development ideas about the form and function of institutions shifted from a neoliberal understanding of institutions as a means of giving form to the sublime complexity of the world, to being a complex sublime themselves' (at 195). This turned the gaze inwards onto the institution and its 'fevered activity' towards ultimately 'ambiguous ends'[8] and thus introduced the preconditions for self-critique and self-denying rule of law reformers. Desai contends that '[i]t is, however, plausible that their history begins and ends at the End of History' (at 195). Where does this legacy leave us now that we have left that time?

In the conclusion of the book, Desai opens up to the possibility of finding expert ignorance elsewhere (at 228). Here, he links up with the discussion on un-governance introduced earlier in this review – the observation of 'institution-building practices that embrace the impossibility of their success while committing to their implementation' (at 229). He also advances to the politics of method for such an engagement. Specifically, he asks how to respond to the broader challenge of building a critique of experts and institutions who relentlessly internalize critique (at 231), incorporating and co-opting critique into their own logics and frameworks.[9] To keep up with the continually evolving movement, it is necessary to stay 'down in the detail' of particular governance practices,[10] to keep taking experts seriously even when they do not take themselves seriously *per se*. Desai's book shows the importance of skidding back and forth between international legal research and expert governance and of bringing a sense of creativity to this engagement. Even if, and especially when times and governance change course, this type of critique keeps its finger on the pulse.

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Laurence Burgorgue-Larsen. ***The 3 Regional Human Rights Courts in Context: Justice That Cannot Be Taken for Granted.*** Oxford: Oxford University Press, 2024. Pp. 576. £140.00. ISBN: 9780192871459.

There are some books that make your blood run cold when you are at the end of your doctoral degree. They change the state of the literature entirely, uncovering in one broad sweep what has taken you years to slowly decipher, and manage to do so in an accessible, compact and beautiful way that makes you wonder why no one else has written a book like this before. The combination of decades-long expertise and robust scholarly authority produces an exceptional piece of scholarship that you wish you had had at the beginning of your PhD journey.

[8] Kleinfeld, 'Competing Definitions of the Rule of Law', in T. Carothers (ed.) *Promoting the Rule of Law Abroad: In Search of Knowledge* (2006) 64, cited in Desai, *Expert Ignorance* (at 179).
[9] I. Roele, *Articulating Security* (2022).
[10] Johns, *supra* note 1, at 863, cited in Desai, *Expert Ignorance* (at 232).

Laurence Burgorgue-Larsen's *The 3 Regional Human Rights Courts in Context: Justice That Cannot Be Taken for Granted* was this book for me. This book review aims to do justice to this highly impressive book, a book that makes a significant contribution to comparative regional human rights law, shows extraordinary commitment to multilingual scholarship and explores individual agency in shaping institutional structures. I will also critically reflect on three aspects of the book, which in my view suffers from maximalist ambition, methodological vagueness and conceptual fuzziness.

Originally published in French as *Les 3 Cours régionales des droits de l'homme in context. La justice qui n'allait pas de soi* (Pedone, 2020), Burgorgue-Larsen has written the first encompassing and truly comparative monograph on the European, Inter-American and African human rights regimes. Sure to become a central repository for everyone working on comparative regional human rights law, her book provides a unique analysis of the central historical, institutional, substantive and procedural features of the three regional human rights regimes. Yet this book is not exclusively aimed at a human rights audience. Its seven chapters are divided into three main parts – namely, Evolution, Interpretation and Application. Following a French tradition of symmetry of structure, each chapter consists of two sections and two subsections. Over 530 densely packed and footnoted pages, Burgorgue-Larsen not only covers the specifics of each regional system but also links regional developments to broader debates – for instance, on the influence of geopolitics (Chapter 1), the universalism of human rights (Chapter 2), the representativeness of judges before international courts (Chapter 3), modes of interpretation (Chapters 4 and 5) as well as compliance (Chapter 6) and enforcement (Chapter 7).

