

feminist schools but also the boundaries between the disciplines. Jones' monograph does not only offer new ideas to the field of jurisprudence and legal theory, but her study also constitutes a post-human research approach and valid methodological tool, regardless of what field of social sciences it is applied to.

To conclude, *Feminist Theory and International Law* has the merit, first, of combining post-human feminism with international legal theory and beyond, probably for the very first time on such a large scale, and, second, of applying it to extremely topical issues that require a new kind of critical thinking to solve. Regardless of whether we are in Barbie Land or in Real World, paraphrasing the anthropologist David Graeber, we can each imagine a different world, just as we can reimagine international law and legal futures, according to Jones.⁷

Sanna S. Lehtinen

Doctoral Researcher, University of Helsinki, Finland

Email: sanna.lehtinen@helsinki.fi

<https://doi.org/10.1093/ejil/chad061>

Tommaso Soave. ***The Everyday Makers of International Law: From Great Halls to Back Rooms***. Cambridge: Cambridge University Press, 2022. Pp. xxv, 342. £95.00. ISBN: 9781009248013.

This book comes with much advance praise and even more advance warning. The flap copy promises 'unique insights into the inner workings of international courts and tribunals'. The preface (somewhat less grandiosely) sets out the book's central aim: '[T]o show that, beneath the smooth surface of the law, international judicial processes bubble with socio-professional struggles, clashing worldviews, unpredictable contingencies and occasional humour' (at ix). And while most lawyers are likely aware that 'the smooth surface of the law' occasionally hides darker truths, the author, Tommaso Soave, asks readers to brace themselves for an unusual story and, more so, for an unusual way of storytelling or, in his own words, a 'radical departure from canon'; a 'genre-bending take' that combines 'academic analysis' with 'plausible fiction'; and a fair amount of 'undisciplined writing' (at ix–xi). And so, suitably warned and perhaps intrigued, readers embark on a journey that leads them 'under the smooth surface' and into the machine room of international justice or, in the words of the subtitle: 'From Great Halls to Back Rooms'. It is an unusual journey but a rewarding one.

⁷ In *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy*, David Graeber writes: 'The ultimate, hidden truth of the world, is that it is something that we make, and could just as easily make differently.' D. Graeber, *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy* (2015).

An unusual journey: the stops on the way, to be sure, are relatively predictable. As befits a book about international courts and tribunals, we are taken to The Hague, Geneva, Strasbourg and San José, the main and the lesser capitals of international adjudication and arbitration. What makes the journey unusual is Soave's choice of tour guides. We learn about the 'inner workings of international courts and tribunals' by following Sophie, Matt, Fil, Aphrodite, Soledad and Carlos, all of them living through the 'socio-professional struggles' and daily routines of structured processes of binding dispute resolution. The story told in *Everyday Makers* unfolds along the main stages of such processes – among them a fictitious *North Borneo* case before the International Court of Justice (ICJ) opposing Malaysia and the Philippines, Kingsland Mining's claims against Turkey at the International Centre for Settlement of Investment Disputes and an Indonesian-European Union (EU) World Trade Organization (WTO) dispute about palm oil. By the end of the book, North Borneo remains Malaysian, Kingsland has won a decent damages award, the Appellate Body has found the EU palm oil regulation to be discriminatory, while the Inter-American Court of Human Rights (IACtHR) has rendered another *desaparecidos* judgment. But that is not all, as we also learn that Sophie is still dating Norma, the sociology graduate she met in a café in The Hague at the start of the book; Carlos may be about to secure his first appointment as an arbitrator in a lesser commercial case; and Matt unwinds at the *bain des Pâquis* on Lake Geneva after a disappointing *Palm Oil* report, considering whether he should leave the WTO for private practice. Soave's 'great halls' and 'back rooms' are full of characters who keep the wheels of international justice turning.

The people that Soave cares about – and this is his second important choice – are not the superstars of international law. Superstars appear, and some are brought to life. Judge Lehmann of the ICJ is one of them: 'the old German Lion' (274) who calls Sophie 'young lady' and admires Thomas Franck and who cares about self-determination and manages to get the Court to include a reference to it in the *North Borneo* judgment. Professor Gal is another: he teaches investment law at the Sorbonne, has recently set up his own boutique firm, is extremely adept at steering tribunal debates in his preferred direction, yet 'struggl[es] to secure appointments by Argentina, the golden goose of ISDS [investor-state dispute settlement]' (at 132). But Soave's focus is on the people behind the scenes. Sophie, Matt, Fil, Aphrodite, Soledad and Carlos are clerks, associate officers, tribunal secretaries and law firm associates. We see the world of international courts through their eyes. This involves contact with the superstars, as Carlos and Sophie prepare drafts for Professor Gal and Judge Lehmann, and Fil shares a bottle of champagne with Lionel Blum, a managing partner at Burnham & Lutz LLP, to celebrate the firm's instruction in the *North Borneo* dispute (at 54). But, throughout the book, Soave casts the superstars as sidekicks, and the clerks in the lead roles. Their routines are described in much detail, their feelings related and some of their anxieties revealed. And so much of the book is about drafting memoranda or notes (which all the protagonists seem to do most of the time), about moving on from difficult disputes (which Louise, Soledad's supervisee at the IACtHR, finds difficult after the 'intense and emotional work' on the *Desaparecidos* case [at 326]) and about soul-searching about the balance between professional neutrality

