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### Book Review (reviewing Jeremy A. Rabkin, Law Without Nations? Why Constitutional Government Requires Sovereign State (2005))

Eric A. Posner

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seemingly the most bullish, end up stressing constraints. For Nye, the problem is that the chief challenges of the day cannot be settled with the kind of capabilities in which the United States excels. Ikenberry insists that U.S. unipolar power can only be effective if it is bound by constraining multilateral rules.

Events since these essays were written in late 2003 or early 2004 appear to buttress the consensus. The United States remains bogged down in Iraq and seems to be experiencing fiscal overstretch, and Secretary of State Condoleezza Rice is busily seeking to reestablish Washington's multilateral credentials. It is nonetheless worth asking whether this turn of events actually vindicates the shared scholarly assessments contained in this book. Counterinsurgency has never been easy—neither for Russia in the nineteenth century, when it fought in the Caucasus for two generations, nor for the British in the Boer War, nor for all the other great powers, including the United States itself in the Philippines or Vietnam. America's difficulties in Iraq are important, but they hardly constitute evidence of something new about international relations that makes power especially powerless. Washington's fiscal overstretch, moreover, is fundamentally the result of domestic, not international, priorities, and the Bush administration's new multilateralism may tell us more about its troubles in Iraq than the binding power of multilateral rules.

Are old-fashioned state-centric capabilities really as “powerless” as these authors suggest? They might be, but there are grounds for skepticism. The authors here generally follow the common practice of determining the utility of power by assessing active attempts by the United States to use it. This inevitably leads to selection bias against evidence of the indirect, “structural” effects that U.S. power may have on international affairs that are not dependent upon active management. Things that do not happen—counterbalancing, great-power arms racing, hegemonic rivalry, security dilemmas among Asian powers, decisions by Japan and others to nuclearize, and so on—are as important as those that do. Not only are nonevents downplayed in comparison to salient events that appear to demonstrate the powerlessness of power, but patterns of events that do go the unipole's way are often missed. Washington's failure to have its way in the United Nations is featured; its quite different experience in the International Monetary Fund is not. And even in the United Nations, the focus on highly contested issues, such as the attempt at a second resolution authorizing the invasion of Iraq, fails to note how the institution's whole agenda has shifted to address concerns (e.g., terrorism) that the United States particularly cares about.

This is fine collection of essays that exemplifies the many different intellectual pathways to the conventional scholarly wisdom about constraints on American power. Readers seeking a challenge to their views will likely have to look elsewhere.

**Law Without Nations? Why Constitutional Government Requires Sovereign States.** By Jeremy A. Rabkin. Princeton: Princeton University Press, 2005. 350p. \$29.95.

— Eric Posner, *University of Chicago*

Many people complain that American foreign policy is self-interested, unilateralist, and brutish, and wish that the United States would participate more enthusiastically in multilateral institutions, such as the United Nations, the International Criminal Court, and the Kyoto Treaty. Defenders of American foreign policy argue that these institutions just do not serve America's interest. Jeremy Rabkin offers an alternative version of this argument: He says that yielding sovereignty to global institutions violates America's constitutional traditions, and the attractive mixture of freedom and security that these traditions support. Global governance is bureaucratic, insensitive to democratic pressures, and indifferent to local variation in values and interests. Further, liberty requires the rule of law, and the rule of law can prevail only in a sovereign state. Global governance undermines sovereignty and thus undermines the rule of law and freedom as well.

Rabkin has no objection to international law per se. So long as international law is created by the governments of sovereign states, which retain the option to violate or withdraw from treaties, it can do much good. What he objects to is the transfer of loyalty of the general public, and important domestic institutions such as courts, from the constitutional government of the state to international institutions or vague international norms or standards that are advanced by busybody nongovernmental organizations: “If the United States can be subject to the will of outside powers, it cannot be governed by the schemes ordained in the Constitution” (p. 266). Rabkin fears that Americans will be tempted to succumb to rule by the mainly foreign employees of international institutions because it promises security, prosperity, and promotion of human rights; will become accustomed to such rule; and then will not realize until too late that they have lost the capacity to engage in self-government. And given that international institutions coddle tyrants, appease aggressors, and impose elite values on the common people, Americans will realize too late that they have lost more than they have gained.

Rabkin's *bête noir* is the European Union, which is itself a quasi-international institution to which constituent states have yielded some sovereignty. He attributes the viability of the EU to the dirigiste, bureaucratic, and aristocratic traditions of the Continent, and argues that the Europeans want to foist their idealistic commitment to global governance on the Americans as well, whatever damage it might do to American democratic and constitutional values. Europeans might like the EU but that is because they discount the values of self-governance and freedom. For Americans, the EU shows what happens

when state sovereignty gives way to supranational institutions.

