Swati Srivastava. ***Hybrid Sovereignty in World Politics***. Cambridge: Cambridge University Press, 2022. Pp. 279. US$99.99. ISBN: 978-1-00-920450-7.

There are quite a few Dutch entities and enterprises (and much the same will apply elsewhere) carrying the label 'koninklijk' – that is, 'royal'. Some of these are well known, not least KLM (the Dutch national airline), Philips (the electronics multinational), DSM (a nutrition and health multinational) and, of course, Royal Dutch Shell, the oil giant. The label when applied to companies signifies (or is meant to signify) that they are recognized as the favourites in their line of work by the Dutch royal family, but, with KLM, deemed royal from the start, this can hardly apply: competition is scarce, after all, and, moreover, KLM was given the label almost at the same time it was created.

The label is, however, applied more widely. There is a royal theatre, and a royal football club based in Haarlem and not, as one might have expected on sporting grounds, in Amsterdam, or in The Hague on 'seat of government' grounds. There is the royal Dutch football association (KNVB), a royal association for bulb culture (think tulips) and a royal beer (Royal Dutch – though this may be a self-chosen label). And then there is also a royal military academy where officers are trained, and a royal *marechaussee* which guards the borders and provides security to the royal family. The latter two are organs of the state in one way or another; the other examples mentioned are not, though the state may own parts of KLM, for example.

But even though not part of the state, an entity such as the royal Dutch football association provides a more or less public function: it is responsible for organizing and regulating the sport of football (soccer) in the Netherlands. The popular game is played according to rules set by the KNVB; the KNVB decides on which team will be crowned champion if the season gets interrupted, as happened a few years ago due to COVID-19; it hands out punishment to misbehaving players and clubs; and it is responsible for selecting and managing the national team. So, clearly, there is at least something of a public element involved: there is no competing football association in the Netherlands. And, yet, the meta-organizations of which the KNVB is a member (the Fédération internationale de Football Association (FIFA) and the Union of European Football Associations (UEFA)) were judged by the Court of Justice of the European Union as having violated European Union anti-trust law, a finding that entails that FIFA and UEFA are seen as private entities rather than public ones.[1]

The above examples illustrate just how fluid some of the central notions of social life can be, and none is more difficult to get a handle on than the idea of sovereignty, which is so central to the study of international affairs.[2] Sovereignty, many would agree, is a somewhat abstract ordering mechanism, but this is also where much of the agreement stops. It is unclear whether it can be violated in its own right or whether only rights deriving from or accompanying sovereignty can be violated; it is unclear

[1] Case C-333/21, *European Super League Company v. FIFA and UEFA* (EU:C:2023:1011), paras 82–94.

[2] The literature is voluminous; seminal is J. Bartelson, *A Genealogy of Sovereignty* (1993).

whether only states can possess it; it is unclear whether it is divisible; and it is difficult to reconcile with the numerous interactions between states and private actors.

In her fine recent study *Hybrid Sovereignty in World Politics*, Purdue University political science professor Swati Srivastava starts from the observation that, indeed, sovereign authority and the private sector interact in myriad ways, and she aims to tackle this by suggesting that, in the real world, there is not only 'idealized sovereignty' (the sovereignty mostly associated with international law: sovereignty as an abstract ordering mechanism) but also 'lived sovereignty' (law and politics in action, so to speak), and the term 'hybrid sovereignty' then denotes how these two concepts constantly find themselves together. This is where the formal meets the informal, where 'theory' meets 'practice', where abstract meets concrete – 'you can't have one without the other', as the song goes. Or, as Srivastava herself puts it, hybridity is 'not incidental or detrimental to sovereignty, but *integral* to it' (at 7; emphasis in original). And hybrid sovereignty then, she further suggests, tends to come in three versions: contractual hybridity, institutional hybridity and shadow hybridity.

This in itself creates a potentially interesting methodological problem: for any concept of such hybridity to do any analytical work, it must be reasonably narrow, lest it be devoid of analytical traction. Put differently, if all contracts between states and companies are categorized as contractual hybridity, then the notion of contractual hybridity does no work whatsoever: it cannot then distinguish between a government enlisting a private security company and a government buying paperclips. But this automatically entails that the hybridity too becomes idealized, abstract, theoretical, formalized: there will always be practices in the real world that do not quite fit the concept. Srivastava neatly circumvents the problem by positing her hybridities as Weberian ideal types, therewith automatically accepting that real-world manifestations may diverge.[3] And she further discusses it in terms of a transformation: her excellent chapter on the English East India Company, showcasing all three versions over time, has the East India Company moving through cycles of hybridities: at different moments in time, it displays contractual, institutional and shadow hybridity and sometimes elements of all three at once. And these signify, roughly, that the relationship with recognized public authority is one of contract (contractual hybridity), one of delegated powers (institutional hybridity) or is non-formalized (shadow hybridity).

Srivastava has written a very fine study indeed, illustrating her three hybridities through three lengthy case studies.[4] Contractual hybridity is illustrated through an excellent chapter on Blackwater, familiar from the Abu Ghraib scandal (Blackwater has changed names since). This is followed by an equally good chapter on the role of the International Chamber of Commerce in institutionalizing markets, with the third case study consisting of a chapter on the role of Amnesty International. This third chapter is the least convincing of her case studies, not because of flaws in the research

[3] For Max Weber, ideal types are artificial thought constructs, helpful in order to understand things but without necessarily existing in the real world: '[I]t is probably seldom if ever that a real phenomenon can be found which corresponds exactly to one of those ideally constructed pure types.' M. Weber, *Economy and Society*, edited by G. Roth and C. Wittich, vol. 1 (1978), at 20.

