reliant on, rule-of-law states, especially within Europe, to bring some evidence as to whether legislation in this field can operate effectively. It is also relevant to note how many corporations support such legislation to enable a harmonized, clear and certain market for them, even with the consequent oversight of their activities that impact on human rights and the environment. There is, perhaps, too little reflection in the book on the possible resistance to these views by positivist international lawyers, yet the arguments made here are compelling. They cannot be ignored as international law moves forward in this century.

This is a high-quality book, which has been expertly edited, as evidenced in the coherence of structure and the approach of each of the chapters. While not every chapter deals explicitly with the concepts of sources of international and European law, they all offer an intelligent, insightful and analytical approach in clarifying key developments in the business and human rights field within the framework of international and European law. The chapters can also be read separately to enhance the understanding of specific issues. With its breadth of coverage, high level of analysis and general coherence in approach, this edited collection is an excellent addition to the literature on business and human rights.

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1 Introduction

‘Where is the law?’ is one of the most common and unbearable questions that is regularly asked of any international law scholar who ventures into critical or theoretical approaches to our discipline. It is also a question that many who talk about the law as such, rather than individual legal provisions, will recognize or may have posed at some point. It is often an easy question to ask but one that perhaps says rather more about the state of the intentions of the questioner than the scholar or the work to which the question was applied.

As someone who has been asked this question before, I found myself querying this exact issue as I read *The Edge of Law.* I was more than a little disconcerted at first, given my propensity for and belief in disciplines as open and big tents. Yet, situating
the question is vital. In a room full of lawyers, it can often become a way to disparage instead of offering and engage in a constructive critique. In thinking about books like *The Edge of Law*, raising the question can become less a means of diminishing a piece of work, and more an occasion to reflect on the content, purpose and methodologies of legal geography. Jeffrey, according to his author biography, is a human geographer and has published an impressive number of articles and books on political and legal geography. *The Edge of Law* is one of his most recent contributions to the field. As someone who also researches within the broad tent that is being identified as legal geography but comes to it with modest legal training, the book raised questions and reflections on the boundaries – or *edges* if you will – of interdisciplinary space. *The Edge of Law* thus became an invitation to reflect on the nature of interdisciplinary scholarship, and the pedagogical training and different perspective of authors producing interdisciplinary works. Consequently, in this review I also reflect on the issues the work has inspired, such as the edges of disciplines and what it means to participate in an interdisciplinary space as a scholar.

2 *The Edge of Law*: An Overview

In *The Edge of Law*, Jeffrey gives a legal anthropological account of the War Crimes Chamber (hereafter ‘WCC’ or ‘the Chamber’) of the Court of Bosnia and Herzegovina (CBiH) and the productive effects of the establishment of this Court and the penetration of different legal regimes in Bosnia and Herzegovina (BiH). The WCC began hearing cases in 2005, having been created by a decision of the Office of the High Representative in May 2002 that was adopted by the BiH Parliamentary Assembly and House of Representatives in June and July 2002. The Chamber’s purpose is to prosecute those responsible for violations of international humanitarian law in BiH. In its early days, the WCC dealt with the cases of lower and mid-level perpetrators who had been referred to it by the International Criminal Tribunal for the former Yugoslavia (ICTY) pursuant to Rule 11 bis of the ICTY Rules of Procedure and Evidence, in addition to those cases that were initiated in the WCC directly. The WCC is a fully domesticated judicial body now, with all international judges and prosecutors having been replaced by national figures in 2009.

In his own words, Jeffrey was motivated to ‘explore the myriad of ways in which the operation of law is productive of uneven landscapes of power [illuminating] the different embodied and agentic positions that exist at the end of law’ (at 40). In pursuit of this objective, Jeffrey proposes to explore such issues as the physical and institutional materiality of the WCC, its location and layout, who its legal processes include and exclude, as well as how agents of the WCC engage the excluded through outreach. Jeffrey also touches on and speaks to general reflections on law, human rights, citizenship and transitional justice in BiH, as well as the tension that exists between the logics of different co-existing legal and political regimes such as the ICTY, Council of Europe and BiH. It might be said that in *The Edge of Law*, Jeffrey studies the WCC and the law applicable in the BiH from an almost dizzying array of perspectives, scales of
analysis, conceptual frameworks and approaches. Therein lies the greatest ambition of the book but also a potential obstacle for its readers: each individual point of insight resonates and is immensely informative and thought-provoking, but trying to follow the author’s narratives – or trying to work out the shape of the proverbial forest – can be challenging.\(^1\)

