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Book Review: Reimagining Child Soldiers in International Law and Policy

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situation as abolitionist versus pro-death penalty nations? By assuming that the death penalty is vestigial in the world, the volume places the historiography of the death penalty in the same stage as the history of slavery was when it was only written as if from the viewpoint of its critics. It was only when scholars began to grapple with the real power of slavery as an institution that we became able to understand its dynamism in the modern world.

The problem with this situation is that it prevents a serious engagement with the proponents of the death penalty. If we rule out of hand the possibility that the punishment is anything but primitive and archaic how far can we get toward understanding its support? It is a sign of the strength of this volume that it demands that this question be raised. But it is a question that needs to be addressed more fully. Perhaps Sarat and Marshukat will provide a volume that addresses it in the near future.

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MARK A DRUMBL, *Reimagining Child Soldiers in International Law and Policy*, Oxford, UK: Oxford University Press, 2012; pp. 239, ISBN 9780199592661, £17.99 (pbk).

In his latest book, *Reimagining Child Soldiers in International Law and Policy*, Mark A. Drumbl undertakes a controversial move: he seeks to unsettle the dominant global image of the child soldier as a faultless passive victim. At a time when there is a growing preference in international law and practice to view child soldiers primarily as victims and nonresponsible for their actions, *Reimagining Child Soldiers* aims to start a conversation about the agency and potential accountability of child soldiers. The strength of this contribution, however, stems from the ethics that underpins it. It is a conceptual intervention that is driven by the desire to consider what understandings of child soldiers and responses to this practice can best address the interests of these children, their victims, and their communities, while achieving some form of justice.

In recent years, the phenomenon of child soldiering, particularly in African contexts, has received increasing international attention. *Reimagining Child Soldiers* orients the reader to current knowledge about and approaches toward child soldiering. Chapter 1 discusses existing global discourses about and responses to child soldiering, highlighting the prevailing image of the child soldier as a passive faultless victim, and sets out the parameters of Drumbl's proposed reimagining of the practice of child soldiering and the way it is addressed. Chapter 2 then provides a critical review of current conventional knowledge of the phenomenon, before Chapter 3 accounts for perspectives on child soldiering – such as in-depth, ethnographic research with children themselves – which provides a different, yet marginalized, viewpoint on its nature and dynamics. The following two chapters then document legal and policy approaches to the accountability of child soldiers (Chapter 4) and the recruitment and participation of child soldiers in

armed forces and groups (Chapter 5). Building on previous chapters, Chapter 6 then considers the involvement of children in national post-conflict initiatives and also presents a more substantive vision of priorities and possibilities in responding to child soldiering, while Chapter 7 provides a short conclusion that endeavors to open out onto more general issues. The book's discussion is characterized by both its breadth and depth – Drumbl brings together available work from a range of disciplines as well as providing a detailed account of relevant legislation, case law, and policy trends and discussing various country case studies. This makes *Reimagining Child Soldiers* a useful resource for scholars working across varied disciplinary locations and for educators and practitioners in the field. Overall, the book explicates the dominant international response to child soldiers, namely to view combatants under 18 years of age as unable to consent to service and hence be held accountable for their participation in conflict, even though this can depart from local understandings of the actions and responsibility of these children.

In addition to documenting existing legal, policy, and practical approaches, there is also an analytical thread that runs through each chapter. Drumbl challenges extant approaches by drawing attention to the paradoxes on which they are based – highlighting, for example, the disjuncture between the often harsh criminal justice policies regarding juvenile crime at the national level and the emphasis on the innocence and nonaccountability of children at the international level. He also compels the reader to think through the problematic implications that stem from the current global emphases on the immaturity and incapacity of children. He demonstrates how such understandings foreclose any serious consideration of the political, volitional, and strategic nature of the actions of children who may become involved with armed forces, potentially undermining a full appreciation of their status as agents and, in turn, productive societal members and rights holders in a post-conflict context. As such, his critique foregrounds the need to revise current international legal and policy understandings of and approaches to child soldiers.

At its core, Drumbl's *Reimagining Child Soldiers* is premised upon the concept of circumscribed action, through which he seeks to account for the way in which individual child soldiers exercise agency even within difficult structural and environmental conditions. For him, a recognition of the fact that child soldiers actively negotiate their social and political context and display agency, choice, and initiative in their involvement in armed conflict – through, for example, volunteering for service or resisting the demands of their commanders to engage in violence – compels a more nuanced and sophisticated response to this practice. The agency of children, and indeed all living in situations of civil war and conflict, is not overstated, but Drumbl contends that child soldiering as a social problem is characterized by complexity – a complexity which is often lost in existing blanket approaches to the practice (such as arbitrary age limits being used to determine the responsibility of combatants). Thus, in addition to emphasizing the relevance of both agency and structure to understanding this practice, Drumbl also calls for a more comprehensive acknowledgment for the range of individual and social factors that contribute to child soldiering and more individuated responses to child soldiers, which might account for the actual nature of participation of particular actors.

