

provisions of economic and social policies, ranging from public finance, trade, education, culture, and labor to social services (p. 64). Moreover, “the historical legacies of a legal complex (consisting of an independent and competent judiciary, an autonomous and organized legal profession, and government-funded legal aid), constituted the structural factors behind the rise of legal mobilization in post-colonial Hong Kong” (pp. 5–6).

Against this background, Chinese influence over the judiciary, compared with the executive and legislative branches, is more insulated, including the appointment of judges (p. 72). The Basic Law also contains mechanisms to protect the security of tenure by judges, while the judiciary, especially in the upper courts, is still staffed primarily by expatriates. This has been especially important for enhancing public confidence in the CFA’s impartiality and credibility (p. 70). Authorities’ legal strategies to reassure investors and others have thus provided an opening for activists.

Tam’s focus on cause lawyers’ motivations is his most distinctive contribution to the general historical-institutionalist literature on legal mobilization, and the point of departure from existing Hong Kong studies. The majority of cause lawyers, Tam explains, are active in promoting civil liberties, democracy, and social justice through other non-court settings, notably through progressive political parties such as the Civic Party and the Democratic Party and various social movements. Their long-standing political activism “expanded their social capital in areas such as social networks, reputation, and political power” (p. 116). Intentionally or not, he effectively concedes here that institutions must be understood not just through the mediations fostered by their internal incentives and constraints but also through their utility to wider processes of social and political contest.

The full analytical potential of this implicit recognition of the inseparability of institutions from wider conflicts is not realized, however. This is evident in Tam’s qualifications about cause-lawyer activism. For instance: “Although the judiciary is assertive in defending civil and political rights, it is relatively reluctant to assume an active role with respect to social and economic rights” (p. 76). Judgments on minimum wages and public-housing rental policy are among the examples provided (p. 76). This speaks to societal differences over liberalism and social democracy not discussed or explained by Tam. Yet such differences matter for the prospects of forging coalitions to sustain and advance legal mobilization and its institutions.

Moreover, Tam acknowledges that the CFA has backed off in cases where litigation involves vital Chinese government interests, and that the Chinese government and its business allies in Hong Kong have meted out financial retribution to various cause lawyers. He cites one case where a partner of a large international law firm reneged on an undertaking to represent a leading politician out of

fear of offending Chinese authorities (p. 143). Another case concerned an environmental protection group whose lawsuit against town planning policy was given a wide berth (p. 144).

Meanwhile, the author observes that “the strength of capitalism seems to work against more democratic politics” (p. 150), as lucrative opportunities for lawyers in commercial and conveyancing practices mount (p. 150). This invites further analyses not only of the growing economic dependence on mainland China, with which he briefly engages, but also about the specific interests and dynamics of the form of capitalism involved.

Tam casts much light on the confluence of factors conducive to legal mobilization in Hong Kong. However, the analysis of the factors that appear, by his account, to be a threat to legal mobilization is underdeveloped. As with Rajah’s book, Tam’s *Legal Mobilization under Authoritarianism* could be extended by reflecting more deeply on the interrelationship of capitalism and legal institutions. Nevertheless, Tam’s arguments are largely persuasive and should generate fruitful debate about both Hong Kong’s future and the study of institutions.

Women’s Rights in Democratizing States: Just Debate and Gender Justice in the Public Sphere.

By Denise Walsh. New York: Cambridge University Press, 2011. 304p. \$90.00.

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— Mona Lena Krook, *Rutgers University*

Transitions to democracy are often assumed to expand opportunities for citizens to participate in political life, with the granting of civil and political rights and the creation of new political institutions. Research by gender and politics scholars, however, challenges this association, noting that traditional definitions of “democracy” and “democratization” tend to overlook women’s contributions and exclude women as citizens (Pamela Paxton, “Women’s Suffrage in the Measurement of Democracy,” *Studies in Comparative International Development* 35 [Fall 2000]: 92–111). Indeed, this work has found that the number of women in politics—and attention to women’s policy concerns—often decreases following democratic transitions. Recognizing important variations in outcomes across countries, however, this important new book by Denise Walsh builds on a comparative line of inquiry pursued by scholars like Georgina Waylen, whose *Engendering Transitions: Women’s Mobilization, Institutions, and Gender Outcomes* (2007) seeks to ascertain the variables shaping the gender-equality outcomes of democratic transitions. Using paired comparisons of select time periods in democratizing Poland, Chile, and South Africa, Walsh proposes a new factor, “debate conditions,” affecting prospects for women’s participation, with crucial implications for gender justice in democratizing regimes.

