
Book Reviews

Elizabeth Heger Boyle, Editor

Imperialism, Sovereignty and the Making of International Law. By Antony Anghie. Cambridge, UK: Cambridge University Press, 2005. Pp. 378. \$110.00 cloth.

Reviewed by Leslye Obiora, University of Arizona

Anghie posits imperial interests as the crucible for the improvisation of the norms, structures, and processes that constitute the international rule of law. Identifying the seminal works of Francisco de Vitoria as a watershed that engendered juridical techniques and institutions manifestly appropriated as license to live by plunder, he copiously depicts the chameleonic persistence of Vitorian epochs belied by rituals of innovation in the international legal framework. Exploring the politics that inform the complex of rules refereeing what entities are sovereign and ascribing relevant powers (p. 16), Anghie analyzes the doctrine of sovereignty not merely as a fetish albeit impotent to fetter imperialism, but precisely as a simple expedient contrived to entrench colonial exploitations. Addressing the intimate connection between the doctrine and the question of culture, the author critiques the construction of sovereignty as the intrinsic preserve of a racialized elite simultaneously vested with the prerogative to arbitrate the ripeness (or lack thereof) of competing entities for induction.

In a similar vein, Anghie invokes an array of vivid arguments to demonstrate the contemporary significance of the self-sustaining exclusions that inaugurated the jurisprudential resources of international law as a strategy of European imperialism. Illuminating the ideological and material constraints that predetermine dominations and the dependencies that thwart the substantive self-determination of third world states, he illustrates the incoherence of the axiom of sovereign equality and its corollaries as models of universal applicability. Underscoring a constellation of fictions that reinforce the disparate integration of the third world into the global order, the author chronicles a genius of creativity that legitimizes and perpetuates imperialism as a pervasive constant. Dissecting iterations of the colonial encounter as fossils with discernible imprints of historical shifts in the global political economy that incubate peren-

Law & Society Review, Volume 40, Number 3 (2006)

© 2006 by The Law and Society Association. All rights reserved.

nial inequities, Anghie draws on the Mandate System to exemplify the genesis of egregious extremities that precipitated the Rwandan carnage (p. 191). The instructiveness of Anghie's insight into the profound influence of the global political economy on localized violence falters in light of the explanatory force he imputes to ethnicity and racial determinism in lieu of rigorous attention to the objective conditions underlying conflict over resources (p. 206).

The work would have been further enriched had the author turned his piercing gaze to explore, animate, and engage the third world's agency in its own predicament. An undertone of the work suggests an unquestioning embrace of the passivity of the third world that is rather curious. Perhaps it is naïve to presume the viability of resistance in the face of uncompromising ambition or against imperialistic finesse fine-tuned through years of practice. Arguably, there is no shortage of substantive historical evidence to vindicate counterhegemonic acts that Anghie seems inclined to relegate to a passing note. Conceivably, robust attention to third world agency by way of resistance—or complicity for that matter—is not exactly consistent with a core thesis that foregrounds the arrogant certainty of hegemonies whose machinations abound with impunity. However, the occlusion of or reticence about third world agency is not readily reconcilable with the author's assertion of the centrality of the colonial encounter to the ascendancy of sovereignty. By the same token, closer interrogation may well have demystified the self-diminution signified by the third world's apparent ratification of a regime Anghie painstakingly elucidates as a proxy for imperialism.

The enthusiasm that marked the inception of this review was especially tempered with disappointment about the author's teasing rhetorical maneuvers, spurious disclaimers, and incongruous symbolic gestures. In material respects, the work does not quite live up to its aspiration to showcase "alternative histories—histories of resistance to colonial powers, history from the vantage point of the peoples who were subjected to international law" (p. 8). For a body of work preoccupied with nuance in distinguishing its undertaking and potential contribution, the considered evisceration of international ethics atrophies into a tunnel vision that replicates a familiar pattern of ascribing omnipotence to the West. Anghie extensively suggests that the stakes that dictated and are safeguarded by the predication of international order on asymmetric binaries or "a dynamic of difference" inoculate against the evolution of an inclusive paradigm from the status quo. However, insofar as he highlights the transformative potential of historicizing particular formulations and privileges a space to reclaim and invigorate international law in the postcolonial world (p. 317), to construe his intervention solely as a critique of the bankruptcy of technol-

ogies of control and management that masquerade as international law is to deflate the incisiveness of his criticism and to decline his invitation to render the regime accountable. All things considered, Anghie's book is a thoroughgoing account that gives voice to sentiments that seldom see the light of day, let alone are adjudged worthy of dissemination by a prestigious press. The rereading of international law is a useful corrective to conventional perspectives that normalize subjugation and its rationalization by any means necessary.

* * *

Overcoming Apartheid: Can Truth Reconcile a Divided Nation? By James L. Gibson. New York: Russell Sage Foundation, 2004. Pp. 488. \$47.50 cloth.

Reviewed by John Hagan, Northwestern University and American Bar Foundation, and Sanja Kutnjak Ivković, Florida State University

Gibson's ambitious goal is to assess the success of the South African Truth and Reconciliation Commission (TRC) not only in reducing this nation's racial divide, but also in increasing South Africa's political tolerance, its support for human rights, and the legitimacy of its governing political institutions. He rises to this challenge by analyzing the results of a landmark 2000–2001 survey of nearly 4,000 South Africans. Gibson is cautious but not shy in delivering a bottom-line assessment. He finds that nearly one-half of the South African population entered the new millennium expressing some degree of reconciliation. Given the challenges of overcoming apartheid, the TRC, according to Gibson, has likely delivered as much as could be expected.

The reader learns much across the chapters of this book: that reconciliation is a measurable construct, that interpretive truth is critical in creating a collective memory, that intense contact among members of conflicting subgroups can help achieve reconciliation, that the creation of a human rights culture—among the populace and the government—is both a backward- and forward-looking process, that intolerance is a social and not an individual-level characteristic, that amnesty can be a powerful source of perceived injustice, and that public institutions that serve as the backbone of a democracy must develop a substantial degree of legitimacy.

Among the strengths of Gibson's accomplishment are the precision of his measurement approach and the cautiousness of his analytic judgments. For example, subdimensions of reconciliation