As such, his analysis contentiously reopens the question of whether children involved with armed forces should participate in post-conflict justice processes (from which they

are often excluded, except as witnesses and victims). He argues that although criminal trials may remain a clunky tool to deal with child soldiering and mass atrocity more generally, children (particularly older children) could be involved in restorative justice processes at the national level. If such mechanisms are grounded on restorative principles, such as the mutual duties and obligations of children to their communities and vice versa, they might more accurately reflect how communities perceive child soldiers and indeed how child soldiers perceive themselves. In aligning with both local sentiment and the reality that certain children did participate in conflict and sometimes committed serious crimes, their participation in localized restorative processes, Drumbl contends, may provide a more substantive basis for long-term social reconstruction and the reintegration of child soldiers. In this way, this rethinking of legal and policy approaches to child soldiering has a strongly practical orientation – although Drumbl engages in a conceptual critique, his motivation is to consider the implications of this critique for current laws and policies. Accordingly, he pauses throughout the book to anticipate potentially negative side effects of his conceptual proposals, such as the danger that reintroducing the question of children's accountability could lead to a preference for tough criminal justice responses to child soldiering.

This also exemplifies the ethics that motivates and structures *Reimagining Child Soldiers*. Drumbl's critique of international responses to child soldiers and his proposal to recognize their circumscribed responsibility is firmly grounded in the desire to develop laws and policies that are fair and just for children who participate in armed forces and groups, their victims, and their broader communities. In this vein, he illustrates how responses to child soldiering that disregard any consideration of children's agency, although often seeking to protect children, can actually undermine an acknowledgment of their strength and resilience in difficult circumstances and their position as rights bearers. This can, in turn, compromise their capacity to be seen as full citizens in a post-conflict context. He also teases out the unethical implications of current approaches, which can, for example, emphasize the nonresponsibility of children under 18 years of age to the detriment of young adults just over this age threshold who are instead dealt with in a punitive way that fails to reflect the similarities between them and their under-age counterparts. Employing the concept of circumscribed action to develop approaches that better account for the agency and responsibility of individual child soldiers is designed to address these concerns. Moreover, *Reimagining Child Soldiers* also strives to articulate an approach to child soldiering that recognizes the legitimate interests of the victims of child soldiers and the communities affected by their actions. These victims, in practice, can often be ignored by existing responses, which take the child soldier, rather than those they harmed, as the central victim. Restorative processes, which more openly acknowledge the injuries caused by child soldiers, are thus positioned as one way to account for the impact of their actions.

Ultimately, therefore, Drumbl seeks to begin sketching the contours and content of an international response to child soldiering that more accurately reflects available knowledge about the nature and dynamics of this practice and the social and individual challenges it creates. His book thus aligns with other critical approaches to law reform that underscore the importance of taking social problems rather than existing legal frameworks as their point of reference. As with feminist scholars who

have emphasized the imperative of grounding law reform initiatives in ‘women’s lives and not legal definitions’ (Graycar and Morgan, cited in Graycar and Morgan, 2005, p. 398, and more generally, pp. 397–403), Drumbl considers what is known about child soldiering and the difficulties that attend the social reintegration of child soldiers in post-conflict contexts in order to formulate a legal approach that accounts for these realities. To this end, he concludes his book by raising the possibility of shifting, more generally, from the current preference for traditional legal initiatives in the international sphere, such as criminal trials, to a more expansive engagement with the challenges of justice, ‘international *post-conflict* justice’ (see, pp. 214–215), more broadly conceptualized.

In this way, another highlight of *Reimagining Child Soldiers* is the broader issues it gestures toward, in varying levels of detail, throughout. In his consideration of the way in which international legal and policy preferences are often imposed on national communities, who are ‘educated’ about how they should view and respond to child soldiers, Drumbl’s analysis provides a window on the power politics and cultural dynamics that structure international lawmaking. He demonstrates how international governance and nongovernmental institutions exercise significant power in determining how social problems are seen and addressed at the national level and notes the cultural politics that attend the international attention to child soldiering in particular (that has focused primarily on the problematization of this practice in African contexts). He also seeks to draw attention to the range of actors, including states and economic, social and political institutions, who are implicated in the structural conditions that attend and enable child soldiering. Indeed, at times, it would have been interesting to hear more about these broader contextual issues. But then Drumbl’s book is clear and comprehensive in its specific focus on the practice of child soldiering, instead raising these more general issues for further consideration by others and future works.

Thus, at a historical juncture when the problem of child soldiering is receiving unprecedented international attention and is the site of much legal and policy action, Drumbl’s book provides a detailed and careful reconsideration of the content and implications of current ways of knowing and responding to this practice. His contribution is well researched and reflective, striving to account for nuance and complexity rather than proposing simple solutions. Interdisciplinary in orientation and both conceptual and practical in purpose, *Reimagining Child Soldiers* advances academic understandings of child soldiering and has the potential to spark new modes of engaging with this practice on the global stage.

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