the systemic forces that Ware identifies – but perhaps there is more scope for adaptation than his study admits.

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Turan Kayaoglu, *Legal Imperialism: Sovereignty and Extra-Territoriality in Japan, the Ottoman Empire and China*, Cambridge, Cambridge University Press, 2010, 237 pp., ISBN-10: 0521765919
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This excellent book, published last year by Cambridge, points to law as an imperial tool. Kayaoglu goes back to the time of extra-territorial justice not only describing it as a moment of the Western imperialism, but also revisiting the concept of sovereignty and the ways by which it has been enforced in non-western countries.

Extra-territoriality is mainly perceived as an outrageous domination. Kayaoglu gives obvious examples of such an inequality. The *Normanton* case is related to a British freighter which hit a rock and sank. The British crew took the two lifeboats and abandoned the Japanese passengers who perished: they were acquitted by the British court of Japan in 1886. Demenil was an American citizen who killed a Buddhist Lama in Tibet in 1907: the US district court for China in Shanghai acquitted him too because it considered that the murderer was disquieted by the rarefied mountain air. Many other instances could be given for leading to the same evidence, mixing humiliation, inequality, and power.

But the main argument is to be found elsewhere and has been built up with shrewdness and subtlety: the Western states were permitted to act as such because they were 'civilized sovereign states', while non-Western states were not really sovereign. The core of the argument is located in the explanation given to this contrast: sovereignty depends on the reality of positive and formal laws. A country which is ruled only through customs or religious traditions cannot be considered as a sovereign one and will reach the sovereign qualification only through a real process of law engineering. This effort means law importation from more developed countries, that is why we directly face a clear vicious circle – domination is in the meantime converted into hegemony!

As Kayaoglu writes (p. 32), 'European positivist jurists constructed the idealized European rule of law together with the image of non-European lawlessness.' Then, law gets the status of an indicator of sovereignty and the positivist culture of law turns to be the real criterion of access to sovereignty. As is mentioned in the book, we can easily explain why the positivist lawyers supported so actively the colonial rule: Mill, Austin, and even Bentham, in a more restricted way, were among its defenders and promoters when the expansion started.

Even if sovereignty is thus revisited for the umpteenth time, this new vision is particularly challenging, as the concept is clearly dissociated from power – and even from capacity – when pointing out a legal fiction: a state is considered to be sovereign if it conforms to a legal culture, and it meets the prerequisites of sovereignty if it fits the outlines of the western legal culture. In other words, it will get its sovereignty if it imitates an alien shape and looses its own cultural sovereignty.

History is recurring: the same observation could be made at the beginning of the nineties when the concept of 'failed state' was elaborated and made the intervention possible in Somalia: the main argument was then to assert that anyone could intervene and rule as the state had collapsed and lost its sovereignty. Legal imperialism is a permanent deliberation on the sovereignty of the other. . .

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