**BOOK REVIEW**

Ukri Soirila, *The Law of Humanity Project A Story of International Law Reform and State-making*,
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Described as a global system that goes beyond interstate relations and instead as one based on the
human individual and interests of humanity, the law of humanity project aims to 'radically' posit
the human as the primary subject of international law having humanity as the guiding principle.[1]
This work harmonizes the different concepts encapsulated by the project and charts its 'rise, fall
and potential rebirth'.[2] The author importantly critiques how the language of humanity has been
detrimental in achieving the changes in the international system that have been argued for by
theorists on the law of humanity. Focusing on human rights, human security, and human dignity
as core concepts in the law of humanity project, Soirila challenges the echo chamber in which
many academics reside. When academics promote the core concepts of the law of humanity
project, we often see invocation of similar language as signs that progress is being made.
Soirila importantly queries this starting point by asking theorists to consider how the law of
humanity project is used in systems of global governance and by those in positions of power.[3]

   While it is not common for theorists working on the humanization of international law to
distinguish between fundamentally different conceptualizations of the international system,
Soirila draws important distinctions between these conceptualizations, such as Rafael
Domingo's radical proposal for a new system of international governance, on the one hand;
and Anne Peters' work reconceptualizing the existing international legal system, on the other.
Soirila outlines the key themes present in the distinct perspectives and approaches to the law
of humanity project, including the perspectives by authors such as Teitel, Meron, Cançado
Trindade, Waldron, and Barbara. This consolidatory work makes the book a vital resource for
those seeking to understand some of the competing theoretical approaches to the law of humanity,
the role of the individual in international law, and conceptions of global law. Obviously, it was not
possible for the author to cover the entirety of the literature. Yet, the author could have incorpo-
rated further literature that looks at the future of international law and how different actors can
participate in the international system to contextualize the law of humanity project.[4] In so doing
the author could have better posited the usefulness of the theoretical approaches and extrapolated
examples of how the academic community can, as the author suggests, wield power and state their
political goals.[5]

   The first theme relates to the international legal personality of the individual and the shift
of international law to recognize humanity as the 'new normative foundation of international

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[1]U. Soirila, *The Law of Humanity Project A Story of International Law Reform and State-making* (2021), 1–2.
[2]Ibid., at 2.
[3]Ibid., at 11–12.
[4]K. Alter, 'The Future of International Law', in D.Ayton-Shenker (ed.), *The New Global Agenda* (2018); A. Sari and
A. Jachec-Neale, 'International Law in 2050' (ECIL Occasional Paper 2018/1), *SSRN*, 6 June 2018, available at ssrn.com/
abstract=3180686.
[5]Soirila, *supra* note 1, at 159.

law'.[6] The second theme deals with the consequence of the shift towards humanity; namely, that with the increased importance of the individual and humanity there is a contingent decline of the role of the sovereign state.[7] Soirila explains that the literature suggests visions of a global or international law of humanity that would retain a role for states as subjects. However, Soirilia suggests states would 'have that subjectivity insofar as it is necessary for them to play their fiduciary/official role' in relation to humanity.[8] Third, the book addresses the concepts of the humanity project that have an impact 'on values and interpretation, inevitably changing the way we perceive and practise international law and eventually changing into law of humanity'.[9] Consequently, the architects of the law of humanity project utilize human rights, human security and human dignity as the concepts to reshape our thinking on the values and interpretation of international law.[10]

The three concepts singled out by Soirila are used to craft a whole picture of the law of humanity project. Human rights have permeated 'almost the entire plane of international law' and are used to reconceive how we view the individual and state sovereignty.[11] However, human rights are a political project and when seen in isolation, the wider context of the systemic nature of violations can be missed.[12] Human security aims to change the referent object of security from the state to the individual, fundamentally reconceptualizing international security.[13] Soirila argues that the ideas of human security 'have not been successfully institutionalized in global governance and international law'.[14] However, it should be noted that although human security has not found legal footing, the concept has found traction and been institutionalized to varying degrees within the UN.[15] As observed by Wolfgang Benedek, the UN's peace operations have been working on a human security-based agenda since 1999 regardless of the fact that the term is absent from major policy documents.[16] Soirila then explains that the concept of human dignity has been used to interpret human rights and can determine the limits on human power and guide decision-making on global law.[17]