The book is arranged in three parts. Part 1 sets out to demonstrate how the edges of law are produced, Part 2 seeks to expose the politics that exist at the edge and Part 3 explores how edges are constituted and contested by multiple legal regimes and different military strategies. Jeffrey uses the term ‘edge’ to denote a number of different spatial phenomena and imaginaries, not least ‘a border, volume, limit or plane’ (at 1). The edge of law is intended to refer to more than just the spatial scope of law as practised and enforced, but also to include the edges law produces between insiders and outsiders (between lawyers and non-lawyers, for example) and the creation of particular locations (courts), ‘bodies’ and texts (legal documents and evidence) as spaces of ‘legal expertise’. According to Jeffrey, ‘the production and enactment of law is not an exercise in encompassment, but the discursive, material and performative enactment of enclosure’ (at 1); law, in this understanding, is therefore framed in terms of exclusion more so than inclusion.

When it comes to the production of the edge of law, Chapters 2 and 3 of Part 1 set out to explain the practices and rituals of the making of courts and the resulting materiality of these institutions. Both chapters go from the level of the abstract to the concrete case of the WCC, although at different paces. In Chapter 2 Jeffrey thinks through the different narratives surrounding the constitution of international or internationalized (hybrid) courts generally, including the role of performative language and speech acts that ‘summon [legal] frameworks into existence’ (at 31) and the power of narratives in ‘framing’ and ‘determining the appropriate course of action’ (at 32). In this case, the creation of the WCC is portrayed as a legitimate and democratic response to the violence and conflict that came before, as well as a more locally acceptable institution compared to the ICTY. Chapter 3 considers theories that ‘share a concern for the role of space in constituting subjectivity’ (at 64), applying, for example, Foucauldian insights on the disciplinary function of spaces to the layout and organization of court rooms, the architecture of the court building and its physical positioning within a community. Jeffrey describes the location of the WCC of the CBiH on a road that marked the former front line (edge) during the conflict. The building had served as JNA (Yugoslav People’s Army) barracks before being taken over by the opposing side and renamed after a celebrated Bosnian fighter. At that time, the former barracks was turned into a prisoner of war camp, where, according to the RS (Republike Srpske) Association of Camp Detainees, it became ‘the site of a … death camp where “2000 Serb civilians were killed, assaulted or tortured”’ (at 68). Given

\(^1\) I should note that I read this book as an e-copy due to publishers having reduced some operations as a result of Covid 19-related lockdowns. I am only too aware that reading on screens and reading physical books may produce varying levels of concentration and even comprehension, so perhaps this accounts for the more labour-intensive reading that was required.
this history, it makes the decision to locate the WCC at such a site a puzzling one that Jeffrey portrays well.

The politics that Jeffrey explores in Part 2 of his book adopts an enlarged understanding of the legal geography of the WCC – beyond the building, its history and the legal processes that take place inside it – to understand the Court’s public outreach activities (Chapter 4) and the WCC’s wider role in constituting citizens of BiH (Chapter 5). The ‘edge’ in Chapter 4 is found within the ‘rubric of “public outreach”’ and the ‘deliberate practices of communication’ (at 82) to draw ‘non-legal’ actors and institutions ‘into the practice of law’ (at 84). Jeffrey also draws attention to the ‘invited’ and ‘invented’ spaces to illustrate ‘connections between formal legal practices and the agency of individuals and groups within and beyond BiH’ (at 85). From a sociolegal perspective, this idea of invited and invented spaces is a powerful one. Jeffrey uses the distinction to bring focus to the spaces where witnesses are invited in order to testify and how this invitation is made more attractive by offering assistance to witnesses and victims to secure their participation in the invited legal process. Invented spaces by contrast are constituted by actors other than the agents of the WCC. In relation to these spaces, Jeffrey notes the important role the innovative Court Support Network organizations (primarily made up of NGOs) performed in extending the ‘space of transitional justice ... beyond the hired workshop venues’ and into ‘the rakija [a plum brandy] stall, the kafana [coffee shop] and homes of victims’ (at 100).

