

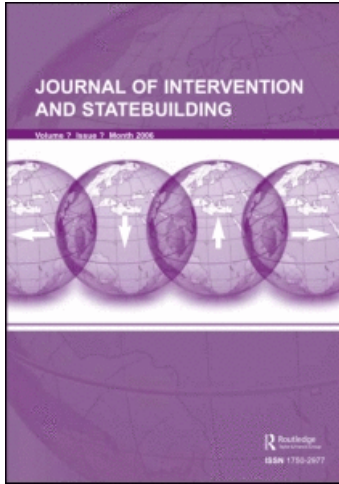
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Book Reviews

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Book Reviews

Making Sense of Norms and Ethics in a Decentralised System

Global Ethics: Anarchy, Freedom and International Relations by Mervyn Frost. London, New York: Routledge, 2009. Pp.173 + bibliography + index. \$34.95 (pbk). ISBN 978-0-415-46610-3.

Humanitarian Intervention: Ideas in Action by Thomas G. Weiss. Cambridge, UK and Malden, MA: Polity Press, 2007. Pp.154 + foreword + preface + notes + bibliography + index. \$19.95 (pbk). ISBN 978-07456-4022-8.

Building the International Criminal Court by Benjamin N. Schiff. Cambridge: Cambridge University Press, 2008. Pp.260 + preface + bibliography + index. \$25.99 (pbk). ISBN 978-0-521-69472-8.

Since the end of the cold war, IR theory has been characterized by a revitalized debate on the role of ethics and norms in international politics. Whilst these issues seemed to be confined for long to the works of the English School and a few philosophers, the last 20 years have seen the emergence of a large literature on the normative aspects of international relations.¹

Building on these approaches, all of the books under review make the case for the possibility of norms acting as constraints in the international system. In this sense, they all attempt to show how ethical behaviour is possible at the international level and how norms can define the identity of international actors. Although none of them denies the relevance of traditional concepts, such as power and national interest, these studies all provide convincing evidence of how immaterial factors such as norms can influence what states do in international relations.

In the following essay, I will focus on arguably the thorniest problem confronting scholars of international ethics, and one that all the authors under review here also grapple with, namely the problem of acceptance and enforcement. As with norms in general, international norms are frameworks that provide standards of behaviour that aim to be universal. Unlike domestic norms, international norms operate in an environment that lacks a centralized authority capable of enforcing them and imposing their ultimate interpretation. As Hans Kelsen observed after the Second World War, in the international system

each state is *iudex in re sua*, meaning that any state is free to decide whether to reject a norm or accept it according to its own interpretation.² Once they emerge, norms have to confront a heterogeneous system composed of states that are very different from one another. Each state differently reacts to norms depending on its own social, political and cultural conditions. For this reason, I will suggest that this would require a more thorough analysis of the domestic conditions that are at the basis of states' response to international norms.

The Return of Ethics in International Relations

The end of the cold war allowed for a relaxation of the rationalist assumptions on which the IR discipline mostly rested. Rationality, national interest and power ceased to be the only explanatory factors and many theorists started to focus on immaterial structures, such as norms, ideas, knowledge, culture and ethics to analyse international phenomena. Political change and intellectual renewal led many IR theorists to interpret the 1990s as the decade that could pave the way for a new commitment of states to the building of a responsible and ordered international community, in which norms and ethical standards could become the basis of international affairs. This is the intellectual and political context in which the books under consideration should be located.

Mervyn Frost's *Global Ethics* aims to be a critique of all those approaches that for various reasons have expunged ethics from the realm of international politics. In his introduction, Frost refers especially to realists, for whom international relations are mostly governed by a struggle for power; communitarians, for whom there is no 'overarching cosmopolitan ethicality to provide a common framework for ethical discussion' (Frost 2009, p. 12); and relativists, for whom ethics can only be a personal matter and there is no way to 'reveal what the true ethical stance ought to be for everyone' (Frost 2009, p.14). In response to these accounts, Frost elaborates a 'practice-based theory of international action' (Frost 2009, p. 20).

The starting point of this theory is that any international actor has to be conceived as a 'participant in a social practice' (Frost 2009, p. 20). States mostly operate in what Frost calls the 'society of sovereign states', whilst individuals tend to act in the 'global civil society'. Being a participant in a social practice means that states and individuals always need to take into account the context in which they operate, which is made of 'constitutive rules, norms, and maxims' (Frost 2009, p. 23). Any action needs to somehow conform to this normative context, meaning that states and individuals have to provide explanations for their policies or statements, otherwise they become vulnerable to criticism, ridicule or even punishment. Any actor in the international system, be it a democratic superpower such as the US or a terrorist organization such as Al Qaeda, cannot avoid considering that every action always has ethical constraints on 'how this might be legitimately done' (Frost 2009, p. 29). These constraints are provided by the ethical components that underlie any social practice. In the

case of the society of sovereign states, for example, the ethical components are represented by the set of norms 'internal to the system of states' (Frost 2009, p. 31), which include sovereign rights, the prohibition to use force except in special circumstances, and respect for human rights.

