In sum, *Diplomatic and Judicial Means of Dispute Settlement* is an engaging and essential volume. What it lacks at times in structure and scope, it makes up for in its visionary purpose. The comprehensive study of international dispute resolution as a system is an essential aim and a promising area of future scholarship. Practitioners, particularly in the field of international arbitration, are increasingly interested in using multiple dispute resolution methods in novel ways.[18] Law schools are increasingly offering courses that cover judicial and diplomatic methods of international dispute resolution, and a casebook is now dedicated to that pursuit.[19] The focus on interactions is an emerging area of importance in international legal scholarship, and this meaningful contribution extends that tradition. In promoting the understanding that international disputes are best approached not simply through different methods but also through their interactions, this volume serves as a foundation for further development of work in this burgeoning field.

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Non-proliferation Law as a Special Regime: A Contribution to Fragmentation Theory in International Law. Edited by Daniel Joyner and Marco Roscini. Cambridge, New York: Cambridge University Press, 2012. Pp. x, 291. Index. $109, £65.

This edited volume, *Non-proliferation Law as a Special Regime*, represents a valuable contribution to the literature on nonproliferation law and international law, but less so to the literature on fragmentation theory. This review sandwiches the criticism with well-deserved praise. On balance, the book is recommended reading for those interested in nonproliferation law and secondary rules.

With this volume, Daniel Joyner and Marco Roscini set out to explore whether the field of nonproliferation law can be considered a special regime, with particular attention to how this question can be understood as a product of the continuing fragmentation of international law. The outstanding team of contributors includes Malgosia Fitzmaurice, Dieter Fleck, Matthew Happold, Jonathan Herbach, Panos Merkouris, Andrew Michie, Eric Myjer, Sahib Singh, and Nigel White, all duly expert in their fields. Their combined effort has created the most thought-provoking book on nonproliferation law in the English language since Julie Dahlitz's trilogy of the 1990s[1] and also the most thorough study of nonproliferation law since Guido den Dekker's 2001 *The Law of Arms Control: International Supervision and Enforcement*.

The editors' introductory chapter provides an exceptional review of fragmentation theory, with a clarity and concision rarely seen in this kind of academic work. Likewise, each of the five chapters in the first part of the book—on the law of treaties—contains an excellent review of a particular secondary rule of international law, specifically in the context of nonproliferation law. While much the same substantive treatment might be found in other books on nonproliferation law,[2] the survey provided here is especially interesting and concise.

[18] *See* Susan D. Franck, *Using Investor-State Mediation Rules to Promote Conflict Management: An Introductory Guide*, 29 ICSID REV. 1, 3 (2014) ("The United Nations Conference on Trade and Development (UNCTAD) has published multiple proceedings suggesting the utility of mediation, and other recent publications indicate that UNCTAD believes that ADR constitutes a vital piece of the puzzle related to the future of international investment law.").

[19] MARY ELLEN O'CONNELL, INTERNATIONAL DISPUTE RESOLUTION: CASES AND MATERIALS (2d ed. 2012). The publisher's website describes O'Connell's volume as "the only casebook . . . that introduces students to all of dispute resolution mechanisms available internationally." CAROLINA ACADEMIC PRESS (2014), *at* http://www.cap-press.com/books/isbn/9781594609046/International-Dispute-Resolution-Second-Edition.

[1] *See* FUTURE LEGAL RESTRAINTS ON ARMS PROLIFERATION (Julie Dahlitz ed., 1996); AVOIDANCE AND SETTLEMENT OF ARMS CONTROL DISPUTES (Julie Dahlitz ed., 1994); THE INTERNATIONAL LAW OF ARMS CONTROL AND DISARMAMENT (Julie Dahlitz & Detlev Dicke eds., 1991).

