
Book Reviews

Peter J. Schraeder (ed.). ***Exporting Democracy: Rhetoric vs. Reality***. Boulder: Lynne Rienner Publishers, 2002. Pp. 289.

Susan Marks. ***The Riddle of All Constitutions: International Law, Democracy, and the Critique of Ideology***. Oxford: Oxford University Press, 2003 (paperback). Pp. 164.

The two books under review offer contrasting content and styles. While the Schraeder volume is primarily an exercise in conducting international relations, Marks, whose book was given a new lease of life by a second edition in paperback, locates herself in the world of international law. The Schraeder book, consisting of 12 essays, is all about 'exporting democracy' to the Third World. On the other hand, Marks, relying on critical theory and its accompanying conceptual vocabulary, advances a concept of 'democratic inclusion' that is sceptical of the 'exporting democracy' project. However, Marks goes along with the Schraeder *et al.* view that democracy is a 'universal value'. She therefore argues that 'instead of renouncing the project of promoting democracy through international law . . . international legal scholars should rethink that project' (at 1).

The Schraeder volume seeks 'better [to] understand the *international* dimension of the democratisation process' (at ix). It is about the promotion of democracy by state and non-state actors within the international system (*ibid.*). The need for such an exercise, as the editor of the volume stresses, flows from democracy's status today 'as the predominant form of political governance' and 'the emergence of an international norm that considers democracy promotion to be an accepted and necessary component of international

behaviour' (at 1). The essays do not, however, attempt a detailed investigation of the basis of the claim that the norms of democratic governance and democracy promotion have emerged.

Marks also avoids engaging with debates that characterize 'the general field of democracy promotion'. She confines herself to clarifying the ambit, implications, and limits of the norm of democratic governance (at 1).

Both books, however, seem particularly topical in light of the renewed emphasis on spreading democracy following the invasion of Iraq.

The Schraeder book considers three aspects of the 'exporting democracy' project. First, it considers the assumptions that impel the democracy promotion efforts of state and non-state actors within the international system. Secondly, it explores the modes by which several northern liberal democratic states export democracy to the developing world. Thirdly, it examines the efforts of several multilateral and non-governmental organizations in this regard (at 10).

In exploring these diverse dimensions of 'exporting democracy' the volume assumes a certain meaning of 'democracy'. Democracy is, in this view, all about free and fair elections, civil and political rights, free trade, and an open market economy. In proceeding with this understanding, the volume displays an epistemological confidence that is belied by the contested nature of the concept of 'democracy'. More specifically, the volume does not consider the question of 'exporting' democracy to inter-state relations and international institutions. This omission circumscribes the subject in a way that is somewhat debilitating, as increasingly sovereign powers are being relocated from states to international institutions. But the omission is not surprising in view of the fact that there is no discussion in the book of the kind of democracy that is

being promoted in the developing world. Most of the essays disregard the critique that ‘low intensity democracies’ are the best shell for the adoption and legitimization of neo-liberal policies by third world states in an era when cold war politics can no longer be used to support predatory and authoritarian regimes in creating conditions hospitable for transnational capital. As Johnson rightly points out in his essay, ‘the assumption that democracy causes economic development will often rest on shaky theoretical and empirical grounds’ (at 51).

What the low intensity democracy model does, as Marks notes in her book, ‘is to concentrate attention on forms and events, and correspondingly to shift the emphasis away from relationships and processes’ (at 52). In turn ‘this serves to reduce the justification for challenging the existing order, and thus to weaken the impetus for radical social and political change’ (*ibid.*). In his illuminating chapter on the role of northern political foundations and think tanks, Scott notes how even non-state actors are used to ‘help empower certain groups with certain purposes, and they work to construct certain types of states and economies’ (at 210).

The absence of serious discussion of the kind of democracy that is being exported has *inter alia* meant that there is, first, no reference to the continuing debate on the need to establish transnational structures of political accountability. Secondly, it excludes any discussion of the growing concern about the democracy deficit that characterizes international institutions, in particular the two international financial institutions and the WTO. Finally, the book does not seriously engage with the problems relating to the use of force to promote democracy and human rights in the post-Cold War era.