Offering an original synthesis of political theory and comparative political analysis, *Women's Rights in Democratizing States* draws on theories of deliberative democracy to provide an empirical operationalization of the “quality of democracy,” which could be applied equally to the study of long-established democracies as to newly democratizing regimes. Walsh argues, in short, that when debate conditions—which can vary significantly across countries and over time—are more open and inclusive, state support for gender justice is greater. Three criteria that she outlines for assessing debate conditions at any particular moment include *access*, referring to the numbers, diversity, and rank of women able to participate in public debates; *voice*, capturing the degree to which all women in the public sphere can speak, using a variety of different speech styles, and be heard and listened to with respect; and *capacity for contestation*, reflecting the ability of women in various institutions of the public sphere to challenge the “rules of the game” by creating women’s “counterpublics,” or spaces where women can discover, develop, and pursue strategies for promoting their collective interests. This framework advances prior research in two crucial ways: It goes beyond women’s mere presence in politics (the focus of extensive research since Anne Phillips’s path-breaking book on *The Politics of Presence*, 1995), and it expands the focus to multiple arenas of public debate.

More specifically, Walsh argues that legislatures constitute only one arena of public discourse and contestation. Other spaces influencing the exchange of ideas, and thus contributing to discussions over public policy, include civil-society organizations and the media. Debate conditions may vary across these different arenas, leading to policy outcomes that are favorable—or not—to advancing women’s rights. Each of these spaces, importantly, may support the participation of advocates and opponents of gender justice—at the same time that the capacities of particular actors (churches, trade unions, and political parties, among others) to dominate debates may vary in significant ways across cases. To distinguish between outcomes, Walsh theorizes four levels of gender justice reflected in the policy gains achieved: *limited*, involving legislation that sustains inequalities by treating women as a group to be protected rather than empowered; *moderate*, providing equal opportunities through legal rights; *good*, promoting equal results through improvements to women’s autonomy and well-being; and *excellent*, leading to the fundamental transformation of structures, institutions, and behaviors that produce and reproduce unequal power relations. Theorizing outcomes in this way gives substance to normative claims for justice, classifying in a concrete manner how outcomes compare to one another—and thus providing guidance for advocates on the ground seeking to improve the lives of women.

The empirical analysis focuses on three countries—Poland, Chile, and South Africa—which are selected in

part due to regional variations in gender justice outcomes. Poland and Chile epitomize the outcomes witnessed in Central and Eastern Europe, which have been limited, and Latin America, which have generally been moderate. In contrast, South Africa stands out as a global outlier, as a case of major advances in women’s rights in the immediate aftermath of democratic transition. To test the “just debate hypothesis,” Walsh undertakes three paired comparisons, combining within- and cross-case analysis.

The first comparison examines Poland before and after democratic transition. At first glance, this case appears to disprove her argument, given that the transition conferred new civil and political rights on all citizens, but also led to major setbacks in women’s rights. Walsh finds, however, that expanding the public sphere per se does not necessarily enhance debate conditions. Rather, the two civil-society organizations that came to dominate the emerging public sphere, the Catholic Church and the Solidarity movement, were heavily male dominated and restricted women’s participation—and consequently exerted pressure on the state to undermine women’s access to abortion and entrench their secondary status in the workforce.

The second set of case studies compares debate conditions in authoritarian Chile and apartheid South Africa. Walsh observes that as these regimes began to break down, outcomes for women in Chile were moderate, due to partisan divisions among women’s groups, trade union tactics that reinforced women’s roles as mothers, and male-dominated political parties that marginalized female members. In contrast, women made important advances in South Africa, where they engaged in extensive cross-partisan organizing and where women’s participation and women’s issues were on the agenda of trade unions and political parties, leading both the African National Congress (ANC) and the apartheid government to respond with policy initiatives enhancing women’s status.

The final comparison seeks to explain the rise and subsequent stall of gender justice, juxtaposing debate conditions during the liberal moment (1994–99) and consolidation period (1999–2004) in post-apartheid South Africa. Walsh argues that during the first period, the ANC helped to expand debate conditions in parliament and civil society at a time when women were able to create vibrant counterpublics, resulting in extensive policy gains combating gender-based violence and improving women’s status as workers. During the second period, however, these commitments began to erode, as the ANC drew on its electoral dominance to control and co-opt the public sphere, centralizing power in the executive branch, reducing internal party debate, and using state funding to restrict critiques in civil society and the media. The result was a shift away from efforts to enhance women’s autonomy toward the treatment of women more as victims in need of protection.