and investment in a case (which Matt may have got wrong, caring too much about the *lex specialis* argument in the WTO's *Palm Oil* dispute).

From these brief snapshots, it should be clear that Soave's account is indeed an unusual mix of 'academic analysis' and 'plausible fiction'. Fictional passages – formally separated from the factual analysis but interspersed with them throughout the text – are added 'to pepper the action with a bit of irony and *souplesse*' (at xvii). Whether this works is for each reader to judge: some will find the 'genre-bending take' refreshing, others will consider Soave's approach to be neither fish nor fowl – too academic for a true (perhaps even gripping) social novel, too novelistic to make a meaningful contribution to academic debate. My own view changed as I read and reread the book. On first reading, Soave's irony seemed a bit predictable. I would have preferred 'ironic takes' in which lawyers, for once, do not have to celebrate landing big cases with Moët & Chandon. (Do they really, always? The only celebration I recall involved pints of IPA in a pub). Or in which a writer would use his auctorial '*souplesse*' to carve out room for superstar lawyers who are comfortable talking about the politics of a case (which Lionel Blum of Burnham & Lutz LLP is not) and who actually have read non-legal books. (My limited anecdotal evidence of conversations with superstars includes discussions of Henry James and Patrick O'Brian; the latter, it seems, a favourite among many international law litigators.)

But I presume Soave thought about this and embraced the clichés consciously. And reflecting on the book as I wrote this review, I must admit that the ironic takes seem to have done the trick: from my first read-through, I recalled the fictional passages, reflected on what the Matts and Sophies did and thought and checked out the places they went to on Google Maps. The combination of fact and fiction, in other words, made me engage with the book. And so, having started as a sceptic, I ended up liking Soave's 'departure from canon': partly because for him to 'bend the genres' is a bold move that deserves respect in a discipline privileging safe, risk-free writing and partly because Soave writes in a distinctive style using accessible language. (If this is 'undisciplined writing', I would like more of it.)

Everyday Makers is more than an experiment in storytelling though; it is also a highly informative account of international dispute settlement. By looking at disputes through the eyes of Fil, Sophie and Carlos and using their 'plausibly fictional' experiences as a cue to his 'academic analysis', Soave presents to us a world of international courts and tribunals that is very different from the one described in orthodox accounts of international dispute settlement. Or, rather, he points out aspects of the world that most orthodox accounts overlook. Perhaps more than the mixing of genres, this is the main strength of *Everyday Makers*, which is not just a boldly written book but also one that shines a spotlight on often-neglected aspects of international litigation and, in that sense, goes beyond the existing literature. Put simply, by the end of the book, when the judgments are pronounced and we are back with Sophie and Norma in The Hague, even the most seasoned observers of international dispute resolution are likely to have learned something new about the inner workings of international adjudication and arbitration. This 'something new' may be points of detail, which Soave takes great care to bring out – from the crucial to the more marginal: 430 lawyers are

employed as full-time legal assistants at the main international courts, we are told (at 113). The IACtHR forbids its secretariat lawyers to work on cases involving their home country, which at the registry of the European Court of Human Rights has become a routine practice (at 130). Only 14 lawyers appeared in three or more ICJ cases during 1986–1998, reflecting the extremely high entry barriers limiting access to ‘the ICJ bar’ (at 58–59). And so on and so forth, in a book that – above all, in its factual passages – is rich in detail and delights in providing them.

Emerging from the detail is something more: an instructive account of how, in different institutions, judicial truths are ‘constructed’ and ‘woven’ (at 303) in processes that share certain commonalities across international courts yet are shaped by very different traditions and routines. Soave excels at distilling both the commonalities and the differences. As noted above, his account broadly follows the main stages of a case as it moves from the initiation of a claim via written and oral pleadings to its eventual decision. And he notes perceptively how, across the different institutions, the Sophies, Carloses and Matts of the judicial world reduce the complexities of real disputes to ‘binary legal equations’ – a common feature of all procedures, which Soave refers to (lapsing into a less accessible register) as the ‘lyophilization of life’ (at 153, 155). Yet all this is merely the framework, which leaves much room for adaptation and which different courts and tribunals adapt very differently. Soave’s discussion of these differences goes far beyond the standard accounts, notably because it is hands-on and comparative. We learn, for example, about the treatment of evidence, which is key to deciding cases and which can be one of the more effective forms of lyophilizing (or ‘dry-freezing’) life out of court cases.

