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*Marketing Global Justice – The Political Economy of  
International Criminal Law*, by Christine Schwöbel-Patel  
(2021) Cambridge University Press: Cambridge, 320 pp.  
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When I first heard that Christine Schwöbel-Patel was writing a book on the marketing of global justice, I could not wait to read it. Anyone familiar with her work on critical approaches to international criminal law would expect this book to be, largely, a culmination of her critique of the discipline of international criminal law. She previously wrote innovatively on topics such as the portrayal of victims in international criminal law, the branding of the International Criminal Court (ICC), and the notion of spectacle in international criminal law. But *Marketing Global Justice* is all that and so much more.

The newness of the book makes it one of the most original books on international criminal law published to date. After all the hype in and around this field, her book is as refreshing as a tall glass of cold water. It is original in the way that it *argues* (and does so powerfully), rather than merely discusses. Essentially, the book argues that a global elite benefits from global justice and that the ‘faces of global justice’, such as the victims, are also commodified. Since the ICC is understood (by others and by itself) to be the primary global justice institution, much of Schwöbel-Patel’s critique is aimed at the ICC.

The book draws not only on judgments but also engages closely with the world, and the world we inhabit *now*: the world of popular culture, media and the internet. It is interested in the soundbite, the click, the like. The book reminds us that law is not something apart from everyday life or above everyday life, but *part of* and integral to everyday life. It shows us that there is something symbiotic about the relationship between law and popular culture.

*Marketing Global Justice* essentially critiques the commodification of international global justice. The book critiques efforts to sell global justice and international criminal law. It shows that these efforts are everywhere and often lurk in the strangest places. It also describes itself as ‘a new reading of the rise of international criminal law as the dominant institutional expression of global justice.’

*Marketing Global Justice* situates itself within the Marxist tradition. It is interdisciplinary in its approach and engages with postcolonialism, international economic law and neoliberalism. The author draws on the work of thinkers such as Rosa Luxemburg, Walter Benjamin, Noam Chomsky and Anthony Anghie.

The book stands in contrast to the traditional story that international criminal law finds its origins in the post-World War II Nuremberg trials.

The grand narrative of international criminal law insists on the glorification of the ‘impunity cause’ and of personalities, and has not allowed for much nuance. The author takes issue with the glib use of ‘good’ and, especially, ‘bad’.

But is international criminal justice as simple as a cowboys-and-crooks movie?

David Crane, first Chief Prosecutor of the Special Court for Sierra Leone, certainly made it sound that way when he referred to the accused as ‘these dogs of war, these hounds from hell unleashed’. Since Crane hails from Texas, his language not only reinforced simple stereotypes about good and evil, but also but made him fit the stereotype of a cowboy.

But not everyone called out Crane’s cowboyish rhetoric. John Prendergast, the founder and President of Enough! blurbs on *Every Living Thing* wrote: ‘David and his small band of brilliant lawyers, against all odds, brought to justice Liberia’s Charles Taylor for masterminding the macabre, greed-driven “blood diamonds” war in Sierra Leone. It was a dramatic moment in history, one that remains a critical precedent for international law and accountability, and David was at its epicenter.’

Schwöbel-Patel points out numerous egregious and in-your-face examples of the glorification and marketing of international criminal law. She also considers more subtle examples, such as a photograph of the Congolese accused Thomas Lubanga, taken in 2012 at the ICC during the Lubanga sentencing decision. On the face of it, the picture is quite harmless. Schwöbel-Patel writes:

The image shows the defendant with his hands folded in front of his mouth, his elbows resting on the table in front of him. His gaze is lifted so that the lower whites of the eyes are visible. He is looking straight at the camera. Lubanga is wearing a shirt and a grey suit, of which only the top part of the lapels are visible. The expression is seemingly neutral, neither smiling nor frowning, but the slightly pursed lips indicate some form of strain. The photograph’s circulation, I argue, illustrates the primacy of its exchange value as prioritised over its use-value (at 98).

Schwöbel-Patel describes the journey of the photograph, from its being taken to being circulated to news networks to being displayed at an exhibition at the ICC’s Assembly of State Parties. ‘With each stop on its journey, the message of the image congealed further to one in which the ICC is the primary place for the fight against impunity and a legitimate “dispenser” of global justice’ (at 98).

She devotes an entire chapter to the circulation of the Lubanga photograph. To her the photo is in stark juxtaposition with the poor quality of the Lubanga trial – a trial that was tainted by numerous

procedural improprieties, most notably the improper behaviour of intermediaries.