[2] *See, e.g.*, DANIEL H. JOYNER, INTERNATIONAL LAW AND THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION (2009); GUIDO DEN DEKKER, THE LAW OF ARMS CONTROL: INTERNATIONAL SUPERVISION AND ENFORCEMENT (2001); JAN KOLASA, DISARMAMENT AND ARMS CONTROL AGREEMENTS: A STUDY ON PROCEDURAL AND INSTITUTIONAL LAW (1995); GÖRAN LYSÉN, THE INTERNATIONAL REGULATION OF ARMAMENTS:

The second part of the book—on the law of state responsibility—stands out from other volumes since few other commentators have mentioned state responsibility in the context of nonproliferation law, let alone devoted entire chapters to the topic.[3] The editors summarize the entire work succinctly in their conclusion. In sum, the originality of part 2, combined with the concise but thorough presentation in its other chapters, makes this edited volume required reading for all who study nonproliferation law and strongly recommended reading for all who study international law and secondary rules.

The perceived flaws of the book come from its effort to identify whether nonproliferation law constitutes a special regime. Unfortunately, for example, the chapters do not consistently use or display what the editors' introduction presents as the book's especially sophisticated approach to identifying special regimes. This does not mean that the book does not have many strong virtues, for each chapter does, in fact, demonstrate the author's impressive understanding of international law and nonproliferation law. In view of the book's almost singular focus on identifying nonproliferation law as a special regime, however, this review must itself focus on that central element.

Joyner and Roscini define *special regime* by emphasizing the plain-language meaning of *special* to be distinct from *general* but noting that the regime need not "entail uniqueness" (pp. 4, 270). They thus seem to imply that bases other than uniqueness—such as a source of law separate from that of general international law and other branches of international law—should be used to determine special-regime status. This suggestion makes intuitive sense, as facial similarity seems like an exceptionally weak basis to deny special-regime status, especially when the foundation of that regime derives from its own subject-specific treaties. Some commentators who have addressed what constitutes a special regime have mentioned the special regime's establishment by a separate treaty,[4] while others add to that criterion an institutional element to help with supervision.[5] Other commentators, primarily those writing in the realm of international relations regime theory, note that special regimes can be established through nonbinding norms, not only by treaties.[6] The International Law Commission, for example, does not focus on the type of norms involved or their source, but instead focuses on whether the legal norms cluster together in addressing a particular aspect of international life, with some type of institutional element often involved. In the conclusions of the ILC's Study Group on Fragmentation, which were adopted by the ILC in 2006, a special regime was defined as "[a] group of rules and principles concerned with a particular subject matter" and "often hav[ing] their own institutions to administer the relevant rules."[7] Still other commentators adopt an approach that resembles the ILC's by defining a special regime as "an interrelated cluster of primary and secondary rules on a limited problem," although they drop the need for an institutional element and do not explain exactly how the rules are related except that they

THE LAW OF DISARMAMENT (1990); ALLAN GOTLIEB, DISARMAMENT AND INTERNATIONAL LAW: A STUDY OF THE ROLE OF LAW IN THE DISARMAMENT PROCESS (1965); ANDREW MARTIN, LEGAL ASPECTS OF DISARMAMENT (1963).

[3] *See, e.g.*, Edwin M. Smith, *Understanding Dynamic Obligations: Arms Control Agreements*, 64 S. CAL. L. REV. 1549, 1549 (1991); Justin Mellor, *Radioactive Waste and Russia's Northern Fleet: Sinking the Principles of International Environmental Law*, 28 DENV. J. INT'L L. & POL'Y 51, 68 (1999); Surakiart Sathirathai, *Peace and Security: The Challenge and the Promise*, 41 TEX. INT'L L.J. 513, 523 (2006); Vera Gowland-Debbas, *Security Council Enforcement Action and Issues of State Responsibility*, 43 INT'L & COMP. L.Q. 55 (1994).

[4] *See, e.g.*, W. Góralczyk, *The New Law of the Sea*, 10 POLISH Y.B. INT'L L. 141, 141–42 (1979) (summarized in K. Grzybowski, Book Review, 77 AJIL 205, 205–06 (1983)).

[5] *See, e.g.*, Georges Abi-Saab, *The Normalization of International Adjudication: Convergence and Divergencies*, 43 N.Y.U. J. INT'L L. & POL. 1, 12 (2010).