The 3 Regional Human Rights Courts in Context is the first book-length treatment of an emerging comparative regional human rights research field that takes regional regimes as the central units of analysis to both capture 'drivers of similarities and differences with regard to the design and subsequent development of human rights law' as well as larger trends on the evolution of regional institutions *vis-à-vis* 'either the UN human rights system or with respect to each other'.[1] Importantly, Burgorgue-Larsen treats each of the three regional human rights courts on their own merit, thereby rejecting the still prevalent view of the European human rights regime as the most successful and effective one against whom its younger counterparts in the Americas and Africa have to be measured (and automatically be found lacking). Instead, Burgorgue-Larsen forcefully explains how the Inter-American and African human rights systems have managed to cooperate and establish their authority in quite challenging circumstances (see Chapter 2, section 2). She also explains how the regional systems in the Americas and Africa have developed effective and creative modes of treaty interpretation – for instance, the *pro homine* principle (Chapter 4, section 1).

This uniquely comparative work builds upon a rich tapestry of sources, which draws from the empirical material and scholarship of the main languages of all three regional human rights courts: English, French and Spanish. Burgorgue-Larsen's

[1] Çalı, Rask Madsen and Viljoen, 'Comparative Regional Human Rights Regimes: Defining a Research Agenda', 16 *International Journal of Constitutional Law* (2018) 128, at 132–133.

fluency not only in the respective languages but also in the scholarship that has been produced in the respective regional human rights communities offers an extraordinary example of truly multilingual research. The footnotes are particularly heavy throughout the book, but, in line with the European continental tradition, they are full of information and additional insights, going much beyond mere references to the literature. While the text was translated into English with the support of translator Ciarán Ó Faoláin to 'allow speakers of English to discover a singular way of seeing and analysing the three regional human rights courts', as Burgorgue-Larsen writes in the foreword, its style remains closer to the French, Spanish or German approach to legal writing. *The 3 Regional Human Rights Courts in Context* thus forcefully counters the English-centrism in international law and human rights.[2]

Testament to Burgorgue-Larsen's rich expertise in all three regional human rights regimes, the book traverses temporal and spatial dimensions to carve out the main similarities and differences between the three regimes. All three courts emphasize the judicial protection of human rights; this is their most obvious similarity. Unsurprisingly, the book is heavily focused on the functioning of the regional human rights courts in question – namely, the European Court of Human Rights, the Inter-American Court of Human Rights and the African Court of Human and People's Rights. In the words of Burgorgue-Larsen, 'the book aims, then, to decipher human rights justice across time and space; the justice of the courts, and not of committees; and the healthy functioning of the courts' (at 4).

It thus tells a story of regional human rights protection that mainly takes place in Strasbourg, San José and Arusha but that is intimately connected across regional boundaries where often similar processes are at play. In fact, while Burgorgue-Larsen herself does not explicitly put forward a main thesis or argument, her analysis carves out the influence of individual actors – diplomats, judges, non-governmental organizations (NGOs) and domestic actors – on the functioning of the regional human rights system. Her stories emphasize how the experiences and backgrounds of individuals have shaped institutional structures. This includes diplomats such as the 'creative genius' Pierre-Henri Teitgen (at 32–37) and the 'defender of ethics' Kéba Mbaye, who, among other things, coordinated the drafting process of the African Charter on Human and Peoples' Rights (at 37–41).[3] Other examples feature judges such as Thomas Buergenthal (at 200) and Francoise Tulkens (at 215), female NGO leaders such as Vivianne Kristecevic (Centro por la Justicia y el Derecho Internacional, CEJIL) and Katya Zalazar (Due Process of Law Foundation, DPLF) (at 221) and academics such as Alan Brewer Carias (at 362).

Burgorgue-Larsen adopts a holistic view of the law, politics and practice of regional human rights courts. This makes for a highly ambitious book, which goes well beyond a comparison of three distinct regional knowledge communities on the European, Inter-American and African human rights regimes. In addition, as is clear from the list

[2] See also J. Uriburu, 'Between Elitist Conversations and Local Clusters: How Should We Address English-Centrism in International Law?' *Opinio Juris* (11 February 2020).

