

BOOKS RECEIVED / LIVRES REÇUS

F. LENZERINI / A.F. VRDOLJAK, *International Law for Common Goods: Normative Perspective on Human Rights, Culture, and Nature*, Hart Publishing, Oxford, 2014, 448 pp., ISBN: 978-1-84946-519-9

As articulated by Vrdoljak in her introduction to the text, the status quo of modern international law lies within the interest of the states, suffering from the bias of the self-interest of these states. Yet certain concepts of common goods are developing to challenge the dominance of this state-focused form of international law, growing out of globally shared values or shared spheres of interaction. Lenzerini and Vrdoljak have drawn attention to this nature of expansion of international law through common goods with a series of case and institutional analyses, divided into three distinct sections. The first section distinctly draws attention to international legal precedent of human rights through institutions such as the International Court of Justice, expanding into the international legal constraints of war through the Inter-American Court of Human Rights and the African Commission of Human and Peoples' Rights, among other institutions. Additionally within the realm of shared values comes a section focused on legal protections of cultural heritage, most powerfully focusing on the rights of indigenous peoples whose identity is derived directly from their culture and the damage these identities can suffer from foreign encroachment without proper legal protection. The final section of Lenzerini and Vrdoljak's analysis focuses not on shared human values of culture and life, but on common domains which create common concerns for humankind, such as ecological sustainability standards and land degradation issues.

D. McDevitt

M.I. LICHBACH, *Democratic Theory and Causal Methodology in Comparative Politics*, University of Maryland, Cambridge University Press, 2013, 232 pp., ISBN: 978-1-107-62235-7

Deriving heavily from Barrington Moore's *Social Origins of Democracy and Dictatorships: Lord and Peasant in the Making of the Modern World* and examining the issues displayed by Moore through the comparativist scopes of texts from Daron Acemoglu and James A. Robinson, Lisa Wedeen, Atul Kohli, and Charles Tilly, Lichbach uses a methodological approach to explore causal democratic theory. The key question, as with many comparativist political thinkers, looks at the pragmatic application of democracy, *i.e.* is the ideal form of democracy one that is purely free and rational, allowing the most direct configuration of political agency to come forward, or does a functioning democracy, thick or thin, need to understand the forces from which it has been created, and shape institutions working within the constraints of the society from which it is derived from? Lichbach uses a methodological approach to examine this question, breaking down rationalism and constructivism by the scope of each of the examined texts, and concludes with a multi-theoretical approach to understanding democratization and its development.

D. McDevitt

D. O'BRIEN, *The Constitutional Systems of the Commonwealth Caribbean: A Contextual Analysis* (Constitutional Systems of the World), Hart Publishing, 2014, 328 pp., ISBN-10: 184946152X, ISBN-13: 978-1849461528

Colonization played an important role in the Caribbean during the 18th and 19th century. Establishing political control over a particular geographic region and a particular people was necessary in order to increase power, extort resources and have cheap labor. Many countries in the Caribbean had the common experience of colonization by the British Empire. The legal systems put into place were based on the English system. However, when these countries gained their

independence, they had to change systems and adopt their constitutions.

Derek O'Brien states that these new constitutions were eventually based on the 'Westminster model' of government. This meant that the Constitution was supreme and certain fundamental rights were guaranteed by the Constitution. The Constitution adopted in each country is critically analyzed in the book.

While thoroughly examining the region's background and history, Derek O'Brien tries to prove whether or not the Westminster model was successfully adapted. He concludes that these constitutions were in large part replications of the former colonial empire's governmental systems. Additionally, he states that they originated as an act of the imperial Parliament in Westminster. Derek O'Brien also discusses the progress and positive transformations of certain states from independence until now. In addition, he mentions the rising interest for constitutional reform in the region.

A. Georges

M. J. PERRY, *Human Rights in the Constitutional Law of the United States*, Cambridge University Press, 2013, 192 pp., ISBN: 9781107666085 (paperback), ISBN: 9781107038363 (hardcover)

Human rights are a concept that has been an issue for many years. In accordance to human rights, there was a significant increase in political morality in the Second World War. By increasing a person's morality is by pursuing a set of policies. Michael Perry says basic human rights consist of the constitutional law and constitutional morality. He goes by demonstrating controversies of the constitutional law: capital punishment, same-sex marriage and abortion.

Human rights state that all human beings are born and have equal dignity and should act in the spirit of brotherhood. Each human being is inviolable. This statement creates an issue when it comes to capital punishment. The punishment crosses the line and demonstrates the failure of the government, whether or not it is protecting human beings or not.

Other concepts brought up are same-sex marriage and abortion. This issue causes problems for certain human beings to be violated in their rights. Disadvantaging people to these rights violates the right to religious and moral freedom. The lack of freedom shows the corruption and discrimination of many communities especially due to the lack of consideration of the government.

In conclusion, the issues brought up have been of concern for human beings who are not able to appreciate these rights and in turn human rights should be acknowledged more and create equal dignity and freedom.

V. Kumar

R. THWAITES, *The Liberty of Non-citizens: Indefinite Detention in Commonwealth Countries*, Hart Publishing, Oxford, 2014, 352 pp., ISBN: 978-1-84946-431-4

In this monograph, Thwaites looks at how the balance between security and liberty is being struck in relation to the indefinite detention of terror suspects since 9/11, exploring the subject through detailed case studies of three common law jurisdictions - Australia, the United Kingdom and Canada.

Basing each study around a leading case from that country, Thwaites critically analyses the approaches to the question of indefinite detention that have been taken, using previous cases to track the evolution of the law. The methodology he uses is well-suited to his argument: by focusing on a small number of cases, Thwaites is able to provide a much fuller analysis of the relevant issues, deconstructing each decision and then cogently outlining whether or not it fits within the 'rights-protecting' approach he advocates with regard to indefinite detention.

Thwaites' identification of relevant legal materials and subsequent critique of them results in a well-structured, lucid and insightful approach that covers a range of current issues, poses a number of important questions, and offers possible solutions to advance the law and remedy the deficiencies he identifies as currently existing.

S. Van Besouw