In the rest of the book, Frost applies this theory to some important issues of international relations, such as the 2003 Iraq War (Chapter 1), migration, humanitarian intervention, torture (Chapter 3) and global terrorism (Chapter 4). Through an argumentative analysis of the public statements provided by the actors involved in specific historical events related to these issues, Frost explains how actors always try to conform to the ethical components of the social practice in which they operate. In this sense, Frost's theory aims, on the one hand, to empirically show the 'ubiquity of ethics in international relations' (Frost 2009, p. 2) and, on the other, to assess which actors are best able to conform to the ethics embedded in their social practices. Therefore, Frost's book is valuable both in empirical and normative terms.

From an empirical point of view, the analysis of the arguments provided by the international actors constitutes a powerful response to those who focus on power as the sole explanatory factor of international relations. As Frost shows, actors often need to come to terms with the ethical structure in which they operate and to a certain extent accommodate it. Ethical justifications provided by actors can be good indicators of the presence of ethics in international relations. Moreover, from a normative point of view, Frost's theory becomes an instrument to appraise the ethical performance of actors, counteracting the arguments of the advocates of ethical and cultural relativism. By focusing on the ethical components of the international system and by looking at the capacity of actors to accord them, Frost concludes that in the world out there, not all cows are black. Some actions are more ethical than others and ethics is not only a private matter. Theoretical speculation and historical examples can create the conditions for a public consensus about what is more or less ethically acceptable.

Beyond the claim that Frost's theory can provide 'richer interpretations of specific acts, policies, and institutions' (Frost 2009, p. 148), *Global Ethics* does not completely solve one of the most relevant questions that needs to be faced when studying norms and ethics in international relations. As argued above, the international system is characterized by the substantial lack of a centralized authority able to enforce norms and provide their ultimate and unambiguous interpretation. As a consequence, any state or international actor is able to provide its own interpretation of what is a norm or what is the ethical content of the international system.

This problem is partially recognized by Frost in Chapter 3, when he refers to the possibility that different norms, such as sovereignty and human rights, might sometimes clash. For Frost, this clash is the result of our incapacity to understand how the international system is made of two different social practices that can sometimes conflict: that of states and that of individuals. Even though he admits that in the case of conflict 'it is not possible to hand the matter over for resolutions to some governmental body' (Frost 2009, p. 112),

Frost solves the matter by arguing that tensions will be resolved through 'piecemeal' and 'asymmetrical' processes of 'ethical adjustments' (Frost 2009, p. 113). The main problem with this argument is that analysis is limited to the international level. Frost mostly focuses on the content of international norms and on their ethical structures that might sometimes collide. By doing so, he overlooks how the international system is a heterogeneous and diverse realm in which norms not only collide with one other but also with the various interpretations of each state, which decides whether to accept or reject norms on the basis of its own social, political and cultural conditions.

As Antje Wiener has recently argued, when norms are 'dealt with outside their socio-cultural context of origin, a potentially conflicting situation emerges'.³ Before being recognized by states as legitimate ethical constraints, norms need to go through processes of domestic validation. The outcome of this process will depend on the domestic conditions of each state at specific points in time and on how these conditions accord with the universal content of any normative structure. This seems to require an analysis of the domestic conditions that international norms have to fit in order to be recognized as legitimate constraints. In a world devoid of a centralized agency able to authoritatively solve interpretative conflicts, consensus around ethical principles can only be reached if states believe that they fit their domestic ethical components. Focusing only on the ethical components of the international system might lead us to overlook an important part of the story.

This issue has emerged with regards to various international norms. The next two books under review allow us to study two important cases of norms that have triggered large debates and many conflicting interpretations: namely, humanitarian intervention and international criminal responsibility.

Humanitarian Intervention in the Post 9/11 Era

Thomas Weiss' *Humanitarian Intervention* could be located in the theoretical and intellectual climate that was typical of the 1990s when the end of the cold war seemed to pave the way for a renewed commitment of states to the building of a responsible international community capable of preventing and managing humanitarian crises. Nevertheless, what makes the book particularly interesting is that it was published in 2007, when the challenge of terrorism and the Afghan and Iraqi Wars have diverted intellectual and operational resources away from disinterested humanitarian intervention.

The book is both a historical account of the idea of using force to 'rescue suffering civilians who live in a state that is unable or unwilling to protect and succor them' (Weiss 2007, p. 2) and an attempt to revitalize the debate over this norm which has been contested, if not ignored, in the last few years. In order to achieve these aims, Weiss provides us with a first chapter that explains what humanitarian intervention means and how its history is strictly related to the emergence of the human rights doctrine of international law and to the

redefinition of key concepts of international relations, such as sovereignty and non intervention. Using force to rescue citizens of other states required a limitation of the norm of sovereignty that can no longer be unfettered but needs to be conditional to behaviour. In the second chapter, Weiss presents a brief account of the evolution and decline of the norm of humanitarian intervention from the beginning of the nineteenth century to 9/11.

The third and the fourth chapter are more theoretical and probably the most interesting. The former discusses how the rise of new forms of conflicts, in which 'the locus of war no longer coincides with state borders' (Weiss 2007, p. 63), led international operators to redefine the paradigm of humanitarian aid from the impartial and neutral humanitarianism that was typical of the cold war period to the militarized and politicized intervention of the 1990s, which aimed to save individuals without the consent of the state in which abuses are carried out. The latter explains the intellectual origins of the notion of responsibility to protect and how this idea has become popular in the international community.