[3] African Charter on Human and Peoples' Rights 1981, 1520 UNTS 217.

of chapters mentioned above, Burgorgue-Larsen also raises substantive questions (for example, looking at the interpretation of human rights treaties in changed political circumstances) and engages with institutionalist-procedural concerns (such as challenges to the enforcement of decisions). As Burgorgue-Larsen aims to cover so much, she adopts a relatively eclectic style. In particular, she is committed to highlighting the contributions of both the Inter-American and African human rights systems as well as of actors that might have been overlooked in the canon, which is a very welcome addition to the existing scholarship, even the rich literature on the European system.[4]

Yet, on the flip side, the combination of maximalist ambition and eclectic style creates a book whose character, readership and audience remain elusive. It is neither a classical monograph that pushes forward a specific argument or perspective nor a textbook that introduces the non-expert reader to the three regimes. Following the countless individual stories and deep dives into specific events and features of three intricate regimes that have developed over the last 70 years might be challenging for readers who are not well versed in at least one of the three regimes. The book does not adopt a historical timeline but aims at cross-regional development, which means that central features of the respective systems come up rather late. For instance, the third (and final) part – Application – introduces central features of the regional institutional ecosystem, such as the relationship of the courts to national domestic compliance partners, civil society and outreach strategies that would have also played a role in the development of institutional authority in the first part focused on evolution. The cross-regional analysis of evolution, interpretation and application makes it difficult to capture how each respective system functions. This is natural when moving from separate case studies to a truly comparative analysis and thus might sound like a petty criticism – you can't have your cake and eat it too. However, in the absence of a clear hypothesis, argument or even lessons that one might draw from the rich empirical material, this raises the question of what the goal of this type of comparative research is.

What should the reader take from the rich analysis of the European, Inter-American and African human rights systems? What could be learned from one system and transferred to the other? The reader is left wondering at the end. The book concludes on a pessimistic note on the state of human rights in general: 'All of that being said, vigilance must be the order of the day. Advances are fragile, and setbacks happen in a flash. The major challenge in the coming years will be to hang on to the gains that have been made' (at 476). Looking at different systems, and at what worked and what did not in different circumstances, could have already been a start to develop a strategy to hang on to those gains and make regional human rights more resilient in times of crises.

[4] A.W.B. Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (2001); E. Bates, *The Evolution of the European Convention on Human Rights: From Its Inception to the Creation of a Permanent Court of Human Rights* (2010); J.M Pasqualucci, *The Practice and Procedure of the Inter-American Court of Human Rights* (2012); M. Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (2017).

Comparison can be an aim in itself and, so far, is sorely lacking in regional human rights law. Yet Burgorgue-Larsen's ambition seems to go beyond this goal. The book oscillates between the descriptive analytical, introducing the reader to the similarities and differences of the three regional human rights regimes, and the normative. Burgorgue-Larsen does not only aim to categorize and structure the empirical material, but she also appeals to value-based understandings, starting from the subtitle 'Justice That Cannot Be Taken for Granted' to the conclusion, in which she states that 'human rights justice will keep oscillating between the two tendencies of loyal and rebellious justice' (at 479) *vis-à-vis* state sovereignty. But what does justice mean for Burgorgue-Larsen?

This brings us to the two fundamental concerns I have with the book: its lack of conceptual clarity and its methodological vagueness. Throughout the book, Burgorgue-Larsen pulls together the vast and detailed empirical material through a multitude of concepts, including 'justice', 'efficacy', 'legitimacy', 'decompartmentalization', 'dialogue', 'synergy' and others. Often, these concepts are even further characterized – for instance, 'shaky legitimacy' (Chapter 3) or 'persuasive synergies' (Chapter 6). Yet what these concepts mean for her and what their epistemological underpinnings are remains under-explored. Where do those concepts come from, and do they mean the same thing in every regional system? Burgorgue-Larsen does not develop these conceptual underpinnings – for instance, the vast literature on the legitimacy of international courts is wrapped up in two pages that mainly rely on one edited volume.[5] While Burgorgue-Larsen herself mentions in the footnotes that '[t]he literature is abundant on this issue' (at 151, n. 11), the prevalence of fundamental but undetermined concepts such as 'justice' and 'legitimacy' in the book is flagrant. In other instances, Burgorgue-Larsen introduces concepts such as 'decompartmentalization', which is the core focus of Chapters 4 and 5, without providing further elaboration on its meaning or the understanding of subcategories such as 'rebellious decompartmentalization' (headline of section 1, paragraph 1) or 'faithful decompartmentalization' (headline of section 1, paragraph 2). While Burgorgue-Larsen has developed the concept in an earlier article,[6] it has not yet taken root in the English language canon, and some further elaboration in her book would have been helpful.