Soirila understands there to be two core problems when making use of these concepts and establishing their authority: (i) they have to remain in some way neutral in character to gain global acceptance which undermines their usefulness in addressing concrete issues; and (ii) a legal system based on these concepts would require a hierarchy which contradicts core notions of the universality of human rights.[18] Due to the indeterminate nature of all three concepts, Soirila suggests that theorists must give more attention to how the concepts are utilized in practice. This is because the ideological starting points may not 'lead automatically to the outcomes they desire'.[19]

Proponents of the law of humanity project argue, in various forms, that the concepts of human dignity and human security can act as frameworks for how actors interpret and implement

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[6]A. Peters, 'Humanity as the A and Ω of Sovereignty', (2009) 20 *European Journal of International Law* 513–44, at 514; R. Domingo, *The New Global Law* (2010), xvi.

[7]Soirila, *supra* note 1, at 44.

[8]Ibid., at 46.

[9]Ibid., at 47.

[10]Ibid., at 47–9.

[11]Ibid., at 50–1.

[12]Ibid., at 63.

[13]Ibid., at 51.

[14]Ibid.

[15]J. Thérien, 'Human Security: The Making of a UN Ideology', (2012) 26 *Global Society* 191–213, at 209.

[16]W. Benedek, 'Mainstreaming human security in United Nations and European Union peace and crisis management operations', in W. Benedek, M. Kettemann and M. Möstl (eds.), *Mainstreaming Human Security in Peace Operations and Crisis Mangagement* (2011), 13–31, at 19.

[17]Soirila, *supra* note 1, at 52; C. Byk, 'Is human dignity a useless concept? Legal perspectives', in Düwell et al., *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* (2015), 362–7, at 364.

[18]Soirila, ibid., at 53–4.

[19]Ibid., at 80.

international law.[20] For example, human security is described as having transformative potential for international law because '[i]t is an idea that seeks to reopen analysis of the world's priorities, to produce new integrated methodologies in analysing the most complex and pressing problems, and to give greater voice to individuals and communities in searching for solutions'.[21]

However, an aspect of the literature that has not been fully presented by the book is, addressing the need to reshape the international system to remain relevant. For example, Edith Brown Weiss stresses that international law more than ever needs to be viewed as legitimate by both those who create it, importantly states, and those who are affected by it.[22] From a different perspective, Karen Alter has mapped the contemporary threats to the international rule of law and concluded that international law's continued relevance relies on the social purpose of the international liberal order.[23] Going further, Emmanuelle Jouannet argues that international law has become more than a means of social regulation, and is 'being used to transform international society in order to make up for economic, social or equitable imbalances'.[24] Such a transformation, guided by the law of humanity project, will require an increased involvement of actors other than states and international organizations. It has been predicted by Aurel Sari and Agnieszka Jachec-Neale that over the coming decades international law will find it difficult to formally incorporate the diverse and innumerable non-state actors involved in this transformation into international institutions and legal processes.[25] Reviewing the literature in this area shows that the law of humanity project faces a core conflict with traditional thinking on international law. To advance the transformation envisaged by the project, the wide array of non-state actors currently without any formal access to the international system need to be granted a greater role in international decision-making processes. Consequently, such a re-evaluation may result in the gradual erosion of the geographic nature of statehood.[26]

Soirila's contemplation of how the law of humanity project fits within the legal system is an important one which international lawyers have considered with regard to implementing human security. The author could have discussed further, the operationalization of the law of humanity project to explore what the law of humanity project would look like in practice. For example, Gerd Oberleitner suggests using human security to implement international human rights law to create a category of 'super human rights'.[27] Likewise, Rhoda Howard-Hassmann takes the view that human security prioritizes some human rights over others and would create the situation 'that there are some human rights that society need not acknowledge, safeguard and promote because they do not address basic insecurities'.[28] As Oberleitner and Howard-Hassmann demonstrate, there is conflict between competing corners of the law of humanity project. Soirila's account does highlights similar differences, and synergies, in Chapter 2. Soirila has importantly recognized the value of synthesizing and bridging the different sides of the law of humanity project. Without agreement on *how* the competing concepts can work in unity for common purposes, the law