[4] The English East India Company chapter is also a case study but of a different kind.

but, rather, because the relation with public authority seems a little far-fetched: she assigns to Amnesty International the task of building a global polity. This is justified, she suggests, under reference to John Dewey's claim that one of the functions of sovereign authority is to build a 'public',[5] and this, she argues, is what Amnesty does. Yet, she also acknowledges that Amnesty International represents 'a "least-likely" case for public/private hybridity' (at 189). That said, the shadow element comes out really well when realizing that Amnesty International was not just interested in creating a public (thus following states critically) but also made use of (and relied on) states in order to get its message across.

If the case study on Amnesty International is arguably somewhat adventurous, *Hybrid Sovereignty in World Politics* is nonetheless an excellent study in its own right (in that it sheds light on certain governance practices) and one that provides much food for thought as well. After all, hybridity is not only something that occurs with states; similar practices can be found around international organizations, with the public–private partnerships in the global health domain a prime example.[6] The best part, in addition to the intelligent conceptual work, is no doubt the underlying research: Srivastava has visited many archives and collected huge numbers of newspaper clippings to tell her stories: the East India Company chapter is based on the minutes of no fewer than 14,400 (!) managerial and shareholder meetings; the chapter on Blackwater relies on 3,462 newspaper articles, on congressional hearings and reports and on legal briefs. The chapter on the International Chamber of Commerce, in turn, draws on minutes of meetings from over half a century as well as reporting in the *Financial Times*, while the chapter on Amnesty International likewise draws on top executive meetings, oral history interviews, reports from field officers and newspaper mentions in the *New York Times*. This is empirical social science at its best and most meticulous: it is difficult to imagine a research project based on more extensive materials. And obvious as the East India Company and Blackwater examples may be, referring to the International Chamber of Commerce in terms of hybrid sovereignty was an inspired choice.

The only serious gripe that this reviewer has is a matter of style rather than substance: the text contains too many quotations, resulting in a cacophony of voices. Almost every other sentence contains a quote, whether from the minutes of a meeting, a newspaper clipping or the academic literature. This makes for tiresome reading, which is all the more regrettable as the many individual voices deflect attention away from the substance. Imagine a theatre performance with one central narrator and several hundreds of actors, all of them speaking one or maybe two sentences – the point will become clear.

Still, this stylistic quibble notwithstanding, Srivastava has written a thoughtful and intelligent study, compulsory reading for anyone with an interest in sovereignty and the relations between public and private authority. And while not designed specifically

[5] This refers to J. Dewey, *The Public and Its Problems* (1927).

[6] L. Andonova, *Governance Entrepreneurs: International Organizations and the Rise of Global Public-Private Partnerships* (2017).

for international lawyers, Srivastava's study nonetheless takes the law seriously enough to do justice to legal concerns whenever they arise. She does not ask the questions that lawyers would ask (about competences, governance structures or accountability, to name a few), but she illuminates complex governance practices that might help the lawyer in answering lawyers' questions about these matters, and that is no small feat.

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Freya Baetens (ed.). ***Identity and Diversity on the International Bench: Who Is the Judge?*** Oxford: Oxford University Press, 2020. Pp. xxi–565. £117.50. ISBN: 9780198870753.

It is difficult to condense the contents of Freya Baetens' edited collection *Identity and Diversity on the International Bench*, with its 26 chapters, divided into three parts ('Towards the International Bench', 'On the International Bench' and 'Beyond the International Bench'), with a brief but engaging foreword by Navanethem Pillay and an epilogue entrusted to Janet Nosworthy. The book includes many insightful references to the personal experiences of these and other contributors – both before attaining the international bench and during their terms in office. However, its main interest lies in offering a 'holistic' approach to the issue of diversity within international courts and tribunals. In this respect, the editor's stated aim to 'provide a more comprehensive and in-depth look at the impact of identity on (the legitimacy of) international adjudication' (Baetens, at 5) is certainly achieved. At the same time, the 'holistic' approach leads to frequent overlaps between chapters, and the distinction between the three parts of the book is not always fully reflected in the contribution's contents. Moreover, some additional guidance on the links and connections between the different chapters might have helped the reader navigate the wealth of material included in this complex book.

That said, the volume is a welcome addition to the literature discussing diversity in international arbitration and adjudication. There is little doubt that the legitimacy of the composition of a court (be it international or domestic) is a key element of procedural fairness, in the view both of the parties and of that court's constituencies more generally. The book is based on the idea that diversity is key to international courts' normative and social legitimacy, not only at the domestic level (where it is deemed a component of democracy) but also in regard to international courts. However, this is not taken for granted: both Baetens' introductory chapter and several contributions critically discuss this point – rightly so, as how a diverse composition of the bench and the identity of judges can influence the legitimacy of a court is highly contextual, and legitimacy as such has a 'supremely intangible quality' (Nosworthy, at 544). Also, in light of this, the experiences of very different courts and tribunals are not always easy to compare, but the identity-diversity conundrum affects them all. Thus, looking at