This lack of conceptual clarity is mirrored in the methodological approach. Burgorgue-Larsen identifies herself as 'an outsider' who 'analyses transformative dynamics, mainly from Europe' (at 8). She writes from the perspective of the scholar, not the practitioner, which makes her in-depth knowledge of the three regimes even more impressive.[7] Yet her rich empirical material raises the question of how she studied those regimes from a methodological perspective. Already from the title, it is clear that

[5] N. Grossman *et al.* (eds), *Legitimacy and International Courts* (2018).

[6] Burgorgue-Larsen, '"Decompartmentalization": The Key Technique for Interpreting Regional Human Rights Treaties', 16 *International Journal of Constitutional Law* (2018) 187.

[7] For a similar detailed approach to the comparative analysis of constitutional courts, see former German Federal Constitutional Court Judge G. Lübbe-Wolff, *Beratungskulturen: Wie Verfassungsgerichte arbeiten, und wovon es abhängt, ob sie integrieren oder polarisieren* (2022).

she approaches an understanding of 'law in context' to take into account the practices and politics of all three regimes. As Burgorgue-Larsen elaborates:

> [t]he comparative approach I have taken, while relying essentially on the law and its technical specificities, has nonetheless woven in elements from history and judicial sociology so that it begins to capture, grasp, and then represent reality in all its dimensions and in the most faithful ways. Getting away from the bloodless legal formalism, and seizing the political, even geopolitical constraints that are constantly developing on the three continents and that affect the *3 Courts* – these were natural consequences of reading; travelling; meeting judges, activists, and victims, and participating in workshops and congresses. (at 9)

This is convincing and executed beautifully throughout the book. However, to call this an 'interdisciplinary approach', as she does on the same page, overstretches the boundaries of what legal research is nowadays and which methodological rigour would be required for the actual integration of historical, sociological or political science-inspired methods. One rarely encounters bloodless legal doctrinalism in regional human rights law anymore. Instead, I would assume that most scholars publishing books on human rights and judicial bodies have read, travelled, met stakeholders and participated in conferences, which, as such, does not make them interdisciplinary, nor does it offer a consistent methodology.

Ultimately, and notwithstanding those critical reflections, Burgorgue-Larsen has published a book that will be foundational for those studying regional human rights regimes from a comparative angle and will serve as an inspiration for those embracing a non-Eurocentric analysis of human rights. Through conversation with colleagues, I learned that my first instinctive response to the book ('oh my god, with this new authoritative book by this senior scholar, my own monograph I slaved over for the last six years is now totally redundant!') is a common response born out of panic, particularly when one drafts a book proposal. In the end, the idea that research, any research, is 'novel' or must be 'groundbreaking' is bound to fail. As the joke goes, many who claim to be 'the first to argue' have just not read enough, particularly beyond English-language scholarship. Burgorgue-Larsen succinctly demonstrates how to achieve the opposite: a significant contribution to scholarship that does not claim first discovery. Based on an enormous amount of multilingual research, she weaves together three distinct regional practices and scholarly debates into a new tapestry. *The 3 Regional Human Rights Courts in Context* tells the multifaceted stories of three regional human rights systems not to close the conversation and 'fill the gap' once and for all but, rather, to open a door to a new generation of comparative human rights scholarship.

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