**Book review: Journal of Conflict & Security Law**

**Jennifer Trahan, *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes.* Cambridge University Press, 2020, 342 pp. ISBN 9781108765251.**

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During the negotiations of the UN Charter, the soon-to-be anointed permanent members of the UN Security Council – China, France, the (then) Soviet Union, the United Kingdom, and the United States – didn’t agree on an awful lot. Yet, on one matter they spoke as one. From the outset, permanent members were unequivocal that while primary responsibility for the maintenance of international peace and security was to fall on the Security Council as a whole, each permanent member would enjoy a unilateral veto over substantive decisions made by that organ.[[1]](#footnote-1) The solidarity between permanent members was so strong that the issue became existential. It was apparent that without the veto provision there would simply be no UN collective security regime.

On the one hand, the veto represented the only possible pragmatic response to this existential reality. On the other hand, however, it deeply embedded two key characteristics into the Charter’s foundational institutional design: The Security Council’s composition institutionalised special privileges to a select group of powerful states, and those same states saw to it that no changes would be possible to this basic design.[[2]](#footnote-2)

These characteristics presaged many of the controversies of the past seventy-five years. Optimists in 1945 might have hoped that veto-wielding states would demonstrate a comparable degree of solidarity in the face of threats to international peace as they had shown in defence of the veto. However, it goes without saying that this has not transpired. Like squabbling siblings, permanent members very rarely agree. Notwithstanding a brief period of post-Cold War unanimity ‒ very much the exception not the rule ‒ the threat and use of the permanent member veto are as widespread today as at any other time in the Organisation’s history.[[3]](#footnote-3)

Jennifer Trahan’s ambitious monograph, *Existing Limits to the Security Council Veto Power in the Face of Atrocity Crimes*, reminds us, with a specific focus on the Council’s recent failures in Syria and Myanmar, that the veto-problem takes on its darkest dimension when the resulting Security Council inaction ignores ‒ or, worse, contributes towards ‒ the most egregious international crimes and widespread human suffering. The problem, though, is not so much in identifying the perennial veto-shaped Gordian Knot, but in working out what to do about it. There is no shortage of proposals to reform Security Council to curtail veto abuse, which ensure that *Existing Limits* enters an already rich, almost saturated, body of literature.[[4]](#footnote-4)

Trahan should be credited for forging a fresh perspective in this congested space, which she achieves by positioning *Existing Limits* as a ‘complementary’ endeavour (p 1) to reform proposals. In truth, Trahan displays a deeper scepticism towards these approaches than this description might imply, but this scepticism is justifiable. Just like squabbling siblings might close in on outside threats to the family, the permanent members have been quick to put aside any fleeting rivalries of the day to bat away threats to the continued existence of their beloved veto. Carving a different path, the book’s objective is not to assess the feasibility of reform, but the prima facie *legality* of veto use in the face of ongoing genocide, crimes against humanity, and/or war crimes (p 2).[[5]](#footnote-5) In a nutshell, Trahan’s argument is encapsulated in the final sentence of the Introduction: ‘[f]or too long has the veto power been treated as if it is above all sources of international law, when it is not’ (p 8).

This legalistic, positivist methodology, and the thesis that flows from it, is simultaneously the most intriguing and the most contestable aspect of the book. It is intriguing as Trahan offers here perhaps the boldest, and certainly one of the most legally adroit iterations of what we might call generally the ‘Security Council as bound by international law’ thesis.[[6]](#footnote-6) It remains contestable, though, because many would still disagree that the veto is anything more than a political right at the disposal of the permanent members, not easily translated to the language of legal obligation and limits.[[7]](#footnote-7) The dilemma is that while many are coming round to the idea that affirmative Council decisions should be subjected to legal scrutiny,[[8]](#footnote-8) when the veto power is invoked the Council is, of course, paralysed. No affirmative decision is made. The suggestion that the Council, or permanent members acting through the Council, are constrained by international law *when they do nothing*, is a more far-reaching claim.