[6] *See generally* REGIME THEORY AND INTERNATIONAL RELATIONS (Volker Rittberger ed., 1992).

[7] International Law Commission, Conclusions of the Work of the Study Group on the Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law, para. 11 (2006), *at* http://legal.un.org/ilc/texts/instruments/english/draft%20articles/1_9_2006.pdf.

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address the same problem.[8] Despite all of this variety, no commentator appears to have asserted that a regime is not special if analogous rules can be found elsewhere, which is not surprising, as such an argument seems somewhat shallow. Even the 2011 edited volume *Multi-sourced Equivalent Norms in International Law*,[9] which talks about "normative parallelism" and similar norms within different branches of international law, does not point to these similarities as evidence of unity within international law.

In none of the diverse approaches described above is it asserted that special-regime status is lost if analogous rules can be found elsewhere. However, that is precisely what is done in many chapters of the current volume: the authors look to uniqueness as determining special-regime status. For example, in chapter 1, "Amendment and Modification of Non-proliferation Treaties," Fitzmaurice and Merkouris look at "whether non-proliferation treaties diverge significantly from the [Vienna Convention of the Law of Treaties (VCLT)] provisions and, if so, whether their provisions on amendment and modification are similar" (p. 18). Fitzmaurice and Merkouris explain that a "regime should be considered as 'special' if the adopted solutions are not only different from those provided for by general international law but also from the approaches adopted by other regimes, or other 'branches' of international law" (pp. 18–19). They further note that on their approach, "the amendment and modification provisions of non-proliferation treaties will be examined to determine whether and in what manner they deviate from the solutions adopted in treaties relating to other 'branches' of international law" (p. 19).

Likewise, in Chapter 2, "Provisional Application of Non-proliferation Treaties," Michie looks for "distinctive normative characteristics" or "distinctive normative functions" (p. 57) of provisional application in nonproliferation law that would indicate its status as a special regime. Toward the end of the chapter, Michie recognizes that "while [these provisions] perhaps [are] not unique in themselves, [they] have an individual weight and a combined impact which is certainly unique to non-proliferation law" (p. 85). However, in the next sentence and the two concluding sentences of that section, he focuses anew on the uniqueness of nonproliferation law in trying to determine if it is a special regime (*id.*).

Yet again, in chapter 5, "Withdrawal from Non-proliferation Treaties," Joyner and Roscini compare the general rules on withdrawal under the VCLT and in customary international law to the specific rules in nonproliferation treaties. Their particular goal is to "consider whether and to what extent these general and specific rules overlap with each other in scope, and whether and to what extent there are conflicts, specialized priorities or exclusionary dynamics existing as between the general rules of international law and specific rules in non-proliferation treaties" (p. 151). Joyner and Roscini then "consider whether and to what extent the specific rules on treaty withdrawal found in non-proliferation treaties differ from the specific rules on treaty withdrawal found in other substantive areas of international law" (p. 151; to similar effect, pp. 159–62, 270). As the authors recognize, identifying similarities or differences between these different bodies of law may simply be coincidental—and inconsequential in determining special-regime status. Rather, it is their next task that is the decisive one: to "consider whether there are legal rules emanating from sources external to non-proliferation treaties that constitute special rules regarding withdrawal from non-proliferation treaties, differing from the general rules of those legal sources and/or general rules of international law" (pp. 151–52; to similar effect, pp. 162–67). Their focus exclusively on UN law and Security Council resolutions (pp. 163–67) seems somewhat narrow but certainly falls within the range of problems addressed in the book. What does seem incorrect, however, is their view that the Security Council's condemnation of North Korea's withdrawal from the Nuclear Non-proliferation Treaty (NPT) "support[s] the conclusion that non-proliferation law is a special regime" (p. 169). If anything, just the reverse is

[8] *See, e.g.*, Daniel Moeckli, *The Emergency of Terrorism as a Distinct Category of International Law*, 44 TEX. INT'L L.J. 157, 158 (2008).