Weiss' book constitutes a valuable contribution to the debate on humanitarian intervention and international norms. One of its best insights can be found in the analysis of the contentious nature of humanitarian intervention. The use of force to save strangers is by definition political and should not be confused with acts of neutral assistance. In his explanation of the political changes that led to the necessity to develop new humanitarian strategies after the end of the cold war, Weiss dedicates several pages to the notion of 'political humanitarianism' (Weiss 2007, p. 75). In this respect, he notices that many contemporary conflicts cannot be tackled by merely providing victims and belligerents alike with neutral assistance, but require readiness to distinguish between victims and perpetrators and responsibility to engage in long-term projects of peace enforcement and institution building. When facing widespread abuses, impartiality and neutrality might be something we cannot afford.

At the same time, Weiss' analysis of the concept of responsibility to protect demonstrates awareness of the reality of an international system in which states are still the most responsible for the protection of their citizens. Cosmopolitan temptations of world government do not belong to Weiss' arguments, which do not hesitate to stress how, more than external intervention, 'state authority is fundamental to enduring peace and reconciliation' (Weiss 2007, p. 100).

Whilst Weiss' book is extremely effective at analysing humanitarian intervention and the normative context in which it is located, more problems emerge from his attempt to revitalize the debate on its legitimacy. Aware of the difficulties faced by its advocates in the post 9/11 age, Weiss aims to re-propose humanitarian intervention as a viable strategy for today's international community. However, his analysis tends to focus mostly on operational and technical issues that are discussed in various parts of the book. At the beginning of Chapter 5, for example, Weiss asserts that 'in looking back over the last two decades and toward the next, the essential challenges of humanitarian intervention are not normative but rather operational' (Weiss 2007, p. 119). In this sense, the best way to restore the legitimacy of humanitarian intervention would be to devise

'binding principles' (Weiss 2007, p. 143) and institutional devices to guarantee its feasibility. Efficiency and capacity to deliver would be the keys to ensure international acceptance and legitimacy.

Even though it has significant merit, this argument tends to take for granted the current perception of states toward humanitarian intervention. The current state of international relations necessitates a redefinition of the technical aspects of humanitarianism but also and above all for a reconsideration of its normative basis. Being an advocate of humanitarian intervention today requires that answers be found to politically relevant questions. For example, how can non-Western countries be comfortable with a norm that has often been used instrumentally to justify other, less noble, actions? As the author seems to admit, the attempt to justify the Iraqi War as a humanitarian operation to liberate people from tyranny has made it that 'humanitarian intervention is no longer on the side of the angels' (Weiss 2007, p. 129), meaning that its legitimacy is inevitably questioned. In this sense, more pages could have been devoted to understanding how Third World countries could accept a norm that can be used against their interests.

Similarly, any discussion of humanitarian intervention has to take into account that the logic of 'saving strangers' is not the only one operating at the international level. Especially in the age of terrorism, citizens expect to be protected by their states. This can mean that foreign policy-makers might sometimes need to privilege the pursuit of national security objectives. As Nicholas Wheeler and Jean-Marc Coicaud have recently argued, the international system is characterized by two colliding ethics. On the one hand, there is the universal ethics of solidarity that aims to 'help people who are beyond one's own borders'. Nevertheless, on the other hand, there is the particular ethics of the national interest that 'renders imperative for the group to look after its members'.⁴ These issues trigger debates and reactions that often depend on the nature of domestic political cultures.

Although Weiss does not dismiss national interests and security concerns as mere leftovers from the past, more analysis could have been dedicated to the necessity to make universal norms and particular state interests coexist. Proper investigation on the way humanitarian intervention is perceived and internalized by states at their domestic level could help us understand how to improve the acceptance of a norm, which is still highly contested and in search of legitimacy.

Fighting Impunity: Between Politics and Justice

Similar issues emerge when reading Benjamin Schiff's *Building the International Criminal Court*, which focuses on another relevant norm of today's international relations: international criminal responsibility. This book analyses the role of international criminal law, and in particular of the International Criminal Court (ICC), in the contemporary international system.

So far, the theoretical debate on the ICC has centred on the technical and legal aspects of the 1998 Rome Statute and, consequently, has been mostly animated by legal scholars.⁵ What makes the book interesting is that it was written by a political scientist who does not provide us with a legal analysis but with a political interpretation of the Court. In this sense, the most original aspect of the book is given by the author's attempt to study the Court as an international organization that needs to pursue specific policies and face challenging political dilemmas. For these reasons, Schiff's book can be placed in that growing IR literature that investigates the so-called processes of legalisation of world politics and the emergence of embryonic forms of international rule of law.⁶ This can be understood by Schiff's definition of the ICC as the attempt to 'remove the politics from justice' and create a system of prosecution capable of being 'objective, dispassionate, truth-based' (Schiff 2008, p. 1).

The author seeks to achieve two primary goals. On the one hand, he provides a detailed description of the origins and evolution of the ICC, by analysing 'the confluence of justice norms, historical conditions and activists' efforts that led to the Statute' (Schiff 2008, p. 15). On the other hand, he elaborates an interpretation of the Court as an international organization that has to develop specific political strategies to achieve its purposes, to face the inefficiencies that are typical of any international organization, and above all to obtain the support and cooperation of member states. Being the result of an interstate treaty, the Court needs to confront the reality of an international system in which the universality of justice clashes with the diversity of a heterogeneous and anarchical system. As the author puts it, the ICC is both a tribunal that aims to fight impunity, but also an organization that needs to be 'politically palatable to the Court's constituencies' (Schiff 2008, p. 110).