Considering the contestability of the thesis it is somewhat surprising that the reader waits for some 141 pages before we get there, in the fourth of the book’s five Chapters. Some of the preceding (and succeeding) discussion is a little superfluous.[[9]](#footnote-9) Chapter one discusses the origins and uses of the veto power, tracing its genesis in San Francisco through controversial examples of veto-induced inaction in South Africa (during apartheid), Rwanda, Darfur, Israel, Sri Lanka, Yemen. While it discusses Syria and Myanmar, Chapter five is dedicated to these contemporary situations and offers more detail. As a standalone Chapter, the latter is meticulously researched and serves as an excellent repository of material on recent threats and uses of the veto. However, its general approach is quite descriptive, and it may have made more sense to incorporate these ‘case studies’ into an earlier Chapter.

Chapter two pivots to the linked ideas of ‘humanitarian intervention’ and the ‘responsibility to protect’. At first glance, the decision to dedicate a substantive Chapter to these concepts appears a little random. But, in the author’s words, the segue is that the ‘two doctrines [have] developed in response to Security Council paralysis or inaction in the face of atrocity crimes’ (p 53). This is certainly true. However, considering the centrality that Trahan ascribes to the role of the Security Council (i.e., collective security) in her subsequent arguments, it is surprising that this space is used to develop a tendentious defence of a narrowly construed doctrine of unilateral humanitarian intervention.

In addition to this inconsistency, the defence itself suffers from certain doctrinal deficiencies. It gives overly short shrift to what are now well-rehearsed counter-arguments, not least the absence of any support for such a right in existing treaty arrangements, compounded by the lack of widespread or consistent practice or *opinio juris* to evidence a customary right. Most troublingly, having correctly identified the UK as something of a lone wolf in its consistent and forthright support for humanitarian intervention, the Chapter goes on to use the UK’s published criteria for a legitimate humanitarian intervention as a yardstick to assess the legality of the US, French, and UK airstrikes against chemical weapons facilities in Syria in April 2018 (pp 92-93).[[10]](#footnote-10) This is puzzling. At most, the UK’s criteria might offer one state’s (minority) opinion on the customary status of the doctrine of humanitarian intervention. Closer to the truth, even the UK understands its position as a proposal *de lege ferenda.* Trahan does concede that ‘[w]hether they are the correct criteria for judging the bona fides of humanitarian intervention (for those who accept that concept) probably warrants additional legal scrutiny’, but ultimately doubles down: ‘[t]hat said, this author sees no obvious flaws in the UK’s criteria’ (p 93). Such subjectivity notwithstanding, it is not clear, from an objective (positivist) perspective, on what basis these guidelines constitute an appropriate legal source.

The abovementioned doctrinal oversights are likely due to the fact that even though the specific right in question would be wielded by states unilaterally, Trahan’s argument is not really about individual states at all. The veto power remains the protagonist of the story throughout; even when it comes to humanitarian intervention, the veto ‘has been the true culprit’ (p 100). The most important task, according to the author, is ‘to tackle the problem of veto use in the face of atrocity crimes … [in order to] lessen the need to invoke or utilize humanitarian intervention’ (p 101). But, again, if the veto is the issue, this gives us reason to ask why the defence of humanitarian intervention was necessary in the first place.

Either way, this defence of a doctrine of humanitarian intervention as necessary but temporally delimited is novel. But one worries that it is a little naive. The formulation imagines the veto power as something of a panacea where all manner of geopolitical ills can be sent. Once it is tackled, all will be well. In doing so, it anthropomorphizes the veto power, almost giving it a life of its own. This is at odds with the fact that, in a more material sense, the veto is a political power wielded strategically by states. It does not exist outside of these strategic decision-making processes. And, if states are handed an additional justification in their toolbox of *jus ad bellum* legalise, they will surely be loath to give it back. In other words, once the humanitarian intervention door is opened, it will be difficult to close it again. Trahan notes this ‘Pandora’s Box’ problem (p 63) but does not acknowledge that the proposed solution would only serve to heighten it.

Additionally, the language of ‘need’ or ‘temptation’ (p 53) to invoke the doctrine of humanitarian intervention feels somewhat apologetic. It implies that states only disregard international law for reasons of necessity. As such, it seems to take for granted the motives of those who assert a right to ‘bomb in the name of humanity’.[[11]](#footnote-11) On the contrary, one need not subscribe in full to the Schmittian cynicism that ‘whoever invokes humanity wants to cheat’ to appreciate the need to exercise a healthy degree of scepticism whenever a state summons ‘universal’ human rights to justify a military intervention.[[12]](#footnote-12)

In any event, it seems somewhat paradoxical in a study that purports to consider the *illegality* of the exercise of the veto in certain situations – that is, its status as a matter of positive international law – to suggest that the consequence of such illegality will be that states submit to a *political* ‘temptation’ towards unilateral intervention. The paradox, of course, is that unilateral intervention of this type remains categorically illegal from that same positivist perspective, however ‘tempting’ it might be (and however compelling the arguments remain *de lege ferenda*).

