

# H-Net Reviews

in the Humanities & Social Sciences



**Karen J. Alter.** *The New Terrain of International Law: Courts, Politics, Rights.* Princeton: Princeton University Press, 2014. 480 pp. \$95.00 (cloth), ISBN 978-0-691-15474-9; \$35.00 (paper), ISBN 978-0-691-15475-6.

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**Published on** H-Diplo (January, 2015)

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Karen J. Alter's *The New Terrain of International Law* explores the immense contribution that international courts and tribunals provide in the development and strengthening of international law and international politics. In doing so, Alter, a professor of political science and law at Northwestern University, builds from an impressive amount of historical, political, and legal data. Alter starts from the observation that the proliferation of international courts and tribunals is a real paradigm changer for international law, and, importantly, she seeks to conceptualize how these new-style international courts affect domestic and international politics across different states, courts, cases, and issues.

Indeed, there are an impressive and ever-growing amount of international judgments from over thirty international courts (establishing the exact number is always tricky as it depends on the definition—and there are many—one adopts of international court) with jurisdiction on an astounding array of issues and persons, both public and private. Though critics contest the binding nature of these decisions and focus on the lack of enforceability of international judgments, the truth is that international judgments are most often complied with and respected. Additionally, these judgments often have the ability to influence domestic and global politics.

The first section of *The New Terrain of International Law* is dedicated to a much-needed contextualization of the growth of international courts, both in historical terms and in terms of geographical distribution. Much of the growth of international courts is rooted in the post-World War II world order and the sentiment, espe-

cially among European countries, that the judicial settlement of disputes should be promoted and nurtured. The growth of international courts in Europe quickly expanded to other regions of the world, especially Latin America and Africa, while Asia and the Middle East remain notably absent. Alter also identifies other systemic changes that contributed to the creation of international courts, namely, the onset of the Cold War, which closed the space for the development of international courts, but opened one for European and Latin America leaders to develop important regional judicial fora. With the end of the Cold War, the global spread of new-style international courts began, ranging from international economic courts (such as the dispute resolution mechanisms of the World Trade Organization) to courts and tribunals created by the United Nations to adjudicate individuals involved in mass atrocities (for example, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and eventually, the International Criminal Court).

Alter identifies four core functions of international courts in the second section of the book. In addition to the core function of international dispute settlement, the other three functions are international administrative reviewing, international law enforcement, and international constitutional review. Functions may overlap in the jurisdiction of international courts, and indeed often do, yet identifying the specific function that each court is performing in a situation is important both in terms of understanding and framing the outcome of a decision and more generally in terms of assessing the relevance of the decision in a larger general context. Importantly,

each function is analyzed in detail, first theoretically, and then with reference to specific decisions rendered by one of the international courts.

An important contribution of this book is the analysis of a massive amount of data. Alter builds on a remarkable and robust empirical analysis and produces very interesting tables and diagrams that are helpful in visualizing the extent of work done by international courts in regional, jurisdictional, and historical contexts. For example, the figures that indicate the overlapping regional participation to different courts are particularly helpful

in visualizing the extent and depth of their jurisdiction (pp. 95-99).

This is a solid and sophisticated volume and should be on the reading list of all those who are interested in international courts and tribunals. It provides a strong account of the rapid emergence of international courts and their role in the international political and legal systems. Additionally, the book would be an appropriate read for advanced classes in political sciences and international relations.

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**Citation:** Chiara Giorgetti. Review of Karen J. Alter, *The New Terrain of International Law: Courts, Politics, Rights*. H-Diplo, H-Net Reviews. January, 2015.

**URL:** <http://www.h-net.org/reviews/showrev.php?id=42277>



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