In this respect, Schiff provides us with various chapters that touch upon the main issues related to the ICC: The historical events that favoured the development of the notion of international criminal responsibility (Chapters 1–2), the negotiations of the Rome Statute and the working of the Court (Chapters 3–4), the relationship between the Court and the main international actors (Chapters 5–6), and the first proceedings undertaken since its coming into force (Chapter 7). By looking at its origins, which are to be found in a political and diplomatic compromise among states, the author provides a very detailed account of an international organ that needs to engage in the complex enterprise of guaranteeing at the same time 'judicial neutrality, prosecutorial independence, and organizational efficiency' (Schiff 2008, p. 103).

On the one hand, the Court presents the characteristics of an international organization in which states are represented in the Assembly of State Parties, which elects by majority the prosecutor and the judges. As Schiff emphasizes, the election of the judges is essentially a diplomatic exercise and a 'matter of campaigns and vote trading among state representatives' (Schiff 2008, p. 107). On the other hand, the ICC is a tribunal that aims to ensure the enforcement of justice and the prosecution of international crimes. As such, its decisions should be oriented toward a genuine search for justice. This analysis goes beyond the

mere legal interpretation of the Court as an international jurisdiction and allows us to understand the dilemmas that the Court has to face on judicial prosecution and political capacity in order to work and succeed.

As Schiff argues, 'even though its core activities are primarily judicial, its broad mandate, administrative complexity, and intricate connections to states and other organizations inevitably involve it in non-judicial decisions, political in their ramifications' (Schiff 2008, p. 258). Acting in an international system in which there is no centralized and legitimate authority to enforce decisions and consequently relying on the cooperation of member states, the ICC often has to face 'highly politicized environments' (Schiff 2008, p. 258) that prevent it from working as a mere judicial and legal institution. In this sense, the Court has to be able to pursue international justice and at the same time devise viable political strategies of prosecution capable of obtaining the support of states.

The interpretation of the ICC as an organization whose capacity to succeed depends on the favourable attitude of governments constitutes the best contribution of the book to the debate on international norms. As previously noticed in reviewing Frost and Weiss' books, the heterogeneous and anarchical structure of the international system is at the basis of the conflict between the universal meaning of norms and the particularistic responses and interpretations of states. Any state is *iudex in re sua* and decides how to react to norms. This issue is analysed in Chapter 6 in which Schiff investigates the relationship between states and the ICC. In this chapter, the author reminds us that 'even when states accede to the Statute, they still face choices about the level of support they will extend to the Court' (Schiff 2008, p. 167). This seems to call for the need to study the effectiveness of the ICC through the analysis of the policies of militarily and politically influential states toward it.

Given the characteristics of the system in which international norms and institutions operate, their success will mostly depend on the level of support of states and on the domestic conditions that might favour or disfavour such support. This seems to require an investigation of the factors that determine the positive or negative attitude of states toward norms. This exigency is particularly relevant in the case of the ICC, which faces the paradoxical situation of having already come into force without enjoying the support of major states, such as the US, China, India and Russia.

Although Schiff does not engage in a detailed discussion of the reasons for state support or rejection, his interpretation of the ICC as an organization, which constantly faces the clash between the universality of norms and the heterogeneity of the international system, provides us with insights that can lead to promising research programmes. As Amy Gurowitz has argued, 'we can understand the variation in the impact of international norms only by examining how these norms are mobilized by domestic actors and how their impact is mediated by specific state histories and identities'.⁷ A large body of literature has already provided convincing arguments and evidence to show that norms matter in international politics. Nevertheless, only a few studies have been devoted to

understanding how international norms are diffused and internalized within domestic systems. If we can show that norms matter for states, and if we can provide generalizable knowledge on the domestic processes through which this occurs, then the role of norms in international politics will be greater than previously acknowledged.

Conclusions

The last 20 years have been characterized by the return of the debate on ethics and international norms in international affairs. All the books under review in this essay constitute valuable contributions to this debate by providing convincing evidence of the relevance of norms and ethics in international relations. For many years during the cold war, these concepts were overlooked by most IR theorists, who preferred to focus on power and national interest as explanatory factors of international politics. The end of the cold war represented a major opportunity to investigate normative structures as determinants of state behaviour.

Nevertheless, this does not mean that ethics and norms can be considered as the only explanatory factors of what happens at the international level. In this respect, one of the main merits of these books is that they are all aware of the reality of the international system in which the lack of a centralized authority capable of enforcing norms and dictating ethical behaviour prevents the international system from being fully governed by normative frameworks perceived as legitimate by all states. Schiff seems to be the most aware of this problem when he argues, with regards to the ICC, that 'the conflict between the universal nature of the Statute's normative claims and the particularistic nature of state sovereignty is at the root of opposition to the Court' (Schiff 2008, p. 166).