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[20]See, e.g., S. Daft, *The Relationship Between Human Security Discourse and International Law: A Principled Approach* (2017); A. Gilder, 'International law and human security in a kaleidoscopic world', (2021) 59 *Indian Journal of International Law* 111–37; C. Dupré, *The Age of Dignity: Human Rights and Constitutionalism in Europe* (2015).

[21]B. von Tigerstrom, *Human Security and International Law* (2007), 49.

[22]B. Weiss, *Establishing Norms in a Kaleidoscopic World* (2020).

[23]See Alter, *supra* note 4.

[24]E. Jouannet, 'What Is the Use of International Law? International law as a 21st Century Guardian of Welfare', (2006–2007) 28 *Michigan Journal of International Law* 815, 821.

[5]See Sari and Jachec-Neale *supra* note 4, at v.

[26]D. Bethlehem, 'The End of Geography: The Changing Nature of the International System and the Challenge to International Law', (2014) 25 *European Journal of International Law* 9–24.

[27]G. Oberleitner, 'Porcupines in Love: The Intricate Convergence of Human Rights and Human Security', (2005) 6 *European Human Rights Law Review* 588–606, at 600.

[28]R. Howard-Hassmann, 'Human Security: Undermining Human Rights?', (2012) 34(1) *Human Rights Quarterly* 88–112, at 106.

of humanity project could fail to gain sufficient traction to meaningfully transform the international system as desired by its proponents.

In Chapter 4, Soirila undertakes important case studies that assess the uses and outcomes of the law of humanity project. Soirila looks at, for example, how the rights and obligations of individuals under international human rights, investment and criminal law have 'brought about disciplining of the state'.[29] Another example is that of humanitarian occupations which demonstrate the redistribution of authority from 'unworthy' states, such as Saddam Hussein's Iraq, to the international community.[30] Soirila's examples show how the language of humanity can run counter to the motivations of the theorists in this field. For example, humanitarian occupations may have established lasting institutions but 'the right of self-determination of local populations got almost completely steamrolled by international administrators'.[31] Another conclusion is that the law of humanity project has not succeeded in diminishing the role of the state, although, progress has been made towards the state being perceived as a trustee or fiduciary of humanity.[32] Practice on human rights, human security, and human dignity have not resulted in a radical redefinition of state sovereignty and instead the international community actively supports the rehabilitation of nation states to reassume their position as a trustee.

Lastly, Soirila importantly casts light onto a potential dark side of the law of humanity project – how 'humanity language has been used to push through broadly neoliberal political, legal and economic transformations in the developing world'.[33] The book would have done well to engage further with Third World Approaches to International Law (TWAIL) to address the law of humanity project's inadequacies and biases more critically. For instance, Ikechi Mgbeoji has suggested that human security could 'be construed as an extension of Kantian democratic peace'.[34] In this regard the law of humanity project needs to consciously avoid propagating the West's continuing imperialist tendencies.[35] For example, human security should not be something to 'spread' in the way that colonial powers 'spread' civilization to what they regarded as the uncivilized 'Third World'.[36] This point links to the aforementioned need to make space for a range of non-state actors. Without meaningful engagement in the international system from a broad range of non-state actors the individualist, bottom-up approach propagated by the law of humanity project risks becoming a chimera – a veil to make liberal democratic values more appetizing to populations in the Global South.

