

of his multifaceted subject, he sets clear measures by which to gauge the project's trajectory and to evaluate the concrete initiatives that have been taken. Focused case material is examined with its broader significance and meaning explicated throughout. In this respect, it is a model blending of the conceptual to the empirical. We, as the students of the phenomena, are the beneficiaries who owe a debt to the author.

Merlingen begins by laying out four reasons why the CSDP matters—to the EU, to the world, and to those devoted to assaying the ramifications. First, there is the noteworthy milestone that CSDP represents in Europe's evolution. As he says, "the EU has graduated from security receiver to security provider." That is evinced in the "more than twenty civilian and military peace, stabilization and reconstruction operations fielded so far."

Second, the "EU's role in international security management is bound to grow as international security interdependence rises" with the end of the Cold War. This certainly is true; witness the European role in dealing with the diverse challenges engendered by the Arab Spring.

Third, there is the growth of the EU's military power, which will "hasten the end of the US unipolar period in international security affairs." This last contention is open to debate, as Merlingen acknowledges. Military power in and of itself does not ensure greater activism on hard security problems. There is a crucial element of political will that translates potential into actual influence. One of the Europeans' key liabilities is the absence of a unity of analysis and a unity of will that is difficult to achieve among 27 sovereign decision centers. This is very much on the author's mind as he proceeds to the case studies and in those chapters where he looks soberly at what the record indicates for the longer term—especially for the modalities of the transatlantic partnership.

The fourth reason offered points to the world of scholarship. As the author rightly argues, "students of international politics cannot afford to ignore the CSDP as a real world laboratory in which academic theories can be tested." He might have added, following his own logic, that it behooves policymakers as well (above all in Washington) to enlighten themselves to what Europe has been doing and what it may well be doing in the future. The disparagement in the United States of the EU as a world actor outside the economic sphere is a noteworthy feature of dealings between America and Europe that should be corrected in the interests of all parties.

On this last issue, the author provides a succinct and pointed analysis of the divergent Atlanticist and Europeanist perspectives on the CSDP. While recognizing that the line between the two camps has become blurred, there do remain underlying differences as to the two sides' terms of engagement. They will surface whenever an issue arises that is deemed consequential by most governments and where there is a lack of unanimity as to how to proceed.

To the extent that Merlingen's forecast of a more active and more willful EU comes to pass, those occasions are likely to be more frequent and the resulting reconciliation more difficult. This holds true even if the American view that "the United States' policy toward Europe is no longer about Europe. . . . [I]t's about the rest of the world" is correct. After all, the most fraught moments have been associated with Iraq, Libya, and, sotto voce, Bahrain.

The American preference for compartmentalizing the CSDP geographically (except where it is seen as a vehicle for mobilizing European support for ventures conceived and led by the United States) is on a collision course with the Europeans' preference for globalizing its external policies. How the resulting tensions work themselves out will be a function of broader trends on both sides of the Atlantic that reflect facing up to, or trying to ignore, historic shifts in the international system. As Merlingen notes, a more self-assured Europe could contribute to a transition in strategic thinking in Washington that accords with the logic of the times. At the same time, a new strategic realism on the part of American leaders necessarily would entail giving Europe a bigger, more important role on the international scene. The chapter on the CSDP and Russia is informed by an understanding that relations with powers made cogent by propinquity and interdependence also have this inescapably wider dimension.

For 60 years, Europe could afford to be strategically parochial, or so it thought—so long as America tended to matters elsewhere around the globe, even if its manner of doing so did not always elicit praise. That dominant/subordinate relationship has continued to inflect their interaction and impinges as well on the Europeans' sense of self, along with their aptitude for autonomous behavior. Such a long hiatus in exercising normal powers of sovereignty, set in the broader context of overweening American cultural and intellectual influence, has inescapably created a culture of inequality. The ascent of the CSDP is concrete evidence that this psychology is shifting. If successful, it will liberate Europe while making it more capable of advancing its interests. There is no better guide to this ongoing process than Merlingen's book.

Domestic Law Goes Global: Legal Traditions and International Courts. By Sarah McLaughlin Mitchell and Emilia

Justyna Powell. New York: Cambridge University Press, 2011. 280p. \$94.00.

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— Erik Voeten, *Georgetown University*

In the past decade and a half, political scientists have increasingly applied their theoretical and empirical tool kits to the analysis of international law. This has come in part as a response to new developments, such as the creation of the International Criminal Court (ICC) and the World Trade Organization. Yet theoretical puzzles have

also fueled this surge in interest. Why do states vary so much in their legal commitments? What, if any, meaningful consequences do such commitments have?