Operating in a decentralized system that lacks the authority to enforce them, norms are continuously subject to processes of invocation and contestation by states. In this sense, norms can be effective only if they are able to fit the ethical components internal to states and to accommodate the way they view the international system. This calls for an analysis of the interaction between domestic political systems and international normative structures. Given the characteristics of the international system, approaches that merely focus on they way norms emerge and develop at the international level are likely to miss an important part of the story and need to be complemented by analyses of the domestic reasons why states sometimes recognize norms, whilst at other times they reject them.

Notes

- 1 See for example: V.F. Kratochwil, 1989. *Rules, norms, and decisions. On the conditions of practical and legal reasoning in international relations and domestic affairs*. Cambridge: Cambridge University Press; T.J. Checkel, 1997. International norms and domestic politics: Bridging the rationalist-constructivist divide. *European journal of international relations*, 3 (4), 473–495; M. Finnemore and K. Sikkink, 1998. International norm dynamics and political change. *International organization*, 52 (4), 887–917.
- 2 H. Kelsen, 1944. *Peace through law*. Chapel Hill, NC: University of North Carolina Press.
- 3 A. Wiener, 2007. Contested meanings of norms. A research framework. *Comparative European politics*, 5 (1), 1–17.
- 4 N.J. Wheeler and J. Coicaud, 2008. *National interest and international solidarity: Particular and universal ethics in international life*. Tokyo: United Nations University Press, 3.
- 5 See for example: F. Benedetti and J.L. Washburn, 1999. Drafting the International Criminal Court Treaty: Two years to Rome and an afterword on the diplomatic conference. *Global governance*, 5 (1), 1–37; R.S. Lee, 1999. *The International Criminal Court: The making of the Rome Statute*. The Hague: Kluwer Law International; L.N. Sadat, 2002. *The International Criminal Court and the transformation of international law: Justice for the new millennium*. New York: Transnational Publishers; D. McGoldrick, P. Rowe and E. Donnelly, 2004. *The permanent International Criminal Court: Legal and policy issues*. Oxford and Portland: Hart Publishing.
- 6 J. Goldstein, M. Kahler, R.O. Keohane, A.M. Slaughter, eds, 2000. Legalization and world politics. *Special issue of international organization*, 54 (3), pp. i–xiii + 385–703.
- 7 A. Gurowitz, 1999. Mobilizing international norms: Domestic actors, immigrants, and the Japanese state. *World politics*, 51 (3), 413–445.

What Drives Turkey's Foreign Policy in the Middle East?

Harmonizing Foreign Policy: Turkey, the EU and the Middle East by Mesut Özcan. Aldershot and Burlington, VT; Ashgate Publishing Company, 2008. Pp.xiv + 193. £55.00 (hbk). ISBN 978-0754673705.

The author's intentions for this volume are to analyse changes in Ankara's foreign policy towards the Middle East region as a result of Turkey's European Union (EU) candidature, and to identify the degrees of harmony and/or disharmony between the policies of Turkey and those of the EU towards the Middle East. Özcan sets out to argue that the post-cold war decrease in security threats against Turkey, combined with its EU candidacy, enabled a shift in Ankara's policies towards the region. Özcan concludes that, although differences remain, Ankara's foreign policy is moving towards alignment with the EU's, not least with respect to the Middle East region. He focuses on two case studies, the Palestinian-Israeli conflict and Iraq, to explore Turkey's policy changes. The book is loosely divided into two parts. The first, on Europe and the EU, offers chapters on integration theory, the Europeanization of Turkish foreign policy, the EU's Common Foreign and Security Policy, and relations between the Middle East and the EU. The second part, dealing with Turkey and Turkish foreign policy, contains chapters on

the making of Turkish foreign policy, on both its cold war and post- cold war policies towards the Middle East region, and on the Europeanization of Turkish foreign policy.

It may well be true that Turkish and EU foreign policies now more closely resemble each other, but the case is not especially well made in this volume. In part this is a consequence of the author's choice of case studies, as well as the treatment he affords them. Iraq divided the EU, between the UK and most of the new central European member states on the one hand, and a Franco-German led opposition composed of a majority of the EU's long-standing members on the other. In any case it is hard to swallow the author's claim that 'Turkey's policy towards Iraq and especially northern Iraq are very much influenced by the EU candidature' (Özcan 2008, p. 170). Surely Ankara's interest in the fate of its neighbour has more local roots, and lie in Turkey's sensitivities with regard to the issue of Kurdish separatism undermining Turkey's territorial integrity, worries that Iraq could implode, that Iranian influence might prove detrimental to Turkey's interests in Iraq, and not least Turkey's economic stakes in the country. Furthermore, Turkey's Iraqi concerns are shared by many of its neighbours, such that the issue has served to 'return' Turkey to Middle East diplomacy.¹ That neither Turkey nor many EU states thought the 2003 US-led intervention in Iraq was a sound idea does not amount to 'alignment' between Turkey and the EU. Rather it is coincidental. A similar problem applies to the Palestinian-Israeli case study. Certainly neither Turkey nor any EU member is as committed to Israel as the US has been, but nor has any EU member mirrored both the close military and intelligence relationship with Israel that Turkey established. Nor in recent years have European reactions to Israel's involvement in Gaza and Lebanon had quite the emotional content that has on occasion characterized Ankara's.

