

effectiveness, which in turn hinges on the compliance consciousness of states. Perhaps the best illustration of this approach is soft law, which is addressed in two of the contributions in this part. While soft law acts as the bridge between social needs and hard law (Chapter 12), the former also has the normative implications of clarifying, supplementing, and adapting the latter (Chapter 10). Other examples of compliance consciousness can be found in the very existence of a rule on necessity in times of emergency (Chapter 11) and the interaction between domestic and international law in the implementation of international environmental liability (Chapter 9). The four contributions have successfully demonstrated the value of social dependence as an analytical tool additional to the traditional sources doctrine by which to approach international law-making.

The three themes examined exhibit a deviation from the positivist and rule-based view of international law, and the whole volume may well be considered a proper case-study for an anti-formalistic thinking in international law. Though as an edited volume, each of the contributions may not necessarily be closely tied to one overall theme, the book, with its excellent combination of theory and practice, still constitutes a significant contribution to the study of international law in the contemporary period.

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Invitation to the Sociology of International Law

by Moshe HIRSCH.

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Following in the footsteps of Peter Berger's *Invitation to Sociology* and Kitty Calvita's *Invitation to Law and Society*, Moshe Hirsch's heuristic book *Invitation to the Sociology of International Law* is a welcome and timely reminder of the underexplored sociological dimension of international law. Indeed, Hirsch's bold yet meaningful attempt takes place against the backdrop of a paradoxical status quo, i.e. the relative absence of a substantiated sociological approach to international legal issues in the increasingly mature field of socio-legal scholarship. This book was not achieved overnight. It is rather the interim result of Hirsch's long-term endeavours as exhibited in a series of academic papers. Ever since the publication in 2005 of his seminal work *The Sociology of International Law: Invitation to Study International Rules in their Social Context*, Hirsch has devoted himself to offering the present invitation.

This book, as Hirsch emphasizes, is not an introductory textbook comprehensively addressing the core topics in both sociology and sociology of international law. On the contrary, it aims at illustrating the potential contribution of sociological tools to international law scholarship in order to "broaden our understanding of the development and implementation of international law". To this end, the book focuses on the sociological approach to international law by discussing some important topics in current international law on the one hand, including economics, compliance, and legal fragmentation, and several sociological topics, for instance collective memory and social identity, on the other. The underlying premise is that certain particular socio-legal features of various communities form one of the foundations of the international legal order from the social constructive perspective, and that international law and sociological factors and processes are interdependent.

The book comprises seven chapters, which can be divided into three major parts. The first part, comprising two chapters, provides a basic framework for understanding the sociological perspective. Following a general introduction in Chapter 1 of the central assumptions and certain key concepts from the sociological perspective, Chapter 2 presents three major theoretical approaches in

sociological literature, namely the structural-functional perspective, the symbolic-interactionist perspective, and the social conflict perspective, to analyze the perennial controversies on regional trade agreements [RTAs] in international trade law. Challenging the dominant position of the rational choice model in international trade law, Hirsch argues that international trade should primarily be perceived as a certain type of social interaction, and that a sociological analysis of RTAs “bears significant implications for the interpretation of existing legal provisions”, with the potential of affecting “the content of future rules in this controversial sphere of international trade law” (p. 19). Hirsch concludes that the point of departure for legal and policy-making in RTAs should be the symbolic-interactionist perspective.

Part Two elaborates on the complex interplay between sociological theories and international law. Chapter 3 analyzes the way in which collective memories of various groups may influence their activities in the international legal system, as well as vice versa; it draws examples from Germany’s collective memory of hyperinflation and the latter’s impact on the EU economic and monetary law, and from Argentina’s collective memory of foreign interventions and its impact on international investment tribunals. Describing the role of collective memory in international law, Hirsch argues that they “interact in both directions: international law affects and is affected by collective memories of diverse social groups” (p. 88). Chapter 4 explores the concept of social identity and interdependence between identity and international law. By elaborating on the connections between the EU’s identity and its external trade laws aimed at enhancing compliance with international human rights law, Hirsch concludes that “international legal rules and social identities interact in various manners, and diverse international identities are occasionally encoded into international legal rules” (p. 126). Particularly noteworthy is Hirsch’s suggestion that social identity may also be treated as an efficient tool for interpretation of these international legal provisions.

The third part of this book examines the sociological dimension of legal fragmentation, deviance, and compliance at the international level. Chapter 5 deals with the interaction between international investment tribunals and human rights law in order to support certain sociological reflections of international legal fragmentation. Drawing from the sociological diffusion literature, Hirsch introduces a non-receptive approach of investment tribunals towards human rights norms, which are affected for instance by the social-cultural traits of the related groups or communities. Contrasting with the rational choice approach, Chapter 6 alternatively aims to find a sociological approach to the deviance from, or compliance with, international legal rules. Hirsch does so by drawing from constructionist, social learning, and structural-functional approaches.

To conclude, this book undoubtedly sheds new light on international law scholarship by introducing new possibilities to perceive, analyze, and deal with international legal issues from both theoretical and methodological perspectives. Yet, despite these and other obvious merits, the book unfortunately falls short of providing a more comprehensive theoretical foundation for the sociological approach to international law. A critical outline of the historical evolution and development of the sociology of international law in general international legal scholarship would have been a welcome first step toward filling the current deficit. Moreover, a deeper analysis of the relationship—differences in particular—between socio-legal studies in general and the sociology of international law is yet lacking. The concrete examples employed in the book for theoretical justification focus mostly on international trade law and international human rights law, leaving the universality and generalization of the sociology of international law rather untouched. Much of this, of course, is the result of Hirsch’s explicit choice not to comprehensively address the central themes in sociology, particularly sociology in international law. With this significant contribution to the gradually emerging scholarship of the sociology of international law, the author extends a meaningful invitation and urgent call for further exploration.

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