While much of the early theoretical work within the liberal paradigm gave expressly functionalist answers to these questions, a more recent literature by scholars such as Xinyuan Dai, Andrew Moravcsik, and Beth Simmons has emphasized the domestic political incentives leaders may have to make and comply with international legal commitments. Sarah Mitchell and Emilia Powell's clearly written and illuminating book fits within this latter strand of research. The twist is that these authors emphasize not domestic politics but domestic legal traditions as an important source of variation in the interactions states have with the international legal system.

Mitchell and Powell accept the basic functionalist insight that international courts provide focal-point solutions that help states resolve coordination dilemmas. Yet as they rightly argue, such solutions create winners and losers. It is not always clear *ex ante* who will fall into what category. In order to minimize uncertainty, states will prefer international courts that mimic the rules and procedures that they are comfortable with domestically. Thus, contestation over the design of international legal institutions often shapes up as a battle between common law and civil law (and, to a lesser extent, Islamic law) countries. States are more likely to accept the compulsory jurisdiction of courts that more closely resemble their legal tradition. Moreover, states are better able to use legal commitments as credible signals of intent when the international courts overseeing these commitments more closely match their domestic legal systems.

The empirical chapters test these theoretical predictions. Conflicts between civil law and common law countries shaped disputes about the design of the ICC and left Islamic law countries largely on the sidelines. The court eventually adopted a hybrid structure. Consequentially, civil law and common law countries are equally likely to ratify the Rome Treaty that established the ICC. However, civil law states are much more likely to accept the compulsory jurisdiction of the International Court of Justice (ICJ), which resembles a civil law court. In Chapter 6, which is the strongest empirical chapter, the authors disentangle the various nuanced ways that common law, civil law, and Islamic law countries define their contractual relationship with the ICJ through reservations and compromissory clauses.

Chapter 7 deals with the effects of legal commitments. The authors show that ICC ratification is correlated with observed reductions in some human rights outcomes. This analysis is somewhat puzzling in that the theory makes no strong prediction on this front. Moreover, the analysis fails to deal with the obvious concern (recognized by the authors) that governments that expect to commit few future crimes against humanity may be more likely to ratify the

Rome Treaty. The analysis of the ICJ's effectiveness is more interesting. Here, they show that pairs of civil law states that accept the ICJ's compulsory jurisdiction are better able to resolve their disputes peacefully due to the credible threat of trusted third-party dispute resolution. This outcome does not necessarily hold for pairs of common law states (who may distrust the ICJ), pairs of states with mixed legal systems, or pairs of civil law states that do not accept the ICJ.

The authors are careful not to exaggerate the differences between legal traditions. They are well aware of arguments that convergence is taking place. Throughout, the book is nuanced and measured in its characterization of legal traditions, although more attention to diversity within legal traditions would have been useful.

The authors could have been more careful in disentangling the precise theoretical mechanism through which legal tradition influences behavior. The emphasis is on the argument that familiarity with rules and procedures reduces the uncertainty and enhances the legitimacy of international court rulings. Yet there is also an alternative strain of reasoning, which focuses on the domestic legal consequences of international legal commitments. For example, common law states may be more suspicious toward international legal commitments because courts in common law countries tend to be more independent and have a wider degree of discretion than their civil law counterparts. Thus, the sovereignty cost of making legal commitments may be higher for common law states.

Mitchell and Powell acknowledge this argument (p. 62) but do not see it as contrary to the familiarity claim. Nevertheless, the implications can be quite different. They argue that international treaties are quintessential civil law constructs that may be viewed as foreign by common law states because they do not derive from judge-made law (p. 62). By this logic (and contrary to the sovereignty cost argument), common law states should be more comfortable with international law if it looks more like judge-made law. I would posit that there is little evidence for this proposition, perhaps exemplified most clearly by the current resistance in the United Kingdom over rulings by the European Court of Human Rights.

Domestic Law Goes Global is agenda setting. Mitchell and Powell are surely correct that greater attention to domestic *legal* characteristics, and not just politics, can enlighten our understanding of the way in which international law works and does not work. Their book is clear, well written, and meticulously researched. At the same time, they have taken the argument about legal traditions about as far it can go. Legal tradition is clearly a rough proxy for more specific features of legal systems that the authors believe are important. Detailed information about the incorporation of international law into domestic constitutions, the rise of judicial review, judicial independence, the enforcement of contracts, and other

characteristics of domestic legal systems is becoming increasingly available. Emphasis on these specific institutional features, rather than broad categories of legal systems, would help us identify the causal mechanisms in a more precise way. This book sets a very high standard against which future attempts to incorporate such domestic legal characteristics will be measured.