In the final two chapters that make up Part 3 of the book, Jeffrey turns to the ‘implications of the institutions and laws enacted in BiH for both interventions in other post-conflict scenarios and the ambiguous role of law in consolidating states’ by seeking to explain the ‘competing loci of legal authority in BiH, both within and beyond the boundaries of the state’ (at 136). In Chapter 6, the ‘edge’ is first understood as the distinction between competing legal spheres: that of ‘Europe’ (the espace juridique of the Council of Europe in most instances) and BiH. Jeffrey’s argument is that there are often two different spatial logics in operation: the ‘delegation’ from ‘The Hague to WCC’ which had a logic of localization and the opposing logic where the ‘territory of BiH is incorporated into the homogenized legal space of Europe’, which according to Jeffrey is ‘not an imaginary of localization but one of collaboration. As opposed to law bound to the territoriality of the state, in this framework normative claims stem from shared humanity’ (at 138). There are a couple of points where I think the insights regarding the logic of the relevant legal spaces could be developed further. First, the logics of localization and of collaboration in Europe are perhaps both idealized to some extent. For example, the shift described from the ICTY to the WCC might also be critiqued as a top-down logic that imposed laws and legal standards within the space of the BiH that had not existed before. Second, there are additional relevant legal spaces and spatial logics beyond the two portrayed: the ICTY in The Hague was constituted by a different legal regime and although physically situated in the physical geography associated with Europe, is a part of the legal regime of the United Nations which constitutes a different legal and political space that overlaps the espace juridique of the Council of Europe. These considerations aside, I read with interest all of the insightful vignettes of this chapter. However, I am less clear what holds the chapter together. The
narrative in the space of Chapter 6 shifts from the tension between the space of Europe and the BiH, to the idea of ‘international human rights law as a legal commons’, to the tension between universality and enclosure (at 139), to law’s duality of purpose as ‘a repressive function of control and an emancipatory force’ (at 139), to the question of whether ‘the impulse towards legal codification come[s] from within (the human soul ...) or from without (through the regulation of action to support a particular claim to authority, the rule of law’) (at 144) and finally to the more concrete case of the ‘multiple legal codes and overlapping jurisdictions [that] challenge the very possibility of transitional justice’ in BiH (at 146). These are all core and certainly familiar questions of law and legal theory, but I struggled to see the larger picture that brought them to the same chapter.

The final substantial chapter is titled ‘Entrance Strategies’. This chapter contained ideas that will resonate with those working in transitional justice, who will likely read with interest. Through playing with the idea of ‘exit strategies’, which since the 1990s have been essential to war-making, Jeffrey frames the activities of different international actors in BiH as “entrance strategies”, heralding new and often covert forms of intervention’ (at 154). Jeffrey does an excellent job problematizing exit strategies as ‘an inherently spatial term, conjuring an image of a clear border between presence and absence of international agencies (exit) and a vacating authority with a clear plan (strategy)’ (at 154). By employing the term ‘entrance strategies’, Jeffrey describes how the US has produced ‘outsiders’ from within BiH via its discourse on Islamic terrorism. US discourse resulted in a projection of an ‘imaginative geography of BiH as a focal point for Islamic terror, prompting claims of “mountain village where locals fly the black flag of ISIS” … “remote sharia villages” and the country acting as “recruitment hotbed for ISIS’” (at 175). As a result of this discursive framing, the US found a way for its agenda to re-enter BiH. Yet it is for this reason that I am less convinced there is always an ‘edge’ between the exits and entrances identified in the book. By dismantling the imaginary of exits, this example illuminates the continuity that has been obscured, rather than an edge. This is still a valuable insight in its own right of course.