Written in an engaging and compelling manner, *Women's Rights in Democratizing States* offers an original and substantial contribution to the literature on democratization through the lens of gender. Responding to the literature on deliberative democracy, one of the most striking lessons of the book is that the expansion of civil society is not always beneficial to justice—indeed, some associations can do crucial damage to the public sphere in democratizing states, as seen in the case of Poland—at the same time that state actors can expand the public sphere and improve debate conditions, as observed during the liberal moment in South Africa. The book also presents

important insights for the growing body of research on electoral gender quotas, one of the major reforms sweeping the globe in recent decades, by observing how—during the consolidation period in South Africa—women's increased political presence via a 50% ANC gender quota was conflated with the achievement of gender equality. By highlighting the need for access, voice, and capacity for contestation, Walsh reveals how and why quotas might fail to promote democracy and empower women—as well as how quotas might be engineered toward more positive outcomes in both respects.

POLITICAL THEORY

Foundations of Modern International Thought. By David Armitage. New York: Cambridge University Press, 2013. 311p. \$85.00 cloth, \$27.99 paper.
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— Zaheer Kazmi, *University of Oxford*

David Armitage is a leading figure in the emergence of “international intellectual history,” a discrete and increasingly fertile strand of academic inquiry. This volume cements his pivotal role in this burgeoning field, which has challenged one of the last academic vestiges of state hegemony—the relative neglect, among intellectual historians, of reflection on political thought beyond the nation-state. Up to now, the project of international intellectual history has largely been more an insular conversation among historically inclined IR scholars than an inter-disciplinary dialogue, much to the detriment of nuanced treatments of such central figures as Thomas Hobbes in IR theory. While this lamentable state of affairs in IR is now much improved with more sophisticated treatments of historical thinkers emerging, the revitalisation in recent decades of global, or world, history has to some extent also remedied the neglect of the international as a category of historical study. However, this has tended to privilege the material over the ideational. It is the dual paucity among intellectual historians of an “intellectual history of the international,” concerned with international law, relations among states, nations, peoples, individuals, and other corporate actors, and an “internationalized intellectual history,” concerned with the global circulation, transmission and reception of “texts, ideas and thinkers,” which Armitage redresses in his latest book, *Foundations of Modern International Thought*, an important disciplinary milestone in the study of world history and the history of ideas (p. 7).

The book brings together revised versions of several essays that Armitage has previously published over the past decade. Interweaving insights on methodology, his-

toriography, and reappraisals of key modern thinkers—principally Hobbes, Locke, Burke and Bentham—the book is an ambitious work of impressive depth and scope. With admirable concision, Armitage demonstrates a rare ability to elucidate complexity, educate a broad, multi-disciplinary audience, and engage the reader with provocative, though not polemical, insights. His three chapters on Locke in particular, a neglected figure in studies of international thought, are exemplary. They display an interpretative iconoclasm bringing meticulously researched and neglected archival sources into view, tracing holistically the continuities and disjunctures in Locke's varied thought over time, and contextualising him in relation to his own world, one in which, startlingly perhaps for students of political theory and IR alike, Locke “had more extensive international experience and diplomatic opportunities than any British political thinker before David Hume” (p. 76).

Arranged into four chronological sections, from the early modern period to the present, the book also traces the contours of the sporadic evolution of modern international thought in relation to the twin contexts of globalization and empire. Perhaps the most striking implication for dominant understandings of space and time within contemporary political thought in this regard is Armitage's corrective to the Westphalian “myth” that a world of states materialised in 1648. As he contests, this has largely been true only of “the last two centuries and, especially, of the last fifty years” (p. 48). But it is not only in demonstrating the persistence of empire and the concomitant *longue duree* of state formation as categories that are fundamentally processual rather than fixed in space and time that he confounds conventional binary narratives. For, if Armitage's approach can be considered radical in its interpretations of hallowed figures of political thought and forms of political community, it also echoes, though does not adopt wholesale, postmodernism in method. This is reflected in the analytical preoccupations of the book, which bring an underlying coherence to the work and expose the historically contingent nature of conceptual dichotomies that have come to be reified in the present.