

and International Law” (submitted to European University Institute, 2016), Delerue deals with the suitability and the process of applying international law to cyber operations, especially State-sponsored operations.

Delerue is a research fellow in cyber defense and international law at the Institute for Strategic Research (*Institut de Recherche Stratégique de l'École Militaire – IRSEM*) and his deep knowledge of cyber security and cyber defense and their relationship with international law is evident in the book. Delerue cogently explains difficult technical concepts in the field of cyber operations and makes these notions easily comprehensible for international lawyers. The book has many examples from real life cases of wrongful cyber operations and these examples ensure that the author’s reasoning becomes more relatable. The book is divided into three parts with ten chapters. Part I focuses on the question and process of attribution, particularly to States, in cases of State-sponsored cyber operations. Part II analyses what constitutes an “internationally wrongful act” in case of cyber operations. Building on Part I and Part II, Part III deals with the attribution of a wrongful cyber operation to a State and the consequent reparations that a perpetrating State has to provide (Chapter 9) and the measures of self-help to which the victim State may resort to (Chapter 10).

Although the book is an excellent academic endeavour, it has some logical flaws. For example, the author states that “analyzing what legal regime should apply to State-sponsored cyber operations, whether above or below the threshold of cyber warfare” (p. 41) is the objective of the book. However, the organization and the content of the book indicates that identifying and clarifying the law on international responsibility for wrongful cyber operations is the objective of the book. Further, the novelty of the book lies in it comprehensively dealing with State-sponsored wrongful cyber operations in academic writing, though the same is not clear from the title of the book.

Some logical flaws aside, the book generally provides a thorough analysis of the “mosaic of forms that State-sponsored cyber operations can take and demonstrate[s] that their lawfulness should in the majority of cases be determined beyond the frameworks of *jus contra bellum* and *jus in bello*”. Delerue thus establishes correctly that cyber operations are more likely to violate the principles of territorial sovereignty and non-intervention, rather than the prohibition of the use of force which needs a high threshold of attack to be proved. He also establishes that through the mechanism of State responsibility, the wrongfulness of State-sponsored cyber operations can be established and remedies be made available to a victim State.

doi:10.1017/S2044251321000448

We, the Robots? Regulating Artificial Intelligence and the Limits of the Law

by Simon CHESTERMAN. Cambridge: Cambridge University Press, 2021. xx + 290 pp. Hardcover: \$39.99; available as eBook. doi: 10.1017/9781009047081

Hitoshi NASU

United States Military Academy at West Point, New York, United States

[†] This article has been updated since original publication and the error rectified in online PDF and HTML versions. A notice detailing the changes has also been published at <https://doi.org/10.1017/S2044251322000078>.

In his usual astute style, Simon Chesterman tackles structural problems that artificial intelligence poses to meaningful regulation in the form of public control. Building on the author's past work, looking at public authority in times of crisis, his latest book explores the law's potential to regulate emerging technology against three sets of challenges – speed, autonomy, and opacity. As discussed in Part I of the book, these challenges are not entirely legal or normative in nature. Many of the questions raised and discussed in the literature on artificial intelligence and law involve practical difficulties, moral questions, or the perception of legitimacy. Chesterman judiciously sifts through various types of concerns through these lenses, which distinguishes this book from its peers as unproven weariness that artificial intelligence may cause harm with impunity runs deep in the psyche of those who advocate and overstate the need for new laws. This scholarly analysis makes a welcome contribution to the better understanding of the law's potential and limit as a regulatory tool to manage human interaction with technological challenges.

Part II of the book examines various legal tools to address potential accountability gaps in the regulation of artificial intelligence. Chesterman employs a wide range of legal concepts across the field, from product liability to command responsibility, the notion of “agency” for civil liability to “inventor” in patent law, and algorithmic impact assessment to a novel “right to explanation”. The gamut of legal edifice covered in this book is a testament to his broad conversance with the discipline of law. However, as Chesterman emphasizes, “understanding *how* to regulate may be less important than understanding *why*” (p. 86). The book thus casts a critical eye on various guides, frameworks, and principles focused on artificial intelligence that proliferated over the last few years.

Chesterman develops his vision for the regulation of artificial intelligence in Part III, based on the view that regulation is necessary on the grounds of morality and legitimacy. While adopting the view (with which I would entirely agree) that existing state-based institutions and rules are capable of regulating most applications of artificial intelligence, Chesterman proposes the establishment of an International Artificial Intelligence Agency, drawing on lessons from the experience of the International Atomic Energy Authority (IAEA) in the area of nuclear regulation. Readers may dispute the desirability or feasibility of such an institution, and the meaning of key terms such as “human control” and “explainability”. However, this does not discount the value of the analytical framework that it offers to facilitate an informed debate without, unlike many commentators who do, yielding to speculation or relying on failures at an experimental stage for illustrating the technology's inability to operate within the bounds of the law. It is hoped that this book gives readers pause for thought before engaging in this debate, as Chesterman himself hopes to ensure, “are we asking the right questions?”

doi:10.1017/S204425132100045X