BOOK REVIEWS

Intervention in Civil Wars: Effectiveness, Legitimacy, and Human Rights by Chiara Redaelli [Hart, 2021, 344pp, ISBN: 978-1-50994-054-7, £85 (h/bk)]

Intervention in Civil Wars traces the 'common practice' of foreign interventions in internal conflicts since the adoption of the UN Charter in 1945, making an astute and comprehensive contribution to the small but growing body of scholarship on the effects of international human rights law (IHRL) on the international law concerning the use of force.

Redaelli argues that human rights are 'emerging as a parameter for legitimacy' (p 7) and are in this way affecting the international legal framework relating to foreign interventions. Throughout her analysis, Redaelli grapples with a wide range of traditional international legal debates concerning the definition of and relationship between legitimacy and effectiveness; the relationship—and tension—between sovereignty and human rights; and, critically, the relationship between self-determination and (non-)intervention. The nuanced and detailed analysis makes this book highly recommended reading for anyone interested in these questions.

Redaelli presents her argument over nine chapters, divided into three separate parts, charting historical debates around 'Sovereignty, Intervention and Human Rights' (Part I); 'Interventions in Favour of Governments' (Part II); and 'Interventions in Favour of Rebels' (Part III).

Part I introduces key debates in relation to interventions in internal conflicts, from the just war doctrines to the present day. The two chapters of detailed historical analysis provide a solid grounding for the following analysis and establish how 'sovereignty has never been absolute' (p 255). The later sections of Chapter 2 also introduce the definition of legitimacy and its relationship with effectiveness and sovereignty (pp 71–80).

Part II provides a detailed, nuanced and insightful analysis of questions concerning the legality of intervention by invitation and its requisites, and the legal status of governments in situations of internal conflict. The traditional approaches introduced in Chapter 3 are tested in Chapter 4, which applies Jean d'Aspremont's distinction between legitimacy of origin and legitimacy of exercise in the context of intervention in civil wars. Chapter 5 then raises the question of the legality of intervention in situations of gross and systematic violations by governments of human rights and humanitarian law.

In Part III, Redaelli prudently explores the right (or absence thereof) to intervene in support of rebels. The discussion on legitimacy here does not consider the conduct of the rebels but is rather focused on the legitimacy of their cause (a limitation acknowledged at p 261). The focus on the legitimacy of cause is traced back to debates surrounding self-determination and national liberation movements (Chapter 6), before Chapter 7 concludes that, at present, the prohibition on the use force continues to prohibit such interventions, regardless of legitimacy of cause. Redaelli raises the question of whether this restrictive approach is adequate to address contemporary challenges, as 'rebel groups do not enjoy a right to self-defence against heinous violations of human rights committed by the state', nor does international law 'grant legitimate rebels a right to use force against such violations, not even when no other means are available' (p 223). At the same time—in an illustration of how security discourse increasingly results in the securitisation of individuals—States are now accepting the existence of a right to use force in self-defence against armed attacks by non-State actors (although the scope and application of such a right is far from settled).

Throughout the book, Redaelli argues that legitimacy has overtaken effectiveness as the determinant of which actor or government has the right to consent to foreign intervention in internal conflict. In particular, she argues that the human rights paradigm has affected international law relating to intervention in internal conflicts through its favouring of 'legitimacy of origin' over 'effective control' where a democratically elected alternative exists. It is also argued that, while governments engaging in gross and systemic violations of human rights and

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humanitarian law may 'lose legitimacy', this does not necessarily affect their right to consent to foreign interventions under the *jus ad bellum* (though a supporting State might be in violation of IHRL and international humanitarian law).

The important role of the elusive concept of legitimacy in the recognition of governments that Redaelli discusses has most recently been illustrated in the context of Afghanistan, where the Taliban violently seized control on 15 August 2021. Three months later, no State has formally recognised the Taliban government and, at the time of writing, the Taliban's request to represent Afghanistan in the United Nations (UN) General Assembly is being considered by the UN Credentials Committee.

Redaelli does an excellent job establishing positions and trends in relation to legitimacy of origin, effectiveness, and legitimacy of exercise in the context of civil wars. However, it would have been helpful to explore further how economic and social rights are addressed. Discussion of 'gross and systemic' human rights violations tend to centre on civil and political rights, but it is important to remember that oppression can take many forms. For example, it would be interesting to consider whether and how the legitimacy of a government would be affected where it prioritises foreign investments over its people's right to water. Or, indeed, where a government that has seemingly endless resources available for its military capabilities still allows large numbers of its people to go hungry. These are certainly questions to grapple with for the future.

Chiara Redaelli should be congratulated for this impressive and valuable contribution to international legal scholarship, which will be returned to for years to come.

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The Reasonable Robot: Artificial Intelligence and the Law by Ryan Abbott [Cambridge University Press, Cambridge, 2020, viii + 156pp, ISBN: 978-1-108-47212-8, £85 (h/bk), £23 (p/bk)]

It is a curious feature of the history of artificial intelligence (AI) that its successes have often been measured in games. Early programs were taught bounded problems like tic-tac-toe and draughts. These were novelties, but the defeat of chess world champion Gary Kasparov by IBM's Deep Blue in 1997 was presented as a threat to the intellectual dominance of humanity—comparable, perhaps, to the Cold War rivalry that had played out in the match pitting Bobby Fischer of the United States against the Soviet Union's Boris Spassky quarter of a century earlier. Another 25 years on, and the machines have beaten us in even more complex games, such as *Go*, as well as idiosyncratic ones, such as *Jeopardy!*.

Ludology offers a relatable measure of machine achievement. Yet it is curious because such games are, by definition, meant to be *fun*. Deep Blue, AlphaGo, and other AI systems have many qualities, but the ability to have fun is not among them. Another explanation might be that we focus on trivial measures because it makes the advances of our metal and silicon creations seem less threatening.

As Ryan Abbott's *The Reasonable Robot* makes clear, those advances will affect every aspect of human society and economy. That much we have heard before, from the World Economic Forum's breathless talk of a Fourth Industrial Revolution to prophetic warnings of the coming singularity. Abbott's contribution is to try to offer clarity in how law should respond.

Many attempts tend to follow Isaac Asimov, articulating rules to shape AI behaviour. The past five years has seen hundreds of lists, most failing to understand that Asimov's literary career was built on the fact that his 'Three Laws of Robotics' might have been wonderful in theory but did not work in practice. Abbott predicates his own approach not on *what* the rules should be so much as *how* regulators should develop them. The new guiding tenet, he argues, should be 'AI legal neutrality'.

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