

Editor's Book Choices by Sarah Nouwen

* Sophokles. *Antigone*, translated by Anne Carson. London: Oberon, 2015. Pp. 54. £9.99. ISBN: 9781783198108.

* Alex de Waal. *The Real Politics of the Horn of Africa: Money, War and the Business of Power*. Hoboken: Wiley, 2015. Pp. 220. €21.30. ISBN: 9780745695587.

* Edward Thomas. *South Sudan: A Slow Liberation*. London: Zed Books, 2015. Pp. 336. £15.82. ISBN: 9781783604074.

* Samuel Moyn. *Human Rights and the Uses of History*. London: Verso Books, 2014 Pp. 160. £10.39. ISBN: 9781781682630.

* Andreï Makine. *L'amour humain*. Paris: Seuil, 2006. Pp. 294. €18.30. ISBN: 9782020884266.

It is actually not that easy to come up with a list of five books that, according to the criteria set by book review editor Isabel Feichtner, 'have had a significant impact on you that year', or more precisely, 'books not necessarily published in 2015 (and not necessarily law books), but read or reread that year, and which you found inspiring, enjoyable or considered "must reads" for your own work or international law scholarship in general.'

As Jean d'Aspremont observed last year,¹ we usually read functionally for our work: a few pages here and there that are relevant to a piece that we happen to be writing. Seldom do we read a book cover to cover (Jan Klabbers providing a praiseworthy exception),² and if we do, it is often for a book review (which seems disqualified from this list as it has already been published elsewhere).³ But even of the few dozens of other books that I did read cover to cover this year, few qualify for this list, if we interpret the criteria to mean that even the books that one finds 'inspiring' or 'enjoyable' should in some ways relate to one's work or to international law scholarship in general. While Yotam Ottolenghi's *Plenty More* has been studied page by page and proved hugely inspiring in the kitchen, EJIL may not be the best forum to explain why. The same goes for the half a dozen of books on how to get a baby to sleep through the night—all of which have been tried and tested; none of which I would recommend.

That brings me to a final introductory caveat: it is difficult to select five books that I (re)read this year that I would strongly *recommend*, that is, that I would suggest to colleagues that they read these five books instead of other books, or indeed, that they spend their Sundays reading these books instead of going for a run, baking an apple pie or attending a political rally. The key problem is that I do not read enough, but the problem is exacerbated by publishers who publish too much. Indeed, it is far easier to come up with a list of

¹ <http://www.ejiltalk.org/editors-book-choices-jean-daspremont/>.

² <http://www.ejiltalk.org/editors-book-choices-by-jan-klabbers/>.

³ My only book review this year was of David Bosco, *Rough Justice: The International Criminal Court in a World of Power Politics* (Oxford University Press, 2014), published at <http://jamesgstewart.com/the-sort-of-justice-the-icc-can-and-cannot-deliver/>.

recommendations of five books *not* to read. However, that project does not fit so well with the spirit of the holiday season, and, in our profession, might even be a litigation risk (as this journal knows all too well).⁴

Against this backdrop, here are five books that I read, and in one case re-read, in 2015 and in fact do strongly recommend to my colleagues.

So classic, so new, so timely: Anne Carson's translation of Sophokles, *Antigone* (2015)

In a forthcoming book chapter on the crime of aggression, Martti Koskenniemi argues that classical tragedy provides a better frame for understanding great international crises than that of good vs. evil or “just warrior” vs. “the aggressor”.⁵ Indeed, as a way of looking at the world, tragedies have much to offer to anyone engaging in international affairs, including international lawyers. They show how in a world of limitations, people’s idealistic aspirations may have cruel consequences. Without necessarily leading us to fatalism, tragedies remind us of the importance of context and contingency and inspire a sense of humility as to the human ability to control the outcomes of interventions in complex situations.

For those of us, myself explicitly included, who struggle in our writing with getting to the point, and to a point that is actually relevant, reading Sophokles is a humbling source of inspiration. On page 1 we know what the book is about; just over forty short pages later we have lived through some of the most fundamental tensions that have defined human experience: law versus justice; public versus private; men versus women; obedience versus righteousness, all of this accompanied by both the idealism and the error that have characterised humanity.

When watching the performance for which this translation was written at the Edinburgh Festival last August, my attention kept being drawn to the monitors that displayed the lines as they were spoken. In Ivo van Hove’s convincingly raw and pure stage representation of Thebes, the monitors’ official purpose was to assist those who could not hear well. To me, however, they revealed that the real star of this evening was not Juliette Binoche as Antigone, but poet/essayist/classicist/scholar Anne Carson’s translation.