By way of omission, Özcan appears to give little credence to the idea that Turkey's current government under the Justice and Development Party has adopted a more identity-based approach to its Muslim neighbours (stressing the Islamic values or Ottoman past it shares with many of them). Yet this constitutes a major explanatory factor in Turkey's current Middle East policies. Obviously, this drive cannot be replicated by the EU as it does not have an Islamic root or Ottoman past, so can hardly be said to have provided Turkey with its Middle Eastern regional identity. This is not to argue that there need be any necessary contradiction between Turkey's more relaxed relationship with its Middle Eastern neighbours on the one hand and its EU accession aspirations on the other. But it does again suggest that any overlap or superficial resemblance between EU and Turkish approaches to the region are just that. Turkey's recent overtures to the region are indeed regional, and this too raises the question of whether there is any particularly utility in isolating Iraq and the Palestinian-Israeli problems as case studies. In his chapter on Europeanization, Özcan recognizes that some EU countries – notably the UK, but France, Greece and others too from time to time – have been less adaptive to European 'norms' in the foreign policy area. Turkey is a potential member of this awkward club. However, the reasons for Turkey's 'awkwardness' are distinctive: they consist of a history and geography that is quite at odds with most existing EU

members, a political culture that is intensely nationalistic and suspicious of ‘outsiders’, only semi-democratic and which accords a leading domestic political role to the country’s powerful military establishment. To properly assess the impact of Turkey’s EU candidacy on its foreign policy, it might have helped if these other drivers had been subjected to a closer scrutiny.

Bill Park © 2010
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Note

1 See for example, F.S. Larrabee, 2007. Turkey rediscovers the Middle East. *Foreign affairs*, 86 (4), 103–114; A. Davutoğlu, 2008. Turkey’s foreign policy vision: An assessment of 2007 [online]. *Insight Turkey*, 10 (1). Available from: <http://www.insightturkey.com> [Accessed 5 January 2010].

War Ethics and Post-War Justice

Ethics and War in the 21st Century by Christopher Coker. Abingdon: Routledge, 2008. Pp.202 + notes + bibliography + index. £22.99 (pbk). ISBN 978-0415452823.

After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond edited by Phil Clark and Zachary D. Kaufman. London: Hurst and Co., 2009. Pp.432 + notes + bibliography + index. £50 (hbk). ISBN 978-1850659181.

After Mass Crime: Rebuilding States and Communities edited by Beatrice Pouligny, Simon Chesterman and Albrecht Schnabel. New York: United Nations University Press, 2007. Pp.336 + notes + bibliography + index. £22.99 (pbk). ISBN 978-9280811384.

There is no shortage of books on ethics and war or post-conflict reconstruction; if anything there are too many, particularly of the latter. Since intervention and statebuilding emerged as key concerns of ‘the international community’ in the post-cold war era there has been a proliferation of edited texts speculating as to the most appropriate means by which states can be ‘rebuilt’ and societies ‘healed’. These texts invariably comprise half a dozen case studies bookended by a handful of chapters agonizing over the contradiction between liberal ideals and illiberal international administration. If ever one wanted evidence of the accuracy of the saying ‘A liberal is someone who can’t take his own side in an argument’, then one need look no further than such edited volumes with their earnest titles and emotive cover images. Thankfully the books reviewed here offer more than this and comprise useful additions to existing literature.

Christopher Coker advances a principled critique of the foreign policy adopted by the administration of George W. Bush in the wake of the terror attacks of 11 September 2001. Coker is a self-described liberal (Coker 2008, p. 174) who does not reject the idea of military intervention. His critique of the War on Terror is, therefore, grounded in both the liberal and the just war traditions and constitutes a compelling rejection of the Bush/Blair worldview from within the very constituency they sought to mobilize.

Coker argues, 'the Bush administration chose to act in defiance of America's own liberal tradition' (Coker 2008, p. xii). While many may well question America's 'liberal tradition' it is worth acquiescing with this view as (even if it is a generous reading of US history), Coker's critique of the War on Terror is made all the more cutting by virtue of his evidently positive view of the US's role in world affairs. Coker argues that the Bush administration failed to realize that the strength of liberalism derives from its adherence to law – both positive and natural – and that by abandoning both the US has provided its enemies with invaluable propaganda. Indicatively he describes the prisoner abuse scandals at Abu Ghraib as no less than 'one of the worst setbacks in US military history' (Coker 2008, p. 78).

According to Coker, without laws 'we are a threat to ourselves' (Coker 2008, p. 8) and by casting the enemy as 'evil', liberal states risk depoliticizing their opponents, which clouds judgement and, crucially, makes the task of converting foes far more difficult, if not impossible. To substantiate this argument Coker draws on Carl Schmitt's warnings about combating partisans and Clausewitz's analysis on the conclusion of wars. Coker argues that one of Clausewitz's 'principal insights' is that 'wars are only won when the losing side is prevailed upon to accept defeat' (Coker 2008, p. 75). Without this acceptance by the defeated side conflicts may dissipate but will inevitably reappear. To depoliticize a foe and employ manifestly illegal and immoral means to defeat them, makes it unlikely that this foe will accept defeat. Thus the tactics employed in the War on Terror may achieve short-term victory but cannot lead to lasting peace. Coker notes, 'The overriding message of this book is that if we can only fight war for a better kind of peace, we have to fight morally. The permanence of peace is encoded in the codes by which we fight it' (Coker 2008, p. 172). To add practical weight to this theoretical analysis Coker provides case studies on the Nazi tactics in Eastern Europe during the Second World War, the 1954–62 French war in Algeria, and the Israeli strategy towards the Palestinians, each a counter-productive disaster (Coker 2008, pp. 54–76).

