Anne Saab. ***Narratives of Hunger in International Law: Feeding the World in Times of Climate Change.*** Cambridge: Cambridge University Press, 2019. Pp. 222. £85.00. ISBN: 9781108473378.

What role can international law play in preventing climate change from letting many more people go hungry? Anne Saab centres her book on this pressing question. While the question's urgency calls for a robust response, Saab resists those pressures and takes a step back, investigating how the relevant debates in international law stabilize assumptions and limit the scope of possible answers. As a result, she argues, proposals in response to climate change and hunger always end up falling short of dealing with the issues properly. In her prologue and conclusions, Saab recounts how her research moved away from an understanding of law as 'a kind of saviour' (at 9) to a broader inquiry into law's relation towards issues of climate change and hunger; how her work travelled from a discussion of what should be done towards a classical critical inquiry into how apparent solutions have emerged and what they take for granted.[1] Her specific point of reference are debates about so-called climate seeds, seeds that promise high crop yields under extreme climate conditions. Her more general aim lies in exposing the narrative function of international law and its role in 'constructing the very problems it seeks to solve' (at 34).

I am deeply sympathetic towards Saab's approach, appreciate her resistance against the rush towards solutions and share her belief that transformative change requires questioning assumptions in order to 'tell different stories, ask different questions, and develop different – and perhaps more just and effective – answers' (at 140). I do not take issue with the book's lack of guiding solutions, which is a potential point of critique that Saab anticipates (at xiv), or with her premise that current policies are not going to meet the mark and more fundamental change is therefore needed.

Saab's contribution, like other work in the critical tradition, is an invitation to appreciate law as a language that has certain social effects on how problems (and possible answers) are construed. She offers a rich account of those effects through her analysis of debates about climate seeds. Her book significantly widens those debates and advances policy discourses on how to prevent more people going hungry due to climate change. Moreover, Saab provides a fitting example that exposes the narrative force of international law more generally; in other words, the law's contribution to seeing the world one way rather than another.

My main critique will be that Saab overstates international law's narrative force and sets up her inquiry a bit too narrowly. First, it is not clear where, or on whom, this force is supposed to work. Second, the book's focus on international *legal* discourse comes as a limitation in that regard. Third, narratives of international law might themselves do superficial work in the sense that still deeper sets of beliefs are doing more in sustaining those narratives and their underlying assumptions. Fourth, international law is charged with agency to a degree that leaves out the international lawyer. Ultimately, the narratives may say at least as much about them, the lawyers, as they do about the law.

By exposing the *Narratives of Hunger in International Law*, Saab takes the crucial step of drawing out unquestioned assumptions about the relationship between climate change and hunger. She presents two competing narratives: first, a neoliberal narrative that is centred on the availability of food, increased production and technological solutions; second, a sovereignty narrative that focuses on access to food, the distribution of foodstuffs, as well as the right to food and farmers' rights. She notably finds that the sovereignty narrative fails

[1] See Horkheimer, 'Traditional and Critical Theory', in M. Horkheimer, *Critical Theory: Selected Essays* (trans. M. J. O'Connell and others, 2002) 188.

to mount a significant challenge to the neoliberal narrative and instead keeps questionable assumptions in place.

Saab drives home her argument about the narrative force of international law by analysing discourses in the three fields of climate change law, intellectual property law and human rights law. With a chapter dedicated to each, she exposes the work of the neoliberal and sovereignty narratives, each time highlighting how the sovereignty narrative falls short of questioning the neoliberal narrative's underlying assumptions.

Saab finds the neoliberal narrative to be particularly strong in climate change law, which puts much hope in adaptation technologies and in private sector investments and innovation (at 72, 77). Intellectual property law is the main battleground in the 'Seed Wars'. Whereas those debates once used to be marked by a fundamental opposition between one approach that viewed seeds as the common heritage of mankind and another that saw them as objects of private property, they are now narrowly focused on who should be able to claim which rights. Both sides thus accept the underlying point that climate seeds *can* be protected as intellectual property (at 101). The field of human rights law is most closely associated with the food sovereignty narrative. However, Saab also sees here how deeper conflicts of competing rights – intellectual property rights vs. the right to food – are suspended in surface debates suggesting that formerly competing positions have become compatible. One can imagine how this would go: intellectual property rights are deemed to be necessary to fulfil the right to food (at 130–133).