[9] Edited by Tomer Broude and Yuval Shany.

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true. The infiltration of law from outside of nonproliferation law—here, UN law—seems to make nonproliferation law less of a special regime, not more. The authors' implicit focus on uniqueness leads them astray and to a conclusion that is just the reverse of what one would have expected had they had a more mainstream understanding of special regimes.

In the introduction to the book, Joyner and Roscini present a sophisticated approach to defining *specialness*. In particular, they introduce a continuous gradation, with regimes being "more or less special" (p. 8). This approach resembles that previously used by Bruno Simma and Dirk Pulkowski, who wrote of a "sliding scale of specialness" for regimes.[10] Had this book actually followed this refined approach throughout, it would have provided intriguing contributions to both nonproliferation law and fragmentation theory. Many chapters, however, look for *sufficient* or *significant* coherence among the features of different nonproliferation treaties, with no attention to the question of continuous gradations. Some examples are presented below.

In Chapter 1, Fitzmaurice and Merkouris conclude that nonproliferation treaties do not display enough coherence concerning amendment and modification to indicate the presence of a special regime.

In Chapter 2, Michie suggests that nonproliferation law and practice might not be "sufficiently harmonious or uniform to qualify as a special system or regime of provisional application in the same way as the practice regarding, say, air transport or commodity agreements" (p. 82). Later in that paragraph, Michie asserts that the "various provisional arrangements tend to vary considerably from one non-proliferation treaty to another, as do the treaties themselves. Given these divergences, it could be concluded that there is no coherent system or regime of provisional application like those existing in other specialized domains" (p. 82). However, such a conclusion would be, it seems, premature. Michie later asserts that there are "a number of separate modalities or 'subsystems' of provisional application [that] can be identified . . . , each of which comprises a more or less similar class of non-proliferation treaties reflecting a more or less similar treatment of provisional application" (*id.*). Examples of these subsystems are (1) the Strategic Arms Reduction Treaties, (2) the Chemical Weapons Convention (CWC) and Comprehensive Nuclear-Test-Ban Treaty (CTBT), and (3) subsidiary nonproliferation agreements like the Plutonium Management and Disposition Agreement. After breaking down provisional application in nonproliferation treaties into these three groups, Michie nevertheless identifies six commonalities between all groups: all treaty sections dealing with provisional application (1) have a preparatory function, (2) are aimed at confidence building, (3) are based on reciprocity, (4) are contained only in subsidiary agreements, (5) are not contained in "core nonproliferation prohibitions and restrictions" (which seems like a variation on point 4), and (6) are contributing to the formation of customary international law with regard to nonproliferation (pp. 82–85). Given that these similarities can be found in all three groups, the rationale for dividing nonproliferation treaties into the three is uncertain, and the reader is also left wondering about the implications of this similarity for the fragmentation debate (both in general and in relation to the organization and design of the book itself).

In Chapter 5, Joyner and Roscini do not explicitly refer to harmony or uniformity as helpful in determining special-regime status (as discussed by Michie; see above), but the same approach might well be implied from their listing (in the text and in an annex (pp. 152–53, 169–71)) seven nonproliferation treaties with noticeably similar withdrawal provisions. The puzzle (and problem) here is that, since Fitzmaurice and Merkouris identify thirteen nonproliferation treaties in their chapter (the only one that provides an exhaustive list), the reader is left wondering about the potential similarities and differences between the seven included treaties and the six excluded ones. It may be that Joyner and Roscini believe that these seven treaties provide a solid basis for claiming a "common specific rule on withdrawal in non-proliferation treaties" (p. 153). However, one just does not know.

[10] Bruno Simma & Dirk Pulkowski, *Of Planets and the Universe: Self-Contained Regimes in International Law*, 17 EUR. J. INT'L L. 483, 490–91 (2006).

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In this context the treaties not listed and the provisions not reproduced in the annex potentially are more interesting than those that are listed and reproduced.

