

*International and Comparative Criminal Justice: A Critical Introduction* Mark Findlay with Louise Boon Kuo and Lim Si Wei. London: Routledge, 2013. Pp. 330. £100 cloth, £ 34.99 paper.

The internationalisation of criminal justice has been a logical, but, arguably, not an inevitable consequence of the proliferation of conflict and violence in the last decades of the twentieth century. Not surprisingly, international criminal justice is a rapidly developing area of academic study particularly in light of the creation of the ad-hoc, mixed and special international criminal tribunals (for Yugoslavia, Rwanda, Sierra Leone, Cambodia, Lebanon, e.t.c) as well as the permanent International Criminal Court (ICC). If nothing else, the creation of these tribunals has made international criminal justice a permanent and, at least for the near-future, prominent fixture in the international system. Increasingly however, the legitimacy of institutionalizing international criminal justice and associated processes with their contentious implications is emerging a key concern of observers of, and commentators on international criminal justice. In the foregoing context, the book, *International and Comparative Criminal Justice: A Critical Introduction* by Mark Findlay, Boon Kuo and Lim Sei Wei is a welcome and important contribution to the field.

Recognising that international criminal justice operates within a highly politicised and contested terrain, Findlay, Kuo and Wei adopt an approach that interrogates a number of key issues on international criminal justice. The authors examine the promise and problems of international criminal justice as a mechanism for addressing large-scale political violence, mass atrocities and different forms of serious criminal activity all over the world. What is clear is that international criminal justice has, from its current infancy, almost too quickly, become challenged by the legacy of its parent field of international law. Concerns about hegemonic agendas, selective justice, and vested interests; some of the most important criticisms of international law, have become attached to international criminal justice. Findlay and his co-authors do an excellent work of being upfront about this. They emphasise the need for international criminal justice to adopt a self-reflexive approach that privileges not only criminal prosecution for achieving *justice* but, importantly too, a restorative justice that connects with the needs and aspirations of victims. In their estimation, this will contribute positively to legitimating international criminal justice. It is easy to share this view.

However, as the authors acknowledge, the aspirations of victims for international justice (and domestic for that matter) are varied and complex. The challenge is how international justice can recognise victims' interests within its 'fabric' and deliver on restorative justice through processes and 'institutions designed for formal retributive purposes' (p.38). The practicality of this aspiration, which the authors could have explored in more detail, remains quite problematic. Nonetheless, they are right on the point that recognizing victims' interests is important to the legitimacy of international criminal justice.

Recent events on the international scene alert us to a challenging future for international criminal justice. There have been challenges to the legitimacy of the ICC's jurisdiction by members of the African Union including prominent ones who are State-Parties to the Rome Convention of the ICC. They complain that the ICC has focused essentially, indeed, exclusively on African 'situations' (and the role of its political leaders in them) to the disregard of deserving situations and political leaders elsewhere. There is also a significant operational challenge in securing adequate funding for the court. If unaddressed, the prevailing state of affairs detracts from the fight against impunity as well as securing justice for victims, ostensibly issues at the core of international justice.

Taking the foregoing into consideration, a distinct feature of this book is the emphasis on the need to situate international criminal justice in the larger context of global governance and international relations. Principally, the book takes at its point of departure, the need to connect international criminal justice with global governance. The authors usefully set out the institutional foundations of international criminal justice alongside the jurisprudence of international criminal law, globalisation of crime control and global governance together with the influence of these dynamics on transitional cultures. The book examines the historical development of international criminal justice institutions and traditions, 'international' restorative justice (the 'international' pre-qualifier will surely take some time to stick), the relationship between crime and war, international human rights, the 'War on Terror', alongside developments in global governance, communitarian justice and accountability. The authors address the 'dominant legal, procedural and institutional traditions' that have played a crucial role in the 'development of contemporary paradigms of international criminal justice' (p.9). These issues are germane to the discourse of the development and operation of international criminal justice and are commendably set out.

In presenting these issues, the authors move beyond a conventional mapping of the dimensions of international criminal justice to address the possibility of a transformed

mission for it: a re-imagining of international criminal justice. This, they rightly argue, is a critical mission which must be pursued if international criminal justice is to have a sustainable legitimacy. In this way, this book is a welcome approach to international criminal justice in view of the reality of its historical and contemporary application within the international system.

Works on international criminal justice have been mostly pitched at the more advanced postgraduate and academic level. That leaves an opportunity for a book, like *International and Comparative Criminal Justice*, targeted at students in the upper end of the undergraduate ladder where there is a growing interest, not just in international law, but also international criminal justice (and the allied field of transitional justice). However, the book somewhat falls short of effectively delivering a text suited to an important section of its audience. The aim of the authors to make the book relevant to postgraduate students as well as policy makers in the fields of global governance, international criminal justice and human rights is undercut by their assumption of basic knowledge on the part of the reader which may not necessarily be the case. Thus, a reader looking to secure a general knowledge and understanding of international criminal justice may feel some disappointment with the focus of the book, particularly in view of the main title. Such a reader should look elsewhere for an expository text like *Cassese's International Criminal Law* by Antonio Cassese and Paola Gaeta and *An Introduction to International Criminal Law and Procedure* by Robert Cryer *et al.* However, it is fair to observe in this regard that the authors appear to have been constrained by their critical approach (as expressed in the sub-title) to the subject. Still, the value of the book could be appreciably increased with more direct exposition of the contents and workings of international criminal justice alongside critique.

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