It is Carson’s translation which makes this 2500 year old text so new. Take the first encounter between Antigone and Kreon after Kreon has found out that it was his own niece who buried Polyneikes:

Kreon:	answer me this and no long speeches you knew this deed to be forbidden by decree
Antigone:	of course I did

⁴ <http://www.ejiltalk.org/in-the-dock-in-paris-%E2%80%93-the-judgment-by-joseph-weiler-2/>.

⁵ M. Koskenniemi, “A Trap to the Innocent ...”, in C. Kress (ed.), *The Crime of Aggression*, Cambridge University Press (forthcoming).

Kreon: and yet you dared to disobey the law

Antigone: well if you call that *law*

This present-day dialogue focuses not so much on their relationship as ruler and subject as that of guardian and rebellious youngster. But it then develops into their fundamental debate on positive law versus natural law — a dialogue that can provide useful in undergraduate lectures.

As befits a true classic, one can be surprised by something new on each reencounter. Antigone's righteousness/disobedience/independence/stubbornness intrigued me in the past; this time I was struck by the part of Haimon, her fiancé. Confronted with the decision of his father Kreon, the king, to have Antigone killed for having disobeyed the order not to bury her own brother, Haimon at first comes off as a lousy boyfriend:

Kreon: you've heard the verdict on your future bride
so are you in rage against your father, child
or are we still friends?

Haimon: father, I'm yours
I trust your judgment
no marriage could outweigh this

But after stressing his loyalty to his father as a son, he relies on that loyalty to challenge the wisdom of his father's governance. Having heard the people of Thebes expressing support for Antigone's actions, he counsels his father to seek advice:

Haimon: ... please don't be so absolutely singleminded
whoever imagines he alone is the one
who knows how to think or speak or feel
the man is an empty page
there's nothing shameful in being a person able to learn ...

Kreon: me at my age go to school and get wisdom from this stripling

Haimon: you would learn nothing unjust

Kreon: nothing unjust to honour anarchy

Haimon: I do not honour anarchy

Kreon: is the girl not tainted with that malady

Haimon: the whole city of Thebes says otherwise

Kreon: shall Thebes prescribe to me how I should rule

Haimon: listen to yourself you sound like a boy dictator

Kreon: whom else should the government depend on

Haimon: no city belongs to a single man

Kreon: surely a city belong to its ruler

Haimon: why not find a desert and rule all alone

I wondered if it was this passage that the person sitting next to me, randomly allocated by a ticket-selling computer programme, had in mind when she commented after the play: ‘It is all so timely. We are still waiting for the Chilcot report ...’.

So real: Alex de Waal’s The Real Politics of the Horn of Africa: Money, War and the Business of Power (2015)

The pursuit of ideal theories in the absence of a thorough understanding of the present and the past can have tragedy’s horrific consequences, often euphemistically labelled ‘side-effects’ of otherwise good intentions. Perhaps because the fields within which I mostly work, international criminal law and international human rights law, are so filled with ideal theories of rights and justice, I am drawn to books that attempt to understand what is ‘really’ going on. Of course, any theory of what is ‘really’ going on will be incomplete, and as Ronald Atkinson has rightly pointed out in his comments on my commitment to such realism, ‘reality ... is too complex for any assertion of certainty’.⁶ But my interest in the ‘real’ is not so much a pursuit of certainty — one of the factors that accelerated disaster in *Antigone* — as an attempt to understand the present and past before evaluating assertions about ideal types or pursuing ideals. In ‘Philosophy and Real Politics’, Raymond Geuss argues that philosophers should first attempt to grasp why real political actors behave as they actually do before they develop ideal theories.⁷ I am interested in trying to understand the ‘realities’ to which international criminal law, international human rights law and R2P theories apply their legal categories.

Alex de Waal’s *The Real Politics of the Horn of Africa: Money, War and the Business of Power* is a beautiful illustration of an attempt to understand what is ‘really’ going on. His book forcefully sets forth one far-too-often ignored ‘reality’ of war, peace and politics in Africa and beyond. Rather than explaining these phenomena by reference to grievances, ethnic hatred or greed, he reveals how they are to a large extent dependent on ‘political budgets’ with which loyalty is literally bought on a ‘political marketplace’. Oil exports, aid funds and western military assistance for counter-terrorism and peace missions keep this market liquid, while integrating it into international markets that increase the volatility of the local loyalty price and speed up shifts in alliances.⁸ As a result, war and peace depend at least as much on political leaders’ political budgets as on their ideological agendas and normative commitments. While one explanation among many, this analysis of ‘real politics’ provides insights that go to the core of the stated objectives of some areas of international law. For instance, if international criminal law aims to counter impunity, it is worthwhile to study the

⁶ R. R. Atkinson, ‘Book Review’, 5(1-2) *Journal of international humanitarian legal studies* (2014) 397.

⁷ R. Geuss, *Philosophy and Real Politics* (Princeton University Press, 2008).