In much the same way as the chapters above look for sufficient *similarities* among treaties, other chapters look for sufficient *differences* in the approach used in nonproliferation treaties versus general international law and other regimes within international law. In chapter 1, Fitzmaurice and Merkouris emphasize the need for "significant" (p. 18) divergence by the nonproliferation treaties from provisions of the VCLT. In Chapter 2, after Michie identifies the six common features of nonproliferation treaties regarding provisional application, he observes that these features are "barely reminiscent of the customary procedure or of the other special systems or regimes under international" (p. 85), and then concludes that nonproliferation law is a special regime when it comes to provisional application. This language implies that he was looking for and found *significant* distinctiveness in nonproliferation law compared to general international law and other regimes of international law. In Chapter 5, Joyner and Roscini "determined that the specific rules on treaty withdrawal in non-proliferation treaties do differ *significantly* from withdrawal provisions in treaties in other substantive areas of international law" (p. 168, emphasis added). They also "determined that the specific rules on treaty withdrawal in nonproliferation treaties *do not differ* from the general rules on treaty withdrawal in international law" (*id.*, emphasis added), taking into account that some differences are inescapable, such as context and the object and purpose of the treaties in which those withdrawal provisions are found. Based on these and other determinations, Joyner and Roscini conclude that "the evidence of special rules on non-proliferation treaty withdrawal that we have found . . . does constitute probative evidence supporting the conclusion that non-proliferation law is a special regime from at least this perspective, and explainable by fragmentation theory" (pp. 168–69; to same effect, pp. 272–73). Notwithstanding all their care in depicting specialness as a matter of degree in the introductory chapter and toward the beginning of their own chapter 5, they still fall into the trap, common among the contributors to the first part of the book, of using a binary scheme to determine special-regime status. In so doing, they ignore the subtlety and sophistication of their own analysis in the book's introduction.

The reader of this review may have noticed that nothing has yet been said about chapters 3 and 4. The reason is that they are quite different from the others in the first part of the book. In chapter 3, "Interpretation of Non-proliferation Treaties," White does not expressly look at the uniqueness or degree of uniqueness of the methods of interpretation within the non-proliferation regime. Instead, White mentions that "basic rules on interpretation contained in the [VCLT] are both universal and particular," lays out the various rules of interpretation under the VCLT, and explains how the "nature" of a treaty determines the exact rules and combinations of rules from the VCLT that go into interpreting that particular treaty. White then explores the nature of various nonproliferation treaties, with that nature then determining a particular method of interpretation under the VCLT. For example, White explains how the constitutional nature of the NPT should lead to a more teleological method of interpretation. Surprisingly, White does not take into account the impact of VCLT Article 4, which prohibits the retroactive application of the VCLT to treaties concluded before the VCLT's entry into force (January 27, 1980) and which consequently makes the VCLT and much of this chapter's analysis inapplicable, as a matter of treaty law, to numerous important nonproliferation treaties, including the 1968 NPT, 1972 Anti–Ballistic Missile Treaty, and 1972 Biological Weapons Convention (BWC). Of course, the equivalent of the VCLT's relevant provisions may be applicable as customary international law, depending on the outcome of some issues relating to the intertemporal principle, but at a minimum White should have made explicit reference to these complications. Even so, the chapter makes a substantial contribution by classifying the different types of nonproliferation treaties and illuminating how a treaty's nature influences how one uses the various interpretive approaches contained in the VCLT.

In Chapter 4, "Violation of Non-proliferation Treaties and Related Verification Treaties," Myjer and Herbach do not focus directly on determining whether nonproliferation law is a special regime, although they do talk about nonproliferation treaties having a "special character" (pp. 119–20, 150; *cf.* pp. 132–33) inasmuch as they relate to national security. They look only at the BWC, CTBT, CWC, and NPT, so it is difficult to apply their observations to the entire field of nonproliferation law, assuming that the field is broader than just these four treaties. They note that general international law has the same correction mechanisms as nonproliferation law, although they suggest that the special character of nonproliferation and its challenges makes it necessary to rely on nonproliferation treaty supervision over supervision under general international law; the former, they assert, is capable of generating a more rapid response than the latter. Myjer and Herbach do not explain, however, exactly why that is or what provisions make supervision under these treaties faster than responses under general international law.

