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## Review of: *Legalization and World Politics* (Judith L. Goldstein et al. eds.)

James Pross

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## Review of: Legalization and World Politics (Judith L. Goldstein et al. eds.)

### **Abstract**

Review of the book: Legalization and World Politics (Judith L. Goldstein et al., eds., MIT Press 2001). Preface, Bibliographic References. ISBN 0-262-57151-X [319 pp. \$24.95. Paper, 5 Cambridge Center, Cambridge, MA 02142- 1493].

### **Keywords**

international law, trade agreements, international relations

### **Erratum**

The citation for this review is *13 RISK 177 (2002)* in most commercial databases.

*Legalization and World Politics* (Judith L. Goldstein et al., eds., MIT Press 2001). Preface, Bibliographic References. ISBN 0-262-57151-X [319 pp. \$24.95. Paper, 5 Cambridge Center, Cambridge, MA 02142-1493].

*Legalization and World Politics* weaves together separate works that examine the conceptual and operational aspects of international legalization by analyzing common international political variables in several different international institutions. The separate works within this volume are pieced together to illustrate an international institution consisting of different norms, each with varying levels of a legalized environment.

A fair portion of the book is dedicated to explaining how the intermingling of common state factors defines the level of legalization in several different international legal environments. The variable factors that characterize the legal environment are precision, delegation, and obligation.<sup>1</sup> The authors assert that if the rules are more precise among the actors, then the state is more willing to submit itself to the jurisdiction of dispute-resolving or rule-making parties. The more bound the states are to the rules and procedures of international law, the “harder” the law and the more legalized the institution. Conversely, the less precise the rules, the less willing the state is to submit itself to the jurisdiction of third parties and the less bound states are to the rules and procedures of international law. Thus, the law is more “soft” and the institution is less legalized. By classifying state behavior in the international environment according to an assessment of the quantified levels of the three variables (i.e., precision, delegation, and obligation), it is possible to see that, although levels of international legalization vary from region to region and state to state, the trend in modern times has been toward a more legalized environment.<sup>2</sup>

After an introduction of the topic, the book discusses the characteristics of “hard” and “soft” law by distinguishing the two concepts and discussing the advantages of each. Desired contracting

<sup>1</sup> See Robert O. Keohane et al., *The Concept of Legalization*, in *Legalization and World Politics* 34 (Judith Goldstein et al. eds. MIT Press 2001).

<sup>2</sup> See *id.*

costs and the influence of different actors, both private and institutional, play a major role in determining whether an international environment will have a higher level of precision, delegation, or obligation.<sup>3</sup> The authors discuss how various international arrangements are examples of either highly legalized or less legalized environments and the reasons why each legal environment has become the institution that it is.

There is an excellent discussion of the importance of the individual litigant in the courts of the European Union. The author illustrates why the precise laws, international courts with the power to adjudicate, and a body of law, on which a great deal of emphasis is placed, contribute to the European Union being one of the world's most legalized international institutions.<sup>4</sup>

An interesting section on the legal norms stemming from the North American Free Trade Agreement (NAFTA) helps tie together the first half of the book when the author, Frederick M. Abbott, defines the NAFTA legal environment in terms of its precision, delegation, and obligation. The highly legalized nature of the NAFTA agreement is indicative of a trend toward more legalized trade agreements and reflects the shifting objectives and political constraints of Mexico, Canada, and the United States.<sup>5</sup>

The remaining portions of the book discuss the concept of international legalization in various international institutions such as the Association of Southeast Asian Nations, the Asian-Pacific Economic Cooperation, the International Monetary Fund, and in an analysis of human rights in South America. Some of the domestic factors explored by the authors include the extent to which the state is involved in international trade and is industrialized, and also the democratic nature of the state. Generally, the authors seem to conclude that the more open to international trade a state is and the more democratic its

<sup>3</sup> See Kenneth W. Abbott & Duncan Snidal, *Hard and Soft Law in International Governance*, in *Legalization and World Politics* 50 (Judith Goldstein et al. eds., MIT Press 2001).

<sup>4</sup> See Karen J. Alter, *The European Union's Legal System and Domestic Policy: Spillover or Backlash?*, in *Legalization and World Politics* 108 (Judith Goldstein et al. eds., MIT Press 2001).

<sup>5</sup> See Frederick M. Abbott, *NAFTA and the Legalization of World Politics: A Case Study*, in *Legalization and World Politics* 135 (Judith Goldstein et al. eds., MIT Press 2001).

government, the more likely it is that the nation state will be involved in international institutions that create more legalized environments.<sup>6</sup>

The application of the theory throughout the book to the various institutions is very interesting because each author discusses how individual institutions create either a highly or less legalized environment. This is an interesting book to read and that will give readers plenty to say about norms in the international legal environment.

James Pross †

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<sup>6</sup> See Miles Kahler, *Conclusion: The Causes and Consequences of Legalization*, in *Legalization and World Politics* 293 (Judith Goldstein et al. eds., MIT Press 2001).

† Mr. Pross is a 2004 J.D. candidate at Franklin Pierce Law Center. He holds a B.A. in Political Science from the University of Charleston in Charleston, West Virginia.