Coker agrees that the threat posed by global terrorism is real (Coker 2008, p. 50) but he is critical of those, especially within academia, 'who tend to hype up the threat posed by terrorism in the absence of any useful, solid data' (Coker 2008, p. 81). Terrorism studies, he claims, 'are rather like junk food – they make you feel good at the time, but they have little long-term nutritional value' (Coker 2008, p. 82). This realistic assessment of the current threats coupled with his previous critique of the gung-ho approach of the Bush administration makes this a compelling book and an insightful critique of the War on Terror.

Coker's analysis perhaps evidences more faith in liberalism than many will empathize with. His conservative approach to liberal internationalism may well be one strong strand of liberalism, but there is a tendency to portray the more bellicose interventionist 'liberalism' as an aberration rather than a logical evolution of liberal thinking. He argues 'the liberal world must remain true to its own values not in the belief that they are universally true, but with the understanding that they are true for us' (Coker 2008, p. 174). While this constitutes a modest variant of liberalism, it does not preclude liberal interventionism but rather seeks to change the discourse legitimizing it. The invasion of Iraq was obviously a disaster but this was a function of the tactics employed – rightly criticized by Coker – rather than some failing inherent in liberal internationalism. Coker's perspective, therefore, could be seen as having the advantage of hindsight and one which is not opposed to liberal interventionism but rather in favour of a change in rhetoric and a closer adherence to 'ethics'. This critique therefore, constitutes a call for tactical change rather than a grand narrative advancing a new direction or doctrine. This does not take from the merit of this book however, and indeed makes sense in the context of Coker's expressed adherence to liberalism.

After Genocide is a significant addition to literature on the 1994 Rwandan genocide and comprises an impressive array of authors. The book deals with the themes of memory, identity, transitional justice and reconciliation in a thoughtful manner which resists both hyperbolic descriptions of carnage and inter-ethnic hatred, but also avoids unrealistic prescriptions on how to rebuild Rwandan society.

Unusually, the preface is one of the most interesting sections in the book. The President of Rwanda – Paul Kagame – advances a highly partisan reading of the genocide itself, including the (now routine) indictment of the international community's apathetic response. Additionally he takes issue with the chapter by René Lemarchand in the book. Kagame describes Lemarchand's chapter as an example of the 'many flawed interpretations' of the events in 1994, which have sought to draw attention to the role played by the rebel army, the Rwandan Patriotic Front which Kagame then led, in provoking the genocide and engaging in widespread violence in the months and years afterwards (Kagame in Clark and Kaufman 2009, p. xxiii). Most interestingly, however, Kagame is also highly critical of the International Criminal Tribunal for Rwanda (ICTR). He argues, 'the international community have ignored the need for locally relevant responses to the genocide, and have tried to impose on the Rwandan population institutions and processes that fail to address the particular needs of our society... [The ICTR's] physical detachment from Rwanda has prevented it from meaningfully engaging with the Rwandan people' (Kagame in Clark and Kaufman 2009, p. xxv). Since 1994 the international community has sought to atone for its response to the 1994 genocide and the ICTR has been the flagship project of this response. President Kagame's critique is therefore damning indeed.

In their introduction Phil Clark and Zachary D. Kaufman identify what they claim were two worrying trends on the tenth anniversary of the genocide; namely

'a neglect of basic truths about the genocide and the proliferation of genocide denial and other forms of damaging revisionism' (Clark and Kaufman 2009, p. 4). Yet, the next three chapters advance the standard account of the genocide – such as rejecting the theory of 'ancient ethnic hatreds' supposedly driving the violence in 1994, making the standard criticisms of international inaction, and rejecting the idea that information was lacking. While the chapters by Linda Melvern and Paul Williams are excellent synopses of events (and in Williams' case a particularly damning assessment of the UK's response), they do not engage with the nefarious 'revisionists' the editors' introduction alludes to. Indeed, the fourth chapter by Lemarchand is in fact clearly in sympathy with the revisionist tendency (hence the President's rebuke in the Preface). Lemarchand does not mince his words: 'there would have been no genocide had Kagame not decided to unleash his refugee warriors on 1 October 1990, in violation of the most elementary principle of international law. If he deserves credit for stopping the killings, it can just as convincingly be argued that he bears as much of the responsibility for provoking them' (Lemarchand in Clark and Kaufman 2008, pp. 70–71). This stands in contrast to the narrative of the genocide which has been propagated by Kagame's Rwanda since 1994 and supported by the international community, keen as always to simplify events to a battle between an evil aggressor (the Hutu) and a victim (the Tutsi). Each of the Chapters in Part II deal with this issue of memory and provide an excellent, and at times divergent, selection of perspectives on the means by which a society as traumatized as Rwanda's can be repaired.