A second comfortable omission is the problem with the democracy project in the Western world. Thus, for instance, there is no discussion of xenophobia and racism at home and the increasingly disturbing treatment of asylum seekers. But, in the era of globalization, can a state be deemed a democratic state if it does not take seriously, among other things, the rights of strangers? Thus, the book is all about how we can democratize ‘Others’ rather

than how, if we are to do so, we should also deepen and strengthen democratic practices in the industrialized world and in the international system. Unsurprisingly, Kegley and Hermann, at the end of their chapter exploring the democratic peace hypothesis, unapologetically state: ‘[t]he developing world provides an opportunity to put the propositions of democratic-peace theory to a critical test’ (at 29).

Therefore, the possibility that northern industrialized democracies may be undermining global democracy and exporting violence to the developing world is not even considered. The volume ignores growing evidence that the external policies of Western liberal democracies may be contributing to societal disruption and conflict in the Third World. To be fair, Kegley and Hermann note that ‘democracies do wage wars against nondemocracies and are prone to initiate low-scale military interventions to influence the outcome of disputes’ (at 28). But these wars are traced to ideologically motivated leaders rather than to a deep-seated suspicion of Third World democracies that aspire to go beyond polyarchy.

The other possibility, the idea that the Western industrialized world could also learn from democratic practices in the developing world, is, needless to add, not raised. To take an election-oriented example, cannot the US, after the Bush–Dole vote-counting episode, have learnt from a country like India on how to handle vote counting better? More generally, is there nothing in the social and political practices of local and national communities in the entire developing world that is worthy of emulation?

The latest subject of democracy promotion is, of course, Iraq. The events there reveal in their starkness that the democracy promotion project is in many ways and instances a hegemonic project. In this case it is more about securing oil and strategic interests than about the democratic rights of the Iraqi people. As William Robinson,¹ whose work Marks cites

¹ Robinson, ‘What to Expect from US “Democracy Promotion in Iraq”’, available at <http://www.focusweb.org/main/html/Article360.html>

in her book, notes, the US has three goals in exporting democracy to Iraq (whether these would be realized or not is an altogether different question): the first is 'to cultivate transnationally-oriented elites' who share Washington's interest in integrating Iraq 'into the global capitalist system and who can administer the local state'. The second is 'to isolate those counter-elites who are not amenable to the US project, such as nationally (as opposed to transnationally) oriented elites and others in a position of leadership, authority and influence, who do not share US goals'. The final goal is to 'establish the hegemony of this elite over the Iraqi masses, to prevent the mass of Iraqis from becoming politicized and mobilized on their own independent of or in opposition to the US project, by incorporating them "consensually" into the political order the US wishes to establish'.

The Schraeder volume, if we were to forget for the moment the imperial posture that underlies the idea of 'exporting democracy', does offer some critical and useful insights into the problems associated with 'exporting democracy'. For example, it brings out the fact that while there is a degree of unity between northern industrialized states in exporting democracy, they do not necessarily have a unified perception about how this is to be achieved. An important contribution of the Schraeder volume is to bring out, through four informative essays, the differences in perceptions, objectives and strategies of the Nordic countries, Germany, Japan and the US in democracy promotion. While the US emphasis is 'on political liberalization in the pursuit of security interests', the 'German and Japanese focus [is] on economic liberalization as reflective of economic interests', and the Nordic countries stress 'social liberalization reflective of the special social welfare dimension of Nordic democracies' (at 230). This picture, however, does not take into account the fact that in the post-Cold War period there appears to be greater convergence in the democracy promotion policies of these states. Thus, as Laakso notes in his chapter on Nordic countries, 'in many respects Nordic aid policy has become similar to that of the other northern industrialized democracies' (at 70).