3 Interdisciplinary Spaces: Boundaries of Knowledge

A Knowledge Paradigms

What became increasingly evident as I read was that the author and I operate within very different knowledge paradigms. This is always a tricky issue with interdisciplinary work. For example, Chapter 2 takes up a number of considerations including the legitimizing narratives of courts, of which Jeffrey says there are three that are often in tension: democratization, sovereignty and more recently humanitarianism

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He then looks at the (return of the) tensions between idealistic and pragmatic or positivist bases for criminalizing violations of international humanitarian law (with many detours into human rights law), calling the overall shift since World War II one that might be summed up as humanitarianism. On this Jeffrey frames the ‘formation and function, at least initially’, of the ICTY as reflective of ‘an attachment to humanitarian reason … its legitimacy was founded in the cosmopolitan accounts of law that assumes there were instances where the requirements of common humanity were of greater significance than the legal sovereignty of individual states’ (at 48). Jeffrey argues that as the ICTY was ending its mandate and the WCC became the primary court for hearing cases related to war crimes and crimes against humanity, there was a shift back to state sovereignty.

This discussion raised a number of considerations of the different knowledge paradigms in operation for different disciplines. First, Antonio Cassese, in his EJIL article of 1998, framed the tension as he saw it as less between humanitarianism and sovereignty, and more as ‘international criminal justice v. state sovereignty’. Cassese noted the trend towards the ‘criminalization of International law’, through criminal prosecution and punishment of breaches of international humanitarian law by international criminal tribunals. These categorizations are perhaps more familiar to international lawyers and certainly how I would relate to and frame the issues Jeffrey speaks of.

Second, Jeffrey’s overall conceptual framework in this chapter will make sense to international lawyers if by ‘humanitarianism’ we understand the different meaning attached to the term in other disciplines. According to Jeffrey:

In a number of important respects humanitarianism encapsulates the tensions between [democratization and sovereignty], simultaneously gesturing at the solidarity between peoples and the clear inequality between care giver and recipient. Humanitarianism is therefore a recognition of both the intrinsic horizontal ties between peoples and the enactment of forms of corrective that point to the exercise of sovereign power projected beyond the borders of individual states (at 30).

Read against the ideal that ‘the ICTY was justified as a humanitarian response’, it appears that ICL, IHL and IHRL are framed as humanitarian. I might instead frame many of these trends, as many other public international lawyers might, as the turn to the individual as subject and actor in international relations and law – of the attributing of crimes to individuals rather than states – which I would separate from assistance given during humanitarian crises, humanitarian justifications for intervention and the solidarity of humanitarianism. Relatedly, I find it difficult to associate ICL as part of a turn to humanitarianism. Perhaps it is the background in domestic law and experience of criminal justice, but criminal law has never seemed all that humane to me.

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3 This categorization switches in the book. I do not equate positivism with pragmatism.
5 Ibid, at 16.
The third consideration is that there is a wealth of legal scholarship that adopts a granular understanding of law, legal concepts and legal processes which has not yet crossed the interdisciplinary divide into the space of legal geography. There is undoubtedly a tension between sovereignty and ICL, IHRL and IHL at an abstract level. Yet, as many international lawyers might reiterate, ICL, IHRL and IHL all depend on states for implementation. Once we come down from the level of the abstract and understand how states and their lawyers, as well as legal academics, have actually constituted and practised the legal system, we can problematize whether the turn to criminalization in international law is ever really wholly ‘against sovereignty’. Cassese makes such a point in his analysis of international criminal tribunals, arguing that ‘state sovereignty resurfaces when it comes to the day-to-day operations of the Tribunal and its ability to fulfil its mandate’. His analysis applies mutatis mutandis to IHRL and IHL; all are legal regimes that assume to varying degrees that the state is the primary unit of enforcement and against which obligations are directed.

David Kennedy also looked at the tension between the concept of international humanitarianism proper and sovereignty in his study of international refugee law on a more granular level. For example, he examines how refugee law was ‘lift[ed] above the water line of sovereignty’ in regard to the development of a refugee status in international law but ‘how one got to be a refugee, and what happened to you after you were resettled remained below the line’. Further, Kennedy demonstrates in detail the changing dynamics and moves by different actors to ‘undercut’ each other’s authority and argues that ‘when the UNHCR’s jurisdiction ends, so does the refugee’s entitlement to a solution.’