Saab bases these analyses on a convincing understanding of international law not as a set of rules or decisions, but as a language. She draws, in particular, on the work of James Boyd White ('the greatest power of law lies . . . in its language, in the coercive aspect of its rhetoric – in the way it structures sensibilities and vision'[2]) and Marianne Constable (arguing that '[t]o think law as language then is in part to . . . keep open to us ways of thinking and speaking that policy discourses appear to preclude or to disfavour'[3]).

Saab not only places her discussion of climate seeds into the broader context of the narrative function of international law, but also treats it from the perspective of food regime theory, which aims to understand the role of agriculture in the global economy (at 27ff.). She notes that food regime theory does, however, still lack an understanding of the role of international law (at 52).[4]

The pyramid of five assumptions that Saab identifies in the narratives of hunger (at xi–xii, 12–13, 52–53) posits at its very basis that, (i) climate change does indeed cause hunger. It follows with the statements: (ii) that food production must increase to feed the world in time of climate change; (iii) agricultural technologies are necessary to increase food production; (iv) private sector investments are necessary to develop agricultural biotechnologies; (v) intellectual property rights and seeds are necessary to incentivize these investments. Both the neoliberal and sovereignty narratives of hunger leave these assumptions unchallenged. They do this at a great cost, because, as Saab argues, only if these assumptions were questioned, might it be possible to work towards transformative change to feed the world in times of climate change. She concludes: 'ignoring the narrative force of international law in construing understandings of hunger and devising possible solutions unnecessarily closes the door to alternative narratives' (at 161).

[2] J. Boyd White, *The Legal Imagination* (1973), at xiii, quoted in Saab, at 33–34.

[3] Constable, 'Law as Language', 1 *Critical Analysis of Law* (2014) 63, 74, quoted in Saab, at 34.

[4] Also see Saab, 'An International Law Approach to Food Regime Theory', 31 *Leiden Journal of International Law* (2018) 251.

Some might regret that Saab stops there, but it does strike me as a compelling final note that echoes the critical approach that she introduced and justified at the outset.

Turning to my critique, I first wonder in what discourse and for whom the narratives of international law are supposed to be a force? International law is indeed a pervasive language on many issues.[5] Its constitutive, world-making role is often considered insufficiently, especially by non-lawyers. At the same time, however, lawyers may be prone to exaggerating it. It seems a case in point when Saab claims that '[i]t is by now unimaginable to speak about global hunger without invoking the language of international law and the human right to food' (at 46). For whom is it unimaginable, when and where?

This categorical claim does not sit well with Saab's own reference to food regime theory. It is concerned with global hunger and not at all under the spell of international law. In fact, food regime theory is a repository for Saab to widen her analysis and imagination. Where then *does* international law exert its narrative force? Saab's claim about the pervasiveness of the international legal language may best be related to policy discourses. But the validity of her claim would then still depend on factors such as the forum of the debate and the audience. Legal language may, for example, prevail in public fora but be marginal in backroom negotiations. Moreover, even those who are speaking international law, do they hold the assumptions that Saab discerns underneath the narratives? Are they constrained in their 'sensibilities and vision', or do they knowingly make concessions to be heard in the legal discourse? As Saab notes herself, there is no shortage of contributions that question the basic assumption that climate change causes hunger, and that draw attention to global overproduction and distributive questions instead.[6]

Second, Saab writes that resistance to corporate patent rights on seeds 'must be viewed in the context of broader struggles over legal governance of plant genetic resources' (at 97). 'Because I am interested primarily in the role of international law in constructing narratives of hunger', she continues, 'my focus here will be on international legal means of resistance to the dominance of patent rights in the TRIPs Agreement' (at 97). The analysis of international law's narrative force is then confined from the outset to, well, international legal discourse. One charitable way of reading Saab's work would be as a suggestion that international law's narrative force has already played its part: discourses that could also have used different registers (economic, political, moral, etc.) are now structured by the language of international law. She does not, however, argue that. A comparative, relative assessment of narratives of international law as opposed to other narratives is not part of Saab's present set-up.