In assessing populist backlash, the author draws important linkages between the law of humanity project and neoliberalism.[37] Soirila explains that many theorists on the law of humanity project are highly critical of neoliberalism; however, important consideration is given to the 'hijacking' of human rights, for example, for neoliberal purposes.[38] Due to how neoliberal policies have contributed to inequality, Soirila argues the law of humanity project 'needs to find more methods to tackle trends of rising inequality and people left out of the decision-making'.[39] Such a critique lends well to TWAIL literature that could have had a more central role in the work. Nevertheless, Soirila's work exemplifies the difficult relationship between the law of

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[29]Soirila, *supra* note 1, at 82–90.

[30]Ibid., at 90–100.

[31]Ibid., at 120.

[32]Ibid., at 121.

[33]Ibid., at 123.

[34]I. Mgbeoji, 'The Civilised Self and the Barbaric Other: Imperial Delusions of Order and the Challenges of Human Security', (2006) 27 *Third World Quarterly* 855, at 861.

[35]See, e.g., A. Anghie, 'Europe and International Law's Colonial Present', (2012) 6 *Baltic Yearbook of International Law* 79, at 82.

[36]A. Gilder, 'Human security, TWAIL, and the importance of self-reflection in our own scholarship', (2021) 54 *NYU Journal of International Law and Politics Online Forum* 1–13.

[37]Soirila, *supra* note 1, at 141–7.

[38]Ibid., 143–4.

[39]Ibid., at 147–8.

humanity project and neoliberal institutions and power structures where historically, both needed to coexist.

Soirila maps out a potential future law of humanity project that accounts for neoliberalism, managerialism, and populism. In this regard, the law of humanity must then be more aware of inequalities caused by neoliberalism and 'seek to make itself more useful and visible for persons and groups engaged in grassroots level struggles'.[40] Soirila's suggests that the mere usage of the language of humanity is insufficient due to its use as a veil for neoliberal and managerial projects and theorists. Therefore, 'there is a need to let go of the idea of depoliticization of the law of humanity projects'.[41] By becoming more politically inclined, the law of humanity project can gain legitimacy amongst those that need to utilize it the most at the grassroots level. Soirila asks theorists to consider in more practical terms how grassroots actors can be better connected to international institutions.[42] Soirila also suggests the binary view posed by the law of humanity project – which sees humanity (as typically represented by international organizations and NGOs) in opposition to the state – is ultimately unhelpful.[43] This, the author argues, is a zero-sum game which narrows our view of 'how power actually operates in global governance'.[44] The law of humanity project must then rethink how it approaches conflict between conceptions of humanity (and its representatives) and the state.[45] Ultimately, Soirila asks theorists on the law of humanity to grasp and wield power, to take a stance, and state their political goals.[46] This argument would be made stronger had Soirila shown how theorists, as opposed to practitioners, can put this approach into practice and importantly how to frame what could be sensitive political messaging in their work.

*The Law of Humanity Project* usefully provides a useful synthesis of a broad range of theoretical approaches. Soirila queries the ideological underpinning of different approaches to the law of humanity project. As explained above, human rights and human security have been seen by some as competing concepts. I hope that this work will help bring the broad church of humanity theorists together. Soirila has charted the seizure of the humanity discourse for uses that have been largely unintended. The author has suggested a path forward for theorists, but readers need clearer examples on how best to put into practice the book's key message; namely, that to avoid neoliberal, populist, or other unintended uses of the humanity discourse, authors must clearly communicate its uses in practical terms. This means not only explaining a vision, but how it is achievable, and the steps needed to implement that world view. I wonder whether international law can learn from other disciplines that engage heavily with policymaking, such as international development or criminology. The author could make a more forceful argument for such practices in our discipline if those working beyond law have had success with similar, strong political messaging in their work. I believe that for a radical change to take hold, and particularly for understandings of a new global law to permeate the current system, the ladder must be extended for those willing to implement such change. With a diverse array of non-state actors attempting to permeate the international system, the humanity discourse must look beyond current institutional arrangements and chart a clear path for communities, activist groups, diasporas and more to also wield power as trustees of humanity.

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[40]Ibid., at 149.
[41]Ibid., at 150.
[42]Ibid., at 151.
[43]Ibid., at 153.
[44]Ibid., at 156.
[45]Ibid., at 158.
[46]Ibid., at 159.

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