

**Terrorism and the State: Rethinking the Rules of State Responsibility**  
*by Tal Becker. Oxford, UK, Hart Publishing, 2006. 390 pp. Cloth, \$70.00; paper, \$40.00.*

The U.S. invasion of Afghanistan after September 11 probably violated international law. The UN charter forbids the use of military force except in self-defense or with the authorization of the Security Council. The Security Council did not authorize the invasion. The invasion was not an act of self-defense against Afghanistan, because the Taliban government did not launch the attack of September 11, al Qaeda did; and al Qaeda was not the government of Afghanistan. The Taliban government did provide support to al Qaeda, but providing support is not the same as authorizing the attack, and so even if providing support to a terrorist group violates international law (which is itself a difficult issue), such a violation would not justify the use of military force by the United States in self-defense.

Yet, with some minor exceptions like North Korea and Cuba, other nations did not condemn the United States for this violation of international law. For the international lawyer, this must mean either that the U.S. invasion really did not violate international law or that international law spontaneously changed. Tal Becker takes the former position. He argues that the view that the United States violated international law is based on an erroneous "agency theory" of state responsibility, according to which a state can be held responsible for a private act such as the attack of September 11 only if it authorizes or directs the attack. In place of this theory, Becker advances a "causation-based theory" of state responsibility, according to which a state can be held responsible for such an attack if its violation of its duty to prevent terrorism "caused" the attack. Becker concludes that the U.S. invasion was legal self-defense because Afghanistan's Taliban government caused the attack by failing to take action against al Qaeda prior to September 11.

Becker is a learned and careful commentator, and international lawyers will benefit from reading his book. The first part, on the law of state responsibility, and the second part, on the law governing states' obligations to prevent terrorism, stand on their own and can be read with profit even by those who are not persuaded by the causation-based theory advanced in the third part. The theory itself will cause controversy. The legal authorities that Becker can cite in its favor are, as he admits, slim.

For readers who are not international lawyers, the book is likely to be bewildering inside baseball. Written with an international law audience in mind, it does not try to explain or acknowledge the limitations of the methodology of international law. The uninitiated will discover that international lawyers make arguments by discussing a small number of authoritative legal materials and a large number of academic papers that discuss these same materials, mostly ignoring the empirical reality of interstate relations and neglecting questions of power. The organizing premise is that all states are treated the same by

international law; the goal is to derive a universal norm from the handful of legal and historical precedents. Thus, Becker largely ignores the most likely scenario: that nations that approved of or acquiesced in the U.S. invasion of Afghanistan did so for geopolitical reasons and did not believe that they thereby committed themselves to a general legal norm that permits any nation attacked by foreign terrorists—India, Israel, Russia, Iraq—to invade a country that harbored them, as the causation-based theory requires. It may be that one set of rules governs the United States and another set of rules governs other nations, in which case Becker’s attempt to derive a single rule that governs all states is futile. But this possibility is not one that can easily be acknowledged by international lawyers. It would do too much violence to their worldview.

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**Ending Empire: Contested Sovereignty and Territorial Partition** by Hendrik Spruyt. Ithaca, NY, Cornell University Press, 2005. 205 pp. Cloth, \$55.00; paper, \$22.50.

Although every European empire ultimately gave up its overseas colonies, some battled the “winds of change” more stubbornly than others. Even when the overall balance sheet went into the red, colonial armies, settlers, and imperially oriented businesses still benefited from empire. In this fascinating book, Hendrik Spruyt argues that political fragmentation in the imperial center allows more opportunities for these groups to delay territorial withdrawal.

Drawing on strategic-choice institutionalist theory, Spruyt argues that polities fragmented by multiparty parliamentary coalitions, weak parties, checks and balances, or cartelized authoritarian regimes provide more veto points. Fragmented parliamentary systems enable small, pro-imperial parties to engage in coalitional logrolling, and also to deter larger conservative parties from moving to the center for fear of losing votes on their right flank. In contrast, strong presidential democracies and two-party parliamentary democracies with strong party discipline cater to the median voter. Unitary authoritarian states should also be immune to parochial imperial interests.

Spruyt tests these hypotheses with several case studies. He argues that multi-party systems strengthened political resistance to Dutch disengagement from Indonesia in the late 1940s, to French withdrawal from a costly war in Algeria in 1954–1962, and to Israeli withdrawal from its occupied territories in the 1990s. Authoritarian Portugal did not surrender its colonies until its politically powerful military lost interest in them. The less fragmented polities put up less of a struggle. Charles de Gaulle was able to quit Algeria after constitutionally strengthening France’s executive branch. Two-party Britain calmly relinquished its vast overseas holdings after World War II, and the Soviet Union’s unified dictatorship allowed a peaceful dissolution in 1991. All these empires, Spruyt

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