Uniting States: Voluntary Union in World Politics.

By Joseph M. Parent. New York: Oxford University Press, 2011. 256p.

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The most powerful country in the contemporary world was once a loose confederation of states. And today various scholars and political leaders foresee the European Union's gradual transformation into a strong, unitary state. Given that the prevailing realist wisdom in international relations suggests that states should jealously guard their sovereignty and buck attempts to subordinate them or otherwise proscribe their autonomy, Joseph Parent endeavors to understand how and why states sometimes voluntarily enter into enduring unions with one another.

As I am a student of secession—focused on precisely the opposite of union—my immediate reaction is that while the United States is an important country, states almost never voluntarily unite with other states. Disintegration, separatism, and societal fractures are far more numerous than voluntary unions. But for Parent, union's relative scarcity is part of its allure; he wants to disabuse overly optimistic constructivist and liberal notions that unification can occur under more routine, and perhaps increasingly common, circumstances (p. 24). *Uniting States* argues that fairly extraordinary conditions undergird the opportunity for union and that many factors can derail the process along the way. Yet the strength of the United States and the potential ascendance of a united Europe make an examination of these unions worthwhile. Surveying the entire modern historical universe of symmetrical, voluntary unions in world politics, Parent finds only four cases fitting his definition. Two of the unions were successful and enduring and two of them ultimately failed. The United States and Switzerland comprise the former category while the union of Sweden and Norway and Simon Bolivar's Gran Colombia project populate the latter. All of the unification efforts occurred between 1785 and 1845 (p. 27).

Parent argues that voluntary union is an extreme form of balancing alliance for states facing a powerful external threat. Before the prospect of union is even contemplated, three background conditions must obtain. First, states must face an "optimally intense" security threat. It must be too large to be confronted by normal alliance alone, but not so big as to be futile. It must also be "indefinite," or anti-

pated to last between 25 and 50 years. Finally, it must be "symmetrically affecting." None of the allies should expect to gain or sacrifice disproportionately from cooperation (p. 8). But there are also two important, more proximate, domestic causes. First, elites in each state must use the threat to evoke a security crisis undermining the existing international order. Next, these elites must use the media, military, and political process to persuade their domestic audiences that union is necessary and ultimately use them to realize the union (*ibid.*). Moreover, the author contends that the process also works in reverse; a significant diminution of the threat that provoked unification, its asymmetric affect, or its growth beyond what the alliance-cum-state can balance will strain the domestic partnership, despite the lag of institutional momentum, and cause it to unravel (pp. 15–16). Thus, a modest theory explaining extraordinary unions also provides potential leverage on the far more common phenomenon of state dissolution and failure.

Uniting States begins with a theoretical chapter laying out the preferred realist argument and three alternative takes on union provided by constructivism, liberalism, and a hybrid approach termed "binding" that is embodied in Daniel Deudney's republican security theory. Four case studies follow over the next five chapters (the American case receives two) that explore the competing hypotheses. Chapter 8 extrapolates from the cases to the future of Europe, where Parent finds little hope for unification so long as the American security guarantee persists. The book formally closes with a brief discussion of its implications for international relations theory and policy. An appendix that follows also contains an interesting discussion of Machiavelli's (perhaps proto-realist) depiction of violent union in *The Prince*.

Although historians will certainly contest the details of Parent's case studies—and the American case in particular, due to deeply held beliefs regarding its origins and the vast literature on the topic—the book offers a genuinely novel take on the uncommon confluence of factors that drive independent states to surrender their freedom and voluntarily subordinate themselves permanently to a new governmental authority. The author offers a reasonable theory that identifies the common factors and similar processes behind four cases that would typically be considered idiosyncratic and unique unto themselves. Further, the theory is well grounded in the scholarly literatures on cooperation, institutions, and alliance. Last, this is a genuinely good read. Parent writes in an accessible, lucid, and conversational manner even though the formal structure of the book has the conscientious and deliberate patterning of good comparative case research; this is no mean feat.

With that said, no wall is impregnable, and so I hope to offer some constructive criticisms in order to provoke a continued conversation on the dynamics of state birth