The author raises important questions. Although some American legal scholars have raised constitutional concerns about American participation in certain international institutions, their objections are narrowly legalistic, and could be silenced through constitutional amendment or (more likely) narrow interpretation of troublesome constitutional provisions by courts that tend to defer to the political branches' foreign policy. Rabkin, by contrast, appeals to American traditions and ideals that the Constitution, as currently understood, embodies.

Ironically, Rabkin's argument echoes the worries of the early critics of the U.S. Constitution. These critics feared that the sovereignty of the former colonies would be lost to a distant, imperial national government, and with the loss of sovereignty would come the loss of prized traditions of self-governance. These critics lost the battle in the 1780s and were forever silenced by the Civil War. American constitutional traditions celebrate freedom but they also embrace empire. Power, prosperity, and prestige were the benefits gained in return for yielding local self-government to a remote national elite. To be sure, the federalist system preserves local autonomy to some extent, but the final product is very much a compromise, and certainly permits further expansion if warranted by the gains. Advocates of global governance, as well as critics like Rabkin, can find ammunition for their views in American constitutional traditions.

Rabkin's argument thus depends less on American constitutional ideals than on a theory about the limits of lawmaking. The author thinks that only sovereign states can make and enforce laws that serve the interests of the people, and he appears to think that the size of sovereign states has a natural limit. When states become too large—at the extreme, a world state—they lose the power to enforce the law, and to the extent that they can, they become imperial, bureaucratic, remote, soulless. But nobody today equates "global governance" and a world state. Rabkin argues, rather, that the intermediate institutions advocated by supporters of global governance create, or are likely to lead to, global institutions that fall short of a world state but nonetheless are harmful in similar ways.

The argument seems too extreme. Not even the Europeans want to extend the EU to the United States, China, and Indonesia. The international criminal court, the Kyoto Treaty, and the World Trade Organization do not impinge on sovereignty in the way that the EU does. Rabkin fears that if Americans acquiesce in these forms of global governance today, they will acquiesce in an EU-like system tomorrow, but the idea that we should reject valuable international institutions, if they are valuable, because of the remote chance that Americans will become complacent about global governance, in general, is not plausible.

These criticisms aside, *Law Without Nations?* has much value. Advocates of global governance often talk as though international institutions have only benefits and no costs, and opposition to them is irrational or purely self-interested. Rabkin draws attention to the moral and political costs of these institutions, and convincingly argues that more is at stake than their immediate consequences for foreign policy. He is right that there are natural limits on the size of states, and that people who transfer their loyalties from national institutions to international institutions take grave risks with their freedom and well-being. Even if the American and the European systems have worked well for their own citizens, it does not follow that these systems can be expanded beyond their current boundaries.

**Partisan Interventions: European Party Politics and Peace Enforcement in the Balkans.** By Brian Rathbun. Ithaca and London: Cornell University Press, 2004. 242p. \$39.95.

— Alexandra Gheciu, *University of Oxford*

Brian Rathbun's book is an important contribution at the interface of international relations and comparative politics, providing a fascinating, well-researched analysis of the impact of domestic politics on the formulation of foreign and defense policy in three major European states: Great Britain, Germany, and France. Rathbun makes two key claims: Parties articulate and implement different policies in the area of peace enforcement and European defense cooperation due to their different ideologies. Second, contrary to the view that parties formulate policies to win elections, he argues that, in general, parties win elections to formulate policies. In an empirically rich account of the effects of partisan politics, Rathbun analyses the views of—and disagreements among—the main parties in the UK, France, and Germany regarding peace enforcement in Bosnia and Kosovo, and regarding the establishment of an European Union capacity for carrying out peace enforcement operations.

Rathbun argues that in contrast to parties on the right of the political spectrum, leftist parties believe less in the use of force, particularly for strategic purposes; have a more inclusive definition of national interest; and are more willing to rely on multilateral cooperation in pursuit of their goals. He notes that peace enforcement generates values conflicts, especially for leftist parties that are forced to choose between the peaceful resolution of conflicts and the protection of basic human rights abroad. When faced with such conflicts, he seeks to demonstrate, politicians support different policies depending on their positions on the ideological spectrum and their country's historical legacies in the area of armed conflict.

*Partisan Interventions* successfully challenges the argument, which for many years was seen as conventional wisdom in the field of international relations, that the national interest is an objective datum, unaffected by