It is in the granular understanding of legal systems and processes that legal geography can become a critical diagnostic tool for lawyers and where lawyers can make a contribution to the project of legal geography. It is vital to understand ‘law’ more atomically and be more familiar with its granularity and precision. As a result, it helps to distinguish the study of the actors of legal decision-making and law-making – their legal spaces, and the spatial effects of those decisions – actors of managerialism and their spatial logics, actors of expertise and their spatial assumptions, as well as to differentiate the legal spaces of implementation, enforcement and jurisdiction. This is not only a tool of empirical observation but one that helps question basic legal theoretical assumptions and their role in constructing the body of knowledge called law, and to critically assess the asymmetries of power and control that are instituted within the legal regime. Much of this granularity is missing because legal geography has not yet fully benefited from the paradigms of knowledge inhabited by lawyers.

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6. This was noted and discussed by Jan Klabbers in ‘Clinching the Concept of Sovereignty: Wimbeldon Redux’, 3 Austrian Review of International and European Law (1998) 345.
7. Cassese, supra note 4, at 11.
B  Notions of Expertise in Interdisciplinary Spaces

As the opening discussion concerning the question ‘where is the law?’ hints at, there is often a lack of patience with those who are perceived of as not understanding the law. Yet there is, or at least should be, a different expectation about expertise of those writing from an interdisciplinary perspective. What do I mean by expertise and how can it be important to understand situated knowledge? An example may best demonstrate this. Early on, Jeffrey offers a critique of IHL which may not resonate with public international lawyers. This might cause a less forgiving reader trained in law to put down the book – or walk away from interdisciplinary work in general. Jeffrey notes other writers who argue that IHL ‘does nothing to try and limit war. It is directed solely at the appropriate forms of conduct during war’ (at 39). It is not the purpose of *jus in bello* – the law regulating how war is conducted – to stop war, yet it does impose numerous limits on hostilities. That is not to say that international law does nothing about stopping war – the branch of *jus ad bellum* severely restricts the use of force. The distinction between *jus ad bellum* and *jus in bello* is hallowed in international law – and for a good reason as the ICRC is at pains to highlight:

> IHL applies to the belligerent parties irrespective of the reasons for the conflict or the justness of the causes for which they are fighting. If it were otherwise, implementing the law would be impossible, since every party would claim to be a victim of aggression. Moreover, IHL is intended to protect victims of armed conflicts regardless of party affiliation. That is why *jus in bello* must remain independent of *jus ad bellum*.

In addition to this example, Jeffrey imagines human rights law ‘as a form of commons’ which challenges a spatial conception of law ‘where the state is imagined as a pre-given container to the exercise of power’ (at 142) – yet everywhere else in the chapter he talks about IHL, not IHRL, as ‘the basis for a revived notion of the commons’ (at 142). If I were to read a law student’s essay which shifted between the regimes of *jus in bello* and *jus ad bellum* I would intervene more robustly.

Perhaps this is partly why lawyers do not read some literature that is adjacent to their discipline – it is often not grounded in a similar enough understanding of the law. Anecdotally, I have had many discussions with colleagues and friends where they grew frustrated with an author or lost faith in a study for these reasons. However, there perhaps ought to be different expectations produced on the basis of perceived expertise, if there is not already. Interdisciplinary spaces require more understanding and flexibility, as well as work and dialogue to cross the expertise divide and share the background knowledge and concepts of law that we are each operating with.

C  The Object(s) of Study

The last consideration is that there is clearly a different object of study between scholars inhabiting the different disciplines that make up the interdisciplinary space. It prompts the question of how we unite our understanding and appreciation of these objects, such

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that we are writing on the same page as one another again. Alongside the different paradigms of knowledge, this factor contributes to the impression sometimes that there are different legal geography spaces that are distinctly geography and others that are more distinctly legal. These to some extent overlap, but not often. In Chapter 2 on the ‘Making of the Court’, a lawyer might expect to find concrete information about the legal basis for the court and how it was constituted. This is evidently not the object of study for Jeffrey, who instead offers a reflection on legitimizing narratives for justice. A court’s establishment is talked about vaguely: ‘too often the creation of an international court is assumed to be either a product of a single declaration ...or evidenced by its legal function ...These are important performative moments ... but they do little to convey why or how a specific institution was established in place of many other alternatives’ (at 28). The legal source referred to is UN Security Council Resolution 827, which is dealt with on one page (at 47). Perhaps lawyers are dumber and can happily spend more time on UNSC Resolution 827 and its legal origins, precisely with the law as the object of study. As a result of the different objects of study, the legal geography produced by the positive legal system is often missing from this interdisciplinary space.