Part III deals with transitional justice and particularly the role of the ICTR. In contrast to the President's preface, there is a clear preference for the ICTR over the community-based *gacaca* courts system (a system of community courts designed to try the accused at a local village level and provide some degree of reconciliation), which William Schabas argues has 'opened a Pandora's box' (Schabas in Clark and Kaufman 2009, p. 226). Phil Clark notes that the *gacaca* process has been hampered, somewhat curiously, by poor turnout (Clark in Clark and Kaufman 2009, p. 317). Zachary Kaufman describes the establishment of ICTR as 'a momentous advance in international relations' (Kaufman in Clark and Kaufman 2009, p. 259) while Hassan Bubacar Jallow provides an excellent analysis of how the ICTR has significantly clarified the meaning of the 1948 Genocide Convention (Jallow in Clark and Kaufman 2009, pp. 270–271).

Part IV examines the legal and institutional legacy of Rwanda focusing in particular on subsequent judicial processes in the ICC and within Kosovo. Jennifer Welsh's chapter on the 'Responsibility to Protect' doctrine is especially interesting and while she notes the rapid ascent of the concept in international diplomacy, her analysis of its status and impact should give pause for thought. While she argues that the broad acceptance of the concept constitutes a 'significant statement of political commitment' (Welsh in Clark and Kaufman 2009, p. 346) and an advance on the provisions in the UN Charter, she also notes that the crisis in Darfur clearly demonstrates that 'the endorsement of words is not sufficient to bring about a change in state behaviour' (Clark and Kaufman

2009, p. 355). She provides a particularly insightful analysis of the 2005 World Summit Outcome Document and its inclusion of two paragraphs endorsing the idea of a 'Responsibility to Protect'. Welsh notes that for all the noise made by proponents of 'R2P', the Outcome Document is vague on a number of key issues and in reality 'does not provide any new legal obligations on the part of individual states, or groupings of states, to prevent the slaughter of civilians' (Welsh in Clark and Kaufman 2009, p. 345). Hence her claim that 'we are not yet in a position to promise "no more Rwandas"' (Welsh in Clark and Kaufman 2009, p. 350).

The rationale behind *After Mass Crimes* is that the focus of enquiry in post-conflict societies tends to overlook the effect such traumas have on communities and groups. Additionally the catalysts for such crises, the editors note, are all too often attributed to a belligerent group's inherent bloodlust or hatred for a different group when in fact 'a profound crisis of the various institutions that regulate social and political interaction' is the true cause of these mass crimes (Pouligny, Chesterman and Schnabel, in Pouligny *et al.* 2007, p. 2). This is often a quite technical book which goes far beyond the discipline of International Relations to include contributions from psychiatry and anthropology. The book advances detailed analyses of particular conflicts and a set of prescriptions for dealing with the terrible consequences of these mass crimes.

The nature of some of the prescriptions highlight the enormity of the task, not because they require enormous expenditure or the mobilization of vast resources, but rather because they are so obvious it is worrying that they have to be stated at all. For example it is noted that international actors engaging with post-conflict societies need to show sensitivity and an awareness of local culture (Pouligny, Chesterman and Schnabel, in Pouligny *et al.* 2007, pp. 15–16). The fact that such a seemingly obvious prescription has to be advanced by academics of this stature is surely an indictment of the existing system.

Seven case study chapters provide insight into the many mistakes made by both international intervention in post-conflict societies and also national policies aimed at rebuilding divided communities. Maurice Eisenbruch assesses the situation in Cambodia and notes that for all its good intentions the UN 'came to be seen by some as just another corrupting foreign presence' (Eisenbruch in Pouligny *et al.* 2007, p. 76). Kimberly Theidon's analysis of post-war Peru is highly critical of the government's approach and she argues '[the] national processes of reconciliation remain largely peripheral to the daily lives of people living in areas most affected by political violence' (Theidon in Pouligny *et al.* 2007, p. 119). In keeping with the theme of *After Rwanda*, Scott Strauss notes that the idea of reconciliation is simply not plausible; co-existence is the most we can expect (Strauss in Pouligny *et al.* 2007, p. 136).

Leslie Dwyer and Degung Santikarma's chapter on Bali concludes that reconciliation projects and national commissions cannot be seen as the end of the process; rather these projects invariably release destructive forces which call for a new phase in post-conflict reconstruction (Dwyer and Santikarma in Pouligny *et al.* 2007, p. 210). Similarly Louis Kriesberg warns, 'External actors...

do not always mitigate a conflict's destructiveness. Indeed, they may prolong and intensify it' (Kriesberg in Pouligny *et al.* 2007, p. 265). This cautious, at times highly critical, approach to post-conflict reconciliation – at both the national and international level – constitutes a welcome departure from the many analyses which treat post-conflict reconciliation in simplistic, paternalistic terms and conceive of international engagement as inherently good. This is a book which will be of great interest to all those seeking to understand the complicated dynamics involved in post-conflict societies and the many pitfalls and dead ends that await naive, if earnest, interventionists.

These books explore issues of ongoing importance and advance thoughtful and comprehensive analyses. Much ink has been spilt in the contemporary era discussing the ethics of military intervention and the most apposite means by which post-conflict societies can be healed. While these books are more sophisticated than many others in this genre, they are unlikely to resolve the major contentions in the debate surrounding the ethics of intervention and the mechanics of post-conflict reconstruction, though they certainly supplement existing knowledge in these fields.

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