The Chapter thus displays a methodological selectiveness vis-à-vis legal positivism which appears somewhat jarring. The author adopts the classical liberal position that there is a moral imperative to act to prevent atrocity crimes, even citing with approval the report of the Independent International Commission on Kosovo which concluded that this imperative should ‘not be lightly cast aside by adopting a legalistic view of international responses to humanitarian catastrophes’ (p 60). Yet, paradoxically, the overall thesis that there are *Existing Limits* on the Security Council veto in the face of atrocity crimes is, in many ways, the epitome of ‘a legalistic view of international responses to humanitarian catastrophes’.

Chapter three completes the foundational groundwork by defending the book’s legalistic approach against other approaches. Trahan is entirely correct to criticise existing reform proposals. However ingenious such proposals may be within their own four walls, they routinely fail to offer an intelligible response to the problem of the ‘double veto’. A formal Charter amendment would be required to change the Council’s composition or voting rules, which is nigh impossible considering that it would need to carry the support of two-thirds of all UN member states, including – most significantly – the permanent members of the Council.[[13]](#footnote-13) Spurred by this very dilemma, voluntary reform initiatives are currently *en vogue*, not least the ‘Global Responsibility Not to Veto’ initiative.[[14]](#footnote-14) Trahan dismisses these measures precisely due to their discretional nature, suggesting that if they are to gain any genuine traction they need to be mandatory (p 50). This is, in many ways, the book’s theme: only mandatory limits will genuinely curtail veto-abuse in the face of atrocity crimes.

As mentioned, the main thesis resides in Chapter four. It is divided into three arguments. First, Trahan argues that the veto power can be overridden in circumstances where its effect would facilitate *jus cogens* violations. Not many would disagree that the prohibitions of genocide and crimes against humanity are peremptory norms of international law. Trahan’s argument that in certain circumstances war crimes can also meet this description is also plausible. But for these prohibitions to override the veto, the author acknowledges that one must adopt a particularly hierarchical conception of the international legal system (p 148). While in some ways this runs contrary to the traditional conception of a decentralised, horizontal international legal order, it is gaining in prevalence. We might even say that, in many ways, the ‘hierarchical paradigm has colonised the field of professional rhetoric, transforming our conception of what constitutes an acceptable argument in legal discourse’.[[15]](#footnote-15)

As an example of this dominant rhetoric, Trahan approvingly cites Sir Gerald Fitzmaurice, then the ILC’s Special Rapporteur on the Law of Treaties. Reflecting on the existence of norms of *jus cogens*, he observed that ‘[t]here are certain forms of illegal action that can never be justified’ (p 152). From this general proposition, Trahan makes an important move, claiming that states may never ‘derogate from the protections provided to *jus cogens* norms by permitting or facilitating (even if indirectly), through conduct on the Council (including veto use), the continued perpetration of genocide, crimes against humanity, and/or war crimes’ (p 179). Borrowing Fitzmaurice’s words, this implies that a failure to stop an illegal action (i.e. the perpetration of an act of genocide) is itself ‘a form of illegal action that can never be justified’. However, it is not immediately clear that the original proposition leads so seamlessly to this second claim. In other words, the fact that the prohibition against genocide is *jus cogens* does not mean that the specific obligation to take reasonable measures to prevent genocide is also *jus cogens*.[[16]](#footnote-16)

The second substantive argument is that abusive vetoes can violate Article 24(2) of the Charter, which provides that the Security Council must comply with the ‘purposes’ and ‘principles’ of the UN. Trahan skilfully shows how, in certain circumstances, abusive vetoes might be construed as being inconsistent with respect for ‘principles of justice and international law’, ‘promoting and encouraging respect for human rights’, and/or ‘good faith’.[[17]](#footnote-17) Central to this argument is the claim that while the Charter grants the veto power, ‘[w]hat was never granted in San Francisco was the power to use the veto in a way that contravened basic tenets of international law or the UN’s “[p]urposes and [p]rinciples”’ (p 33).