In trying to determine how nonproliferation treaties differ from other regimes, Myjer and Herbach essentially slide into the same sort of problem observed in the other chapters—namely, that of trying to identify the *uniqueness* of nonproliferation law. Admittedly, Myjer and Herbach do attempt to determine whether mechanisms external to nonproliferation law are used for supervision, which, if it could be demonstrated, would undermine the special-regime status of nonproliferation law. In this context, they mention the potential involvement of the UN Security Council's supervisory function with respect to the four nonproliferation treaties discussed in the chapter. However, since those treaties expressly give the Security Council a role with supervision (except for the CTBT, which merely refers to the United Nations without specifying an organ), it is difficult to see Security Council involvement as being external to nonproliferation law, even though the authors write about that involvement as if it was external. This unresolved question about what type of supervision is or is not external to nonproliferation law leaves us uncertain about its special-regime status. Nevertheless, similar to other chapters, this chapter's analysis of the supervisory mechanisms of nonproliferation treaties is an excellent contribution to the literature.

The second part of the book, which focuses on the law of state responsibility, gives much less attention to the similarities and differences between nonproliferation law and other bodies of international law and to whether that determines special-regime status. Instead, this portion of the book focuses on classifying general international law as either included in, or excluded from, nonproliferation law, and vice versa—with this interaction determining special-regime status. Such an approach to determining special-regime status seems much more in line with the mainstream understanding of what constitutes a special regime. In chapter 6, "The 'Injured State' in the Case of Breach of a Non-proliferation Treaty and the Legal Consequences of Such a Breach," Happold notes that states usually do not rely on state responsibility principles when responding to violations of multilateral nonproliferation treaties, and then explores whether the institutionalized compliance procedures of nonproliferation law exclude the general rules of state responsibility. In particular, Happold observes that

> none of the non-proliferation agreements analysed includes any provision which seeks to exclude states parties from bringing international claims outside of any mechanisms established by the treaty, either explicitly or implicitly (i.e., by providing that specified methods of dispute settlement are to be used exclusively to enforce obligations under the relevant treaty). (p. 194)

Happold concludes that the law of state responsibility will apply to nonproliferation law, even though it might have limited impact in practice—the implication being that nonproliferation law lacks special-regime status.

Likewise, in the third part of chapter 7, "Nonproliferation Law and Countermeasures," Singh focuses on whether nonproliferation rules exclude the applicability of general international law on countermeasures, and concludes that different rules of nonproliferation law exclude to varying degrees the application of the general international law on countermeasures. This type of varying measure of specialness for nonproliferation

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is precisely what the editors appeared to have in mind when writing the introduction of the book—but that is little in evidence in the remainder of the book. Singh's mastery of nonproliferation law and the international law on countermeasures is impressive, as is his ability to organize and synthesize a dizzying amount of information.

Fleck's chapter 8, "State Responsibility Consequences of Termination of or Withdrawal from Non-proliferation Treaties," represents the exception in the second part of the book: although he seems to hedge his bets on the specialness of nonproliferation law, he certainly appears to be thinking of specialness in a binary manner. Fleck initially notes that the provisions on withdrawal in nonproliferation treaties contain "special rules of international law and thus tend to support the existence of a special regime in this area of law" (p. 269). He then says in the very next sentence, "Whether this would justify the conclusion that non-proliferation law in its entirety is a special 'regime' or 'system' must be left open for discussion" (*id.*). He questions "whether the relevant rules are comprehensive enough to form or be part of 'a system'" (*id.*), reminiscent of the same binary analysis common in the first part of the book. Fleck implies that nonproliferation law is not a special regime when he points out that many rules from outside of nonproliferation law apply to withdrawal, even after a state has withdrawn from a treaty, including general commitments under the law of treaties and also the UN Charter's obligations to participate in the maintenance of peace and security. He also notes, however, that "it is not the origin and nature of the rules [on withdrawal] that are special, but their consequences in the particular context," which yet again confuses the reader as to whether Fleck sees nonproliferation law as a special regime. In the conclusion to the book, the editors interpret Fleck's chapter as supporting the notion of nonproliferation law as a special regime (p. 275), notwithstanding Fleck's relative indecisiveness.