I am not suggesting that variety in the object of study within an interdisciplinary space is prima facie negative. It offers the opportunity for new perspectives and allows lawyers and geographers alike to consider different angles and perspectives. Nevertheless, legal geography has yet to be fully embraced by legal scholars and, as a result, their insights are missing from this field. It is likely that the more lawyers participate in the interdisciplinary space(s) of legal geography, which up until now has been occupied primarily by geographers and political theorists, the more the law itself – what it says and how it creates real world affects – will be the object of study, rather than the material architecture associated with the law. There is much to understand about how law plays a role in constituting different spaces and how assumptions about space inform and discipline the structure of legal systems. The relevance of legal geography to advancing our understanding of the role of law in our lives is not just found in the spaces of a court building or in methods of outreach, but also in the way law constitutes and entrenches the power imbalance of actors through visibilizing and invisibilizing their spaces. It can be found in questioning the spatial assumptions of lawyers and the positive legal system, and how spatial logics operate on a granular level of rights, duties, privileges and immunities. This form of analysis has been missing thus far from legal geography and is something that critical legal scholars in particular might be able to contribute to the interdisciplinary space.

4 Concluding Thoughts

In returning to this question of ‘where is the law?’, perhaps the main consideration of this review might be thought of as ‘where is the law in legal geography?’. For while it is entirely legitimate, nay vital, to ask questions about the practice of law, its enforcement, its architecture and the disciplinary effects of legal spaces, how the law itself – the positive legal regime, and its concepts, its doctrines and the spatial distribution of individual legal
rights, duties, privileges and immunities – have hitherto not received as much attention in the interdisciplinary space of legal geography. This also perhaps prompts the question of ‘where are the lawyers in legal geography?’, as there is much that the interdisciplinary project can benefit from if more lawyers engage with legal geography and engage in dialogue about producing particular accounts of legal geographies.

There is no doubt that The Edge of Law is a valuable contribution to this interdisciplinary space. Jeffrey’s work will be of great interest and relevance to those interested in the politics associated with the WCC or a sociological perspective of the productive effects of law on local communities through spatial and temporal lenses. I found many of the vignettes fascinating, which is a testament to the patient research and fieldwork of the author. The lessons enclosed in this book – lessons from the experience of Bosnia and Herzegovina and of different approaches to the study of justice – may be of great interest to those working in the field of transitional justice, not least the metaphor of entrances and exits, even if I think Chapter 7 slightly overstated the edge that is contained therein. Moreover, I marvelled at the weaving of so many different approaches in one book, even if it was at times a little too busy as an intellectual landscape for me. As someone pedagogically and professionally trained in legal writing and forever struggling to weave different themes, narratives and approaches through my writing for picking up at later junctures, it was certainly a lesson in how this could be achieved.

It should be said in closing that none of the discussion I take up in this review should be read as taking away from the valuable contribution by and hard work of Jeffrey. The Edge of Law, in addition to its valuable insights, became an invitation to think about where the law is in legal geography. As a result, I offer thoughts and reflections about how one does legal geography and the different knowledge paradigms, expertise and objects of study that disciplines inevitably discover when producing interdisciplinary work. My purpose has been to reflect about what these differences mean for the interdisciplinary spaces created by legal geography. It is an invitation to talk further and to find more of the law in legal geography.

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From growing demands to divest from non-renewable energy resources to social media-facilitated campaigns like #RhodesMustFall in South Africa, #IdleNoMore in Canada and #BlackLivesMatter in the United States, the call to ‘decolonize’ resounds widely and with increased urgency every passing day. Decades ago, in its original