However, there is room to push back on the suggestion that such a power would have to be explicitly granted to members of the Security Council. Alternatively, one might say that the limiting capacity of the purposes and principles of the Charter, which are, to another author, in any event, ‘so sweeping and abstract that [it] is hardly conceivable that the Council take any decision which cannot be said to further them’,[[18]](#footnote-18) relates to substantive decisions only. According to this rationale, once a decision is blocked by the use or threat of the veto, whatever the rationale of the vetoing party, it is simply not a *decision* that is governed by Articles 1 and 2. In the end, Trahan answers her own question by acknowledging that ‘perhaps the “protection” of economic or strategic allies in particular situations simply outweighs any such concerns’ for the purposes and principles of the UN (p 47).

The same misconnection is found in a different guise in Trahan’s suggestion that there ‘has been no acquiescence to a practice of veto use in the face of [atrocity] crimes’ (p 50). However, Article 27(3) does not provide a new power in the absence of which the conduct of the permanent members would be illegal. If anything, the sea change in the ratification of the Charter is that states now have the legal right to *act collectively* if they chose, through Security Council imposed enforcement action, the like of which would previously only have been justified under a right to self-defence. It is not clear why would there need to be practice supporting or even acquiescing to the right of those same states *not to act collectively* if they chosein other circumstances.

The final argument is that individual treaty obligations of permanent members, for example, the obligation to prevent and punish genocide,[[19]](#footnote-19) does not cease when states are acting through the Council. These arguments are very well made. It is here that the ‘complementary’ nature of Trahan’s approach comes to the fore. As discussion continues at pace as to the *Existing Limits* in international law on the Security Council as an international institution, we would do well to recall that the responsibility to comply with existing treaty obligations remains incumbent on states, even when acting through the Council.[[20]](#footnote-20)

The final part of Chapter four moves to the possibility of judicial enforcement of the legal limits on veto use, if we accept that they exist. Interestingly, though, this section concentrates only on limits on the Security Council, as opposed to limits on individual states as discussed above. Somewhat problematically, only two cases are invoked to support the argument that the ICJ can engage in judicial review of the Council. To be sure, the Court has never been closer to exercising this power than in *Lockerbie* and *Application of the Genocide Convention*. However, do these cases, in isolation, provide enough evidence to conclude that ‘the ICJ clearly suggests it could evaluate the legality of Security Council resolutions in light of the UN Charter and other treaty obligations’ (p 245)? The argument might have been more persuasive, at least, if it was embedded within the context of the same Court’s dictum in its *Namibia* Advisory Opinion: ‘*prima facie*, the Court is not a constitutional court, and does not possess powers of judicial review or appeal in respect of the decisions taken by the United Nations organs concerned’.[[21]](#footnote-21) While this may change in the future, to date the Court has simply not taken on a judicial review competence.[[22]](#footnote-22)

The book is unique in that it does not have a Chapter dedicated to general conclusions. In its place, the abovementioned relationship between past, present, and future offers a theme for final reflections. In the promotional material for the book, Mark Drumbl suggests that the argument is ‘on the right side of history’. While this is not necessarily the point Drumbl was making, a fair assessment of the book’s overall thesis may only be possible with the benefit of a historical perspective. This is because, in the present, the arguments are almost exclusively *de lege ferenda*. This is not to be misconstrued as a criticism. This type of ‘ideational positivism’ certainly has a place in international legal scholarship.[[23]](#footnote-23) To Anne Peters, ‘it is exactly the job of international legal scholars to produce ideas; ideas which ‒ depending on the side conditions ‒ potentially have the power to shape attitudes and actions, hence also law-making and legal interpretation, together with political, social, cultural, and other factors’.[[24]](#footnote-24) Trahan’s methodological perspective is reminiscent of Antonio Cassese’s general outlook.[[25]](#footnote-25) However, where Cassese described his approach as aiming ‘to avoid the extremes of both blind acquiescence to present conditions and the illusion of being able to revolutionize the fundamentals’,[[26]](#footnote-26) the study under review is much more revolutionary in its assertions about the fundamental aspects of the international legal order than it presents itself. Because scholars have no law-making authority themselves, all depends on their epistemic authority, that is the persuasiveness of their arguments.[[27]](#footnote-27) Elements of Trahan’s argument, as a matter of *lex lata,* remain unpersuasive to the present reviewer.