Notwithstanding the indeterminacy of Fleck's position, the last of his assertions quoted above, as well as Myjer and Herbach's focus on the "special character" of nonproliferation law as it relates to national security, raises the question whether it is appropriate to determine special-regime status based on the origin and nature of the operative legal rules. Indeed, would it not be better to take a more common-sense approach—for example, by looking at the context and the general area of international life that the body of law aims to regulate? Joyner and Roscini recognize in their introduction that special-regime status can come from the primary rules, secondary rules, or subjects of the rules (p. 4). It is therefore surprising that they limit their operational definition of "special regime" to secondary rules (p. 5), especially when a far more reliable assessment of special-regime status might have come from focusing on the primary rules of nonproliferation treaties in their relation to a similar subject. Instead of explaining why they have decided to focus exclusively on secondary rules, Joyner and Roscini simply leap ahead to address why the secondary rules relevant to special-regime status are not limited to those relating to state responsibility (pp. 5–8). In short, if the purpose of the book was to determine whether nonproliferation law is a special regime, Joyner and Roscini might have made their task and that of their contributing authors unnecessarily difficult by focusing exclusively on secondary rules, as well as by not clearly defining for themselves and the authors whether distinctiveness is the defining criterion for special-regime status.

Despite the obvious strength of the second part of the book compared to the first, praise for this book certainly is not limited to the second part. The chapters of the first part display an impressive understanding of nonproliferation law and secondary rules, even though their relevance to fragmentation theory is generally indirect. Perhaps the book's most important contribution is that it represents another step in Joyner's ongoing effort (and to a somewhat lesser extent, Roscini's effort) to establish nonproliferation law as its own bona fide field within international law. Despite that effort, specialists in nonproliferation law largely continue to identify themselves as specialists in other fields, such as international trade law, space law, the law of the sea and international environmental law. Not many of them even teach courses on nonproliferation law—the exceptions including Joyner, David Koplow, and Burns Weston. To

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help understand the general reticence to identify oneself as a nonproliferation law specialist, one might want to look at the vitriolic criticism that international relations–oriented realists have levied at Joyner, essentially for arguing that certain nonproliferation laws actually limit the actions of states and international organizations.[11] Realists—dating back to E. H. Carr and Hans Morgenthau[12]—have a long tradition of trying to minimize the impact of law on such politically sensitive matters as nonproliferation. If states have consented to the laws in question, however, then those states must have intended, one would argue, for those laws to be followed. Realists might respond that states obviously had no intention of allowing law to trump politics or perhaps that states did not fully appreciate the ramifications of their decisions. Such a response, however, actually ignores both the fundamental tenet of realism—namely, that states are rational actors—and the clear intentions of states as expressed in the nonproliferation law. In any event, given that *Nonproliferation Law as a Special Regime* was designed to explore the law in this politically sensitive area and to further establish nonproliferation law as its own bona fide field within international law, the book must be considered an impressive success.

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[11] *See generally* David Albright, Olli Heinonen & Orde Kittrie, *Understanding the IAEA's Mandate in Iran: Avoiding Misinterpretations* (Nov. 27, 2012), *at* http://isis-online.org/uploads/isis-reports/documents/Misinterpreting_the_IAEA_27Nov2012.pdf; *see also* Daniel Joyner, *A Whole ISIS Report Devoted to Little Ol' Me*, ARMS CONTROL LAW (blog) (Nov. 27, 2012), *at* http://www.armscontrollaw.com/2012/11/27/a-whole-isis-report-devoted-to-little-ol-me.

[12] *See* E. H. CARR, THE TWENTY YEARS' CRISIS 1919–1939, at 196 (1939); Hans J. Morgenthau, *Positivism, Functionalism, and International Law*, 34 AJIL 260 (1940).

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