She finds the photo interesting because it perfectly reflects the paradoxical ways in which Lubanga is cast as both an accountable agent, ‘sophisticated’, as well as inhuman, ‘beastly’:

The sophisticated is emphasised in regard to forms of superior responsibility or command responsibility, fulfilling the stereotype of the ‘criminal mastermind’. This portrayal in fact sits comfortably with the sentencing judgment, which repeatedly refers to Lubanga as an intelligent and well-educated individual and stresses his soundness of mind at the time of committing the crimes. The ‘beastly’ is perhaps invoked through the ever so slight smirk on Lubanga’s face as well as the raised eyes (at 109).

Naturally, die-hard supporters of the ICC will find the book problematic and its conclusions difficult to swallow. They will no doubt point to the decades-long struggle to create the ICC. ICC supporters will also point to the continuing obstacles faced by those promoting the ICC in countries hostile to the ICC, most notably the United States. They will refer to the sanctions imposed by Donald Trump and other attempts to silence, shut down or obstruct the Court. They will argue that in the face of unimaginable atrocities, widespread impunity and continued political resistance to the ICC, the good outweighs the bad and that solidarity in member states’ support for the Court is sorely needed.

But in raising this critique they will, of course, fall into the trap of politicising international criminal justice. They will also fall into the trap of using the atrocities committed against victims to justify the existence of the court and to justify the liberties taken by the international tribunals in terms of the principle of legality and other rules that protect the rights of the accused.

And it seems that the greater the atrocities, the greater the need for convictions, as has been evident from the way that the ‘success’ of the ICC and other tribunals has been measured in terms of convictions.

It might be asked why international criminal law needs to be propped up with such exaggerated force. Does it point, perhaps, to fragile theoretical foundations or insecurity about the discipline’s foundations? Can one even imagine a more established legal discipline such as contract law or family law being marketed in this way? With the exception of criminal law perhaps, other legal disciplines also largely lack the spectacle of international criminal justice. Or is it simply a matter of international lawyers having fragile egos and wanting to exaggerate the importance of their work?

According to Schwöbel-Patel, marketised global justice protects existing privileges and is ‘both symptomatic and constitutive of neo-liberalism’. This is a central, powerful argument in *Marketing*

*Global Justice*. Importantly, marketised global justice hides and distracts from these privileges. She writes that ‘the market and marketing collude to create a de-politicised subject’. And it is this apolitical veneer that tricks us and draws us in.

The intoxicating blend of war crimes, celebrities, marketing and media is difficult to resist and may partly explain the proliferation of international criminal law journals and the strong interest in international criminal law by students from all over the world.

It is difficult to fault *Marketing Global Justice*. I will mention two minor points of disagreement. The first is the question that is regularly posed to critics: but what is the *alternative*? It is all very well to disturb and take apart, but what must come in its place? Second, I also wonder if the book does not occasionally find villains where there are none. Sometimes a cigar is just a cigar?

Schwöbel-Patel writes: ‘ICL by its very nature rejects ambiguity and nuance’ (at 112). I would argue that international criminal law is not inherently deficient or any less nuanced than garden-variety criminal law but that the problem lies in the instrumentalisation and marketing of international criminal law.

I would also be interested in suggestions about how the tremendous public support for the Joseph Kony campaign, for example, can be harnessed and converted for the *good*.

Unusually for a book on international law, or any kind of law, the book is also (advertently or inadvertently) funny. The examples of marketing that the author uses are, at times, simply hilarious. To those of us who have (even just occasionally) ‘fallen’ for this rhetoric, it helps us to laugh at ourselves. The book is easily as entertaining as a crime novel.

The cover design is clever, witty and spot on. It shows a barcode with a prisoner’s hands trying to break the bars. It sends the following message: are we imprisoned by the culture of marketing and how do we break free?

There is no doubt that this book is groundbreaking and new on many levels. Some of Schwöbel-Patel’s ideas and perceptions reminds one of Hannah Arendt’s observations in the context of the *Eichmann* trial. But this comparison does not make Schwöbel-Patel’s work less original or less perceptive.

Schwöbel-Patel’s wonderful and profound book urges us to look deeper, to scrutinise languages and images, and not to take anything for granted. The book aims to ‘learn to see the frame that blinds us to what we see’ (at 5).

Let’s hope that the book will trigger and stimulate conversation on this frame and how to replace it. But will those who work at the lucrative international courts and tribunals, or who have aspirations to work there, sincerely participate in such a conversation?

We have been fed a steady diet of rhetoric on the nobility and grandeur of international criminal law. Schwöbel-Patel is urging us to detox and, at the same time, to take it all with more than just a grain of salt.

Christine Schwöbel-Patel has a gift for turning a fairy tale on its head. I would love to see what she could do with Hansel and Gretel.

**Mia Swart**