Soave thankfully spares his readers abstract discussions of standards of proof. His focus is on the peculiar techniques employed by particular courts (such as phantom experts at the ICJ and legal experts testifying before the IACtHR) and on the differences between different procedures. ‘[W]itness examination and cross-examination are the bread and butter of arbitration practitioners’, he notes, for example, in a typically succinct phrase, and goes on to contrast this in the same passage to the practice of WTO dispute settlers who tend to find their facts through perusing ‘documental exhibits’ and following a ‘paper trail’ (at 263). Similarly, in a compact discussion spanning an entire chapter, Soave compares the different modes of producing decisions, with the ICJ and the WTO’s Appellate Body emphasizing collegiate deliberation, while regional human rights courts rely on directions by judge rapporteurs, and investment arbitration depends on the dynamics in three-member tribunals. (In Kingsland’s case against Turkey, the timely arrival of a crow, tapping its beak against the window of the tribunal’s deliberation room, helps defuse a confrontation (at 299).) All this is informed and to the point, as Soave manages to distil information on issues that many textbooks avoid and that others fail to bring to life.

Most importantly, though, we learn about the different tasks to be performed by the ‘invisible army’ (at 102) of legal assistants and junior lawyers. While all of Soave’s main characters work behind the scenes to keep the machineries of international courts going, we quickly learn how different their machine rooms run. Some (like

Sophie in the Peace Palace) work directly for a judge and mostly do background research; others (like Aphrodite in Strasbourg) form part of a legal team placed in administrative divisions of a court; still others (like Matt in the WTO's Appellate Body) reflect on how best to present a case to the decision-makers. For some – like Carlos, who by the end may move from behind-the-scenes assistant to a small 'arbitral' stage – the assistant role is a dry run for their own career; others are on career tracks that are very different from that of their mentors or bosses. The 'invisible army' has very different battalions. And its sites of engagement – the different courts and tribunals that Soave covers – function according to their own peculiar rules. 'Path dependency' and '*habitus*' are central here: two concepts that are not developed in detail but are used effectively to explain how differently cases are processed in their different judicial settings.

All of this is well presented, in clearly written sections that draw on Soave's personal experiences, a range of written sources and a series of interviews with members of the 'invisible army' working in the proverbial 'back rooms'. In these sections, Soave makes points that are far too rarely made in the orthodox accounts, which rarely 'pierce the veil of secrecy' (at 138). International courts, perhaps naturally, 'are reticent to reveal their internal processes' (at 138). More importantly, academic commentators 'tend to take official discourse at face value' and, overall, 'are remarkably skittish on the subject' (at 138). Soave is less skittish. Not all of his observations may be groundbreaking; in fact, some chapters recount fairly basic features of international dispute settlement. But the bigger picture emerging from the detail is richer than that offered in standard accounts focused on the 'output of international adjudication' (at 13). *Everyday Makers* complements these standard accounts and succeeds where they largely fail – in acquainting readers with the everyday routines and micro-practices of international courts and tribunals. More so than the stylistic 'departure from canon', this is what makes Soave's book stand out. It is a significant achievement.

One final thought, which is slightly more cautious: this book challenges orthodoxies, but in choosing its object of inquiry could hardly be more orthodox. *Everyday Makers* brings a valuable fresh perspective to the study of institutions. But its focus is on institutions that international lawyers study all the time, international courts and tribunals. Soave sets out to correct one particular bias in the scholarly literature – namely, the tendency to treat international courts as 'black boxes' and to ignore their inner workings. Perhaps his work inadvertently reinforces another bias – that is, the exaggerated focus on international courts at the expense of institutions and actors that operate without a grand stage and the excitement of courtroom drama, and instead keep the wheels of international law turning away from stages and theatres. This should not be taken as a criticism of Tommaso Soave, who has written a remarkable book. Rather, it is meant as an encouragement to those who follow him: it would be

wonderful to read more ‘genre-bending takes’ and refreshingly ‘undisciplined writing’ on other topics. Who knows, perhaps the real *Everyday Makers of International Law* are Carlos’, Fil’s, Matt’s and Sarah’s cousins working outside international courts in the real back rooms of the discipline?

Christian J. Tams

University of Glasgow, United Kingdom; Université Paris 1, France

Email: christian.tams@glasgow.ac.uk

<https://doi.org/10.1093/ejil/chad065>