Book Review


1. Introduction

The volume *International Law and its Others*, edited by Anne Orford, draws together articles by a large number of well-known and up-and-coming scholars of international law. As the title suggests, the volume wishes to address issues at the margins of international law as these are often the issues that challenge and provide new perspectives on the foundations of and the diverse roles played by international law in the contemporary neo-liberal, terror-struck and militarized post-9/11 world where human rights, gender equality and democracy are promoted as universal solutions. Orford has done a great job in pulling the chapters together, and there are new and unexpected turns in each of the chapters. I would strongly recommend this volume to everybody with an interest in legal theory, in the role that international law plays in global politics or in how we as (international) legal scholars or practitioners are part of, contribute to and can challenge developments in international law and politics.

Below I provide an overview of *International Law and its Others*. Thereafter, I will discuss two key themes in the volume: the role and reformulations of international law in the post-9/11 world and the self-perception of humanitarian-minded international lawyers.

2. A Brief Overview of International Law and its Others

In her introduction to *International Law and its Others*, Orford situates the publication in the contemporary post-Cold War and post-9/11 era with its trademarks of increasing interest in “questions of international law and cosmopolitan legality” and equally in questions about the limits of the promise of international law (p. 1). She notes that the publication does not aim at looking for answers or “pre-packaged solutions” in international law or its institutions, instead it explores international law “as a record of attempts to think about what happens at the limit of modern political organization” (p. 2). More specifically, the
publication is about “the many forms of the relation to the other, as it is figured, performed, inscribed and imagined in the discipline of international law” (p. 3).

*International Law and its Others* is divided in four parts. The first part entitled “Sovereignty Otherwise” includes five contributions challenging “the well-rehearsed disciplinary history of sovereignty, one of progress from religious absolutism to secular rationalism” (p. 7). In this part, Costas Douzinas and Ian Duncansson analyze the development and content of the notion of sovereignty. Dan Danielsen challenges the idea of the nation-state as the primary lawmaking subject in international law, arguing that transnational corporations should also be thought of as “producers of regulation or as governance institutions” as they are producing law and policy (p. 85). In the last chapter in this part, Connal Parsley discusses sovereignty from the perspective of “the stolen generation”, i.e., the “half-caste” Aborigines that were taken from their families to be raised as European Australians.

The second part entitled “Human Rights and other Values” includes four contributions that in different ways ask “whether human rights offer a mode of resistance for the subject—a way of resisting modernity’s ‘hounding of the subject beyond death, apparently without limit’—or whether instead the invocation of human rights constrain our capacity to think about and counter ways in which power circulates in this global politics and economy” (p. 15). In this part, David Kennedy challenges the self-perception of human rights advocates and humanitarians, noting that while the values of human rights and humanitarianism have come to inform core policies, human rights advocates and humanitarians have not come to view themselves as part of the international governance elite. Kennedy concludes his article by the strong statement that “[w]e have met the empire, and it is us” (p. 152). Orford discusses the relationship between human rights and trade law through a lens of the economy of sacrifice and through what escapes this economy, in particular, the mother-child relationship. Judith Grbich continues the trend of evoking religious imagery through discussing the “messianistic logic” of Western power and international law. Florian F. Hoffman returns to the discussion evoked by Kennedy and discusses the construction of contemporary human rights activists and practices in relationship to the other and to othering.

The third part entitled “The Relation to the Other” also includes four contributions that “explore the impossible demands made of those addressed by international law in its civilizing mode, and the intimate quality of the encounter mediated by international law with those figured as other” (p. 22). In this part, Liliana Obregón discusses the allure of the civilizing discourse of international law from the perspective of what she defines as the “Creole legal consciousness” in Latin America (p. 248). Frédéric Mégret analyzes the creation of the post-9/11 “exception” to the laws of war, the unlawful combatant, in the light of the