⁸ See also his concise ‘Dollarised’, *London Review of Books* (24 June 2010).

causes of impunity. In situations governed by the political market place, impunity is one of the currencies (with political trials being the other side of the coin).⁹

So inspiring: Edward Thomas, *South Sudan: A Slow Liberation* (2015)

When the world's youngest state spiralled into civil war less than two years after its independence, commentary was rife with explanations ranging from local tribalism to a failure on the part of the international community to build the South Sudanese state. Edward Thomas's book shows how both these and many other explanations fail to understand how South Sudan came about, and, as its title gives away, is still working on its own liberation. His book is inspiring not just for those who are interested in South Sudan or in other states that seem unable to escape armed conflict, but for anyone who does research that aims to understand. His argument derives from an impressive integration of individual narratives, with macro-economic analyses, history and world politics, anthropological research and political theory. Most notably, he extensively draws on South Sudanese and Sudanese sources, integrating their knowledge and experiences in an international literature that has often remained disconnected from the scholarship produced by people in the area studied. The book is therefore not just a must-read for South Sudan scholars, but also for those seeking inspiration for doing empirical research in its strongest form.

Challenging and encouraging: Samuel Moyn, *Human Rights and the Uses of History* (2014)

It may seem surprising to label Samuel Moyn's work as challenging, for his own ambitions are relatively modest: 'To use the past in a better way than to abuse it for the sake of the limited human rights movement of our day, with its post-Cold War dreams and disappointing outcomes, seems the most worthwhile goal'. But his work is challenging precisely because he challenges us to take history seriously. Warning against historiography that ransacks the past 'as if it provided good support for the astonishingly specific international movement of the last few decades', he critiques other scholars' recently published histories of, among others, humanitarian intervention, international justice and anti-torture activism for doing precisely that. His challenge is relevant beyond human rights law: in international law more generally, history is often raided for examples of 'state practice', disconnecting it from the context that gave it meaning. This short, powerful book is at the same time encouraging: combining essays that were mostly first published as book reviews, it restores the book review in its academic dignity. In a day and age in which the pressure to publish means that writing book

⁹ I develop this argument in S.M.H. Nouwen, *Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court in Uganda and Sudan* (Cambridge Studies in Law and Society, Cambridge University Press, Cambridge, 2013), Chapter 5, 371-8.

reviews seems to have become an unaffordable luxury for many academics, Moyn's book shows that thorough engagement with other scholars' work can result in a first-class publication.

So fictional, so real: Andreï Makine, L'amour humain (2006)

And then finally, a recommendation from the heart that may look like cheating, for books in the editor's-choice series are usually non-fiction. However, if one aim of reading is to have a better understanding of our world, some fiction comes closer to reality than non-fiction. Andreï Makine's work falls in that category.

My uncle once advised me that a person should try to read at least one author's entire oeuvre. There are some international lawyers with respect to whose work I have this ambition, but since they are still alive, I will not mention them here (they may feel stalked whenever I run into them). In the world of fiction, I have read most of Makine, who grew up in the Soviet Union before receiving political asylum in France during the last years of Soviet rule: few authors are as perceptive when it comes to the impact of big-idea politics on ordinary people, the pervasiveness of displacement that is inherent in exile, and even, the essence of human love.

This year I re-read his *L'amour humain*, the story of Elias Almeida. Following his father on a revolutionary trail in Congo after his mother is killed in his native Angola, Almeida is initially taken by the ideology. But soon he discovers the disconnect between the ideologies and their realisation, and how, for the leaders, there are in fact 'two peoples: one of them, glorified in speeches, the "working masses", whose triumphal entry into the paradise of communism was being prepared for, an ideal people, as it were, and then this other people, which thanks to its humdrum destitution brought dishonour to the great revolutionary project.' He also encounters westerners who join the cause, and then leave again:

The whole of the West was there ... The arrogant desire to transform other people's lives into an "experiment", into a testing ground for their own ideas. And then, if this human material resists, to abandon it, to move in search for a more malleable one. Most of all, he grasped the very great difference between two types of revolutionary: those who could pack their bags, depart, settle somewhere else, and those who did not have this choice.

Among the former is '[a] woman ready to sacrifice millions of human lives on the altar of an Idea but who wept when she thought of her blind dog.' When the ideologies have fallen apart, the only thing of value that remains is human love. Through Almeida's eyes, Makine reveals the magic of human love in the most ordinary moments of the most ordinary lives — including all of ours.

In the face of the crises that the world is facing, closing this list of end-of-year recommendations with a wish for a 'peaceful' 2016 seems utopian. Makine considers the summation of human History 'fine words, the thrill of battles and enmities, victories greedy

for corpses, and, when it's all over, this calm, grey winter's day, the scent of a wood fire, the intense sensation of being at one with oneself.' Perhaps the most I can realistically and genuinely wish to all patient readers is the experience of that sensation.