. This book is refreshing because it advances three philosophical traditions of war instead: the martial, the Grotian, and the republican (indebted to Rousseau). In applying these to the rich confusion of military occupation and resistance experienced in Europe over the last 250 years, the author exposes the many historical as well as conceptual limitations and fallibilities of international realism and idealism.

War for this author is not an aberration that has to be explained, excoriated, and outlawed. Neither is war simply a legitimate instrument in the realist pursuit of stylized political ambitions. The intimate correlation between forms of war and forms of life is not a point *for* which the text argues, but one of the points *from* which it argues. More interestingly, what distinguishes this account of the three traditions of war upon which it draws is the recognition that forms of war and violence are themselves integral also to specific philosophical positions and political ideals concerned to champion varying interpretations of the good life. No idea is innocent of violence. Every idea has a violence that is essential to its realization. The legality or illegality of violence is a function of the order that different traditions commend. Thus, liberal internationalism in its high legal pomp is shocked to be reminded that liberal peace is always intimately correlated also with liberal ways of war.

Because this is a classic in the English School of international relations, the wealth of its historical scholarship casts much diversionary light on all sorts of issues and themes. Of particular interest to me is the account given of the martial character of Britain's imperial experience. Anyone familiar with Britain's postimperial foreign and defense policy cannot but be struck by the continuing force of that tradition at home and its deep influence throughout Britain's geostrategic intimacy with the United States abroad. Alternatively, for those interested in the republican tradition, there is a corresponding wealth of detail on obscure European republican activists and theoreticians. The overall worth of the book nonetheless depends upon its core analytical method, the idea of a tradition, and the messages conveyed by that analytical medium. Where the English School is concerned, the medium is certainly also the message, politically as well as analytically. The advantage of tradition is that it directs attention to the complex historicity of ideas and experience, but the disadvantage is that it elevates continuity over disjunction. Moreover, as employed in this school, tradition elides a host of other relevant issues. Two seem to me to be critical.

First, we should ask about these three traditions of war. Whose traditions were they? What archives have been ignored in the constitution of this narrowly tripartite account of the traditions of war? The focus is on the laws of war and their failure satisfactorily to distinguish between lawful and unlawful violence, but there is, for example, only a very modest postcolonial sensibility at work here, and the Marxist tradition simply does not figure at all. It is as if there were no Marxist tradition, as if the Soviet Union, together with its effect for good or ill upon the trajectory of international affairs and the character of the international society upon which the English School places such store, had never existed.

Second, tradition here implies continuity and intelligibility. This book's very account of tradition is one in which tradition lies in the seamless historical transmission and reception of texts rather than in the violent destructions and deconstructions that effect breaks, discontinuities, and dynamic incoherences in our meaning (and legal) systems. In short, the idea of tradition in the English School is a deeply conservative one that ignores much of what it claims to be able to account for. Here, in addition to the demotion of Marxist and postcolo-