Turning to multilateral agencies and their role in democracy promotion, Joyner has written a useful chapter on the contribution of the UN to fostering democracy, in particular within the developing world (at 148). The Organization has, *inter alia*, done so through supporting the effort to codify democratic principles and values, facilitating plebiscites or national elections, and helping in the peaceful resolution of violent conflicts (at 171). But when these measures are viewed in the light of the fact that the UN has moved away from addressing the serious problem of poverty and underdevelopment, and instead turned to evolving a 'global compact' with the transnational corporate sector, its democracy promotion steps are in accordance with the perspective of northern industrialized democracies. To put it differently, the UN has been repositioned in the era of globalization to bring its democracy promotion efforts into alignment with the policies of northern industrialized states seeking to establish low intensity democracies in the poor world. The role of the international financial institutions was always in accord with this. In a chapter on the World Bank, Hibou notes that 'despite a change in rhetoric, philosophy and the method of international financial institutions have remained the same: the political imperative of democracy promotion is treated as simply a technical and supplementary element, only mobilized to reinforce the prevailing economic catechism of export-oriented free markets with little state intervention' (at 174).

Marks is therefore right to concentrate in her book on the potential of the norm of democratic governance *both* 'for sustaining relations of domination and for transforming them' (at 2). The relations of domination are sustained, as has been emphasized, by confining the meaning of democracy to a 'government produced in a particular way'. But as she rightly emphasizes, the institutions and procedures of representative government cannot be allowed to exhaust the meaning of democracy (at 2). For to do so would be to forget that democracy is all about self-government (*ibid.*). On the other hand, it bears repetition

that Marks does not endorse the sceptical responses to democracy promotion, for these 'fail to register the very real advances that are fostered and facilitated through the global circulation of democratic ideas' (at 147).

Instead, she seeks to reconstitute and rearticulate the relationship between international law and democracy by advancing the 'principle of democratic inclusion' (at 148). Significantly, the reconstructed relationship assumes the relevance of the ideal of popular self-rule and political equality 'not just in national politics, but in international and indeed all other political settings as well' (at 110). Marks, following David Held and others, stresses the need to transcend national boundaries to fulfil the potential of the idea of democracy. The argument is as simple as it is persuasive, that if the fate of national political communities is increasingly shaped by decisions taken in international settings or in international forums that escape democratic control then mere talk of democracy at the national level will not suffice. Her critique in this respect of the work of Anne Marie Slaughter and Thomas Franck is to the point. Marks points out how Slaughter 'underrates the enduring role of international organizations', while Franck 'pays too little regard to the significance of transgovernmental networks', and both 'attach insufficient importance to the "private" domain of transnational business' (at 97). The result is to downplay 'the democracy deficits of international organisations, transgovernmental networks, and transnational business' (*ibid.*). In other words, if democracy is to be exported it must not be merely to the developing world but also to international organizations, transnational networks, and the private world of transnational business.

The principle of democratic inclusion that Marks advances is meant to guide all aspects of norm creation, interpretation, and enforcement of international law (at 111). If assigned such a role, the principle would greatly facilitate the introduction into the body of international law of a bias in favour of inclusive politics and offer reasons for deepening participation in the international law-making and

enforcement processes (at 111 and 113). In turn, the principle of democratic inclusion would make possible the greater promotion and protection of human rights (at 116).

Marks admits that she has 'sketched the barest outline of a proposal' (at 118). She does, however, illustrate the workings of the principle of democratic inclusion by reference to the right of peoples to self-determination. Here the principle of democratic inclusion helps overcome the traditional dichotomy between the creation of new states and the preservation of the *status quo* (at 112). The principle of democratic inclusion serves to shift the focus 'from territorial sovereignty to political community, from relationships between people and territory to relationships among individuals and groups' (*ibid.*). It facilitates the realization that 'transformative change ... can be realized in a wide variety of ways' (*ibid.*).

In my view, Marks's principle of democratic inclusion represents an important advance inasmuch as it reveals the serious problems with the pan-national democracy promotion project, offers the means of entrenching political accountability in international organizations, transgovernmental networks, and the like, and helps deal in a just fashion with fissures inside the nation-state.