This leads to my third question which may further inform accounts of international law's narrative force: What is actually stabilizing the assumptions in the narratives of hunger? It may well be that international law and its narratives are themselves somewhat superficial – not the reason for, but the reflection of, deeper sets of beliefs or discursive structures. It is indicative in this regard that the dominant narrative in international law identified by Saab is the *neoliberal* one, which suggests a clear link with the broader patterns of socio-economic thinking. Saab is well aware that narratives in international law form part of a wider web of meanings, of more general predispositions and developments. My point is not

[5] F. Kratochwil, *The Status of Law in World Society: Meditations on the Role and Rule of Law* (2014), at 1, claiming that 'law now provides in large part the vocabulary for contemporary politics'; Rajkovic, Aalberts and Gammeltoft-Hansen, 'Introduction: Legality, Interdisciplinarity and the Study of Practices', in N. M. Rajkovic, T. E. Aalberts and T. Gammeltoft-Hansen (eds), *The Power of Legality: Practices of International Law and their Politics* (2016) 1.

[6] See, e.g., F. More Lappé and J. Collins, *Food First* (1982), at 21, noting that 'hunger exists in the face of abundance'; quoted in Saab, at 25.

that we should all engage in economics since it seems to rule the world. As lawyers, we do have a sense of the constitutive role of (international) law in some of the central concepts in economics–something that economists, in turn, tend to gloss over.[7] However, when arguing about the requirements and possibilities of transformative change, lawyers should not forget other narrative forces, such as those of orthodox or heterodox economics, and instead try to challenge them.

Fourth and last, international law in Saab's account enjoys too much agency at the expense of international lawyers. Granted, work on narratives is bound to be of a more structuralist bend. Yet, I hesitate when Saab asks 'how does international law resist this dominant [neoliberal] narrative and argue instead that feeding the world is a matter of access to and distribution of food?' (at 11). The language of international law is often rather malleable. After all, it accommodates two distinct narratives on Saab's account. And it could accommodate others. One might thus ask whether international law has failed 'us' or whether 'we' have failed international law. Such a query would also be well in line with Marianne Constable's plea for research in a hermeneutic tradition: 'The manifestations and materialities of language come as gifts . . . revealing – ever imperfect – who we are.'[8]

How much is the language of international law then to blame for 'its' narratives and for leaving assumptions unquestioned? This is a perennial dilemma for those interested in transformative change: how much of the prevailing discourse does one need to buy into in order to make one's point in an effective fashion? It seems that the international legal discourse is very demanding in that regard, setting up high entry costs. In order to change it, it may well be necessary to draw on other debates in the fields of food regime theory, economics and others, where a strong questioning of several of the underlying assumptions *is* taking place.[9]

Overall, Anne Saab's book instructively advances the understanding of international law's narrative function. It does so both in general and with specific reference to debates about climate seeds. Saab showcases the power of a critical approach focused on underlying assumptions, how they frame problems and limit the search for compelling solutions. My points of critique do not change my agreement with, and appreciation for, the book. Perhaps those points go beyond what can be expected from a single work situated in the discipline of international law. I then hope that my critique might inform further steps in the exploration of the narrative force of international law – a strand in inquiry that will remain indebted to *Narratives of Hunger in International Law*.

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7 Cf. Kennedy, 'Law and the Political Economy of the World', 26 *Leiden Journal of International Law* (2013) 7.

8 Constable, *supra* note 3, at 74. See also Davidson, 'A Nice Derangement of Epitaphs (1986)', in D. Davidson, *Truth, Language and History* (2005) 7.

9 There is a multitude of voices that think neither that technology is going to do it nor that property rights incentivize innovation. See, e.g., the debates on value extraction rather than value creation in M. Mazzucato, *The Value of Everything: Making and Taking in the Global Economy* (2018), esp. at 202–207.