At the end of the day the difference between the two books is about method. The Schraeder book represents what Marks calls 'traditional theory', involved in problem-solving and somewhat unreflective about the deeper meanings and implications of exporting democracy to Others. The Marks book instead deploys 'critical knowledge' to interrogate the assumptions and interests that inform the emergence of the principle of democratic governance and its export. 'Critical knowledge' challenges in particular the mainstream claim of disinterestedness in articulating certain ideas and norms. It uses ideology critique to understand how democracy promotion through international law may serve 'to stabilize systematic asymmetries of power' (at 29). Thus, whereas the problem-solving approach affirms the *status quo* plus democracy promotion formula, critical theory seeks to put the system into question (at 143).

Marks notes in this regard 'the indeterminacy of the central concept democracy', 'the norm's potential to serve as an agent of neo-colonialism', and the fact that the norm of democratic governance 'is too easily turned against redistributive claims and towards hegemonic agenda' (at 140–141).

I would strongly recommend Marks' book to all students of international law. It is an outstanding work on the relationship between democracy and international law in the era of globalization. What is more, the book is written with refreshing clarity. Critical scholars often do not appreciate the need for writing in accessible language so that they can reach out to those unfamiliar with the critical tradition and its sometimes difficult vocabulary. Marks must be congratulated on this count. She also bridges with great acumen and skill the work of critical theorists (such as Cox, Foucault, and Habermas) and the world of international law.

If I have any complaint about the book it is that Marks has not taken greater cognizance of critical Third World scholarship in international law. In my view, Third World scholarship has for the past several decades been advancing the principle of democratic inclusion, albeit admittedly not in the form in which Marks casts it. But surely Third World scholarship has commented on the meaning, implications and limits of promoting political democracy in an unequal international system. The current critique of the emergence of a norm of democratic governance and its advocacy is not very different from it. It would have greatly strengthened her proposal for a principle of democratic inclusion if its spirit were reflected in her scholarship as well.

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Robert Walter, Clemens Jabloner, Klaus Zeleny (eds). ***Hans Kelsen und das Völkerrecht. Ergebnisse eines Internationalen Symposiums in Wien (1–2 April 2004)***. Vienna: Manz, 2004. Pp. 241. €48. ISBN 3-214-07672-8.

This book contains 10 essays written for a symposium on Hans Kelsen and international law in April 2004 in Vienna, published by the Hans Kelsen Institute. Not only do multi-contributor works such as this contain a broad spectrum of approaches and views, but the reviewer also has to contend with the fact that the positively enlightened is often separated from the uninformed and trivial by no more than a page.

The reader already gets started off on the wrong foot with Jochen Frowein's article on US unilateralism.¹ Not only is there absolutely no connection with Kelsen or any of his theories, but Frowein writes using the exact sort of mix of political, moral, and legal argument (*Methodensynkretismus*) that Kelsen fought in his works. I hope that, in the final score, this turns out to have been a cunning plan by the editors to demonstrate traditional international legal scholarship's impure pragmatism, rather than mere ignorance on the part of the author. At this point one is almost happy – although in this case one should not be – that most scholars will approach this book as a *locus* from which to pick a noteworthy article, like a raisin in a cake, rather than a book to be read from cover to cover. Yet it is precisely in this second sense that the book shows its qualities best; the whole here is worth more than the sum of its parts.

It certainly is not an introduction for the uninitiated,² for we find some rather gross

¹ Frowein, 'Die Zukunft des Völkerrechts', in R. Walter, C. Jabloner and K. Zeleny (eds), *Hans Kelsen und das Völkerrecht. Ergebnisse eines Internationalen Symposiums in Wien* (2004) 7.

² A number of publications have already attempted this: A. Rub, *Hans Kelsens Völkerrechtslehre. Versuch einer Würdigung* (1995); The colloquium 'Hans Kelsen' in this Journal in 1998: 9 *EJIL* (1998) 287; J. Bernstorff, *Der Glaube an das universale Recht. Zur Völkerrechtstheorie Hans Kelsens und seiner Schüler* (2001).