However, to a certain extent, this is perhaps incidental to Trahan’s main pursuit. One is left wondering whether the international legal academy is the primary audience for the argument. The author closes Chapter four with a telling gaze towards a different audience. Armed with the arguments as they have been laid out, Trahan suggests that ‘*states* should continue to press forward in making arguments calling into question, as a legal matter, unrestrained veto use’ (p 259, emphasis added). Looking, as Trahan asks us to do, into the future, we should think of *Existing Limits* as an attempt to shift the ‘Overton Window’ of international legal argument. The most effective way to do this, as the author of theory himself proposed, is not to advocate for minor, incremental changes to an already accepted idea, but to make the case for a currently ‘unthinkable’ idea, stating it cogently and provoking an informed discussion. These efforts can make radical ideas possible by nudging them into the ‘acceptable’ category, and eventually making them politically viable.[[28]](#footnote-28) While the current political environment suggests that the legal limits suggested in this book are not yet in ‘existence’, as the title suggests, if (or when) this political environment changes, states will be armed with an erudite, expertly argued treatise on how they could be put into practice.

1. UN Charter (1945), arts 24(1) and 27(3). [↑](#footnote-ref-1)
2. On these ‘dual qualities’, see, I. Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton University Press 2007) 109. [↑](#footnote-ref-2)
3. More often than not, the roots of contemporary ruptures mirror old rivalries. Indeed, ‘the mistake in thinking that we are in a ‘new Cold War’ is in thinking of it as new’: A. Tooze, ‘Whose Century?’ (2020) 42(15) London Review of Books <<https://www.lrb.co.uk/the-paper/v42/n15/adam-tooze/whose-century>> [↑](#footnote-ref-3)
4. See, especially, J. Wouters and T. Ruys, *Security Council Reform: A New Veto for a New Century?* (Royal Institute for International Relations 2005); B. Fassbender, *UN Security Council Reform and the Right of Veto: A Constitutional Perspective* (Kluwer Law International 1998). More generally, Routledge have developed something of a niche for publishing monograph length studies on the topic of Security Council reform: P. Nadin, *Reforming the Security Council* (Routledge 2016); S. Hassler, *Reforming the UN Security Council Membership: The Illusion of Representativeness* (Routledge 2013); D. Bourantonis, *The History and Politics of UN Security Council Reform* (Routledge 2004). [↑](#footnote-ref-4)
5. More in the mould, then, of J. Heieck, *A Duty to Prevent Genocide: Due Process Obligations Among the P5* (Edward Elgar 2018). Considering these cross-cutting themes it is interesting that the book is not cited. [↑](#footnote-ref-5)
6. It is worth noting the speed with which this thesis has developed. Only two decades ago, Oosthuizen was able to conclude that the Council’s ‘powers were nowhere curtailed by an implicit or explicit reference to international law’: G.H. Oosthuizen ‘Playing the Devil’s Advocate: The United Nations Security Council is Unbound by Law’ (1999) 12 Leiden Journal of International Law549, 563. [↑](#footnote-ref-6)
7. Even as the scholarly consensus has shifted somewhat in recent years, Dinstein felt it appropriate to leave the assertion from previous editions that ‘it is completely within the discretion of the Security Council to decide what constitutes a ‘threat to the peace’, untouched in the most recent edition of his textbook: Y. Dinstein, *War, Aggression and Self Defence* (6th edn, Cambridge University Press 2017) 335. [↑](#footnote-ref-7)
8. See, on one type of ‘decision’, A. Tzanakopoulos, *Disobeying the Security Council: Countermeasures against Wrongful Sanctions* (Oxford University Press 2011). [↑](#footnote-ref-8)
9. For example, it is not quite clear why five pages are dedicated in Chapter one to existing proposals to reform the Council to curb the veto (pp 47-52), when we are repeatedly told that these proposals will be the focus of Chapter three. [↑](#footnote-ref-9)
10. UK Prime Minister’s Office, ‘Policy Paper: Chemical Weapon Use by Syrian Regime: UK Government Legal Position’ (29 August 2013) <<https://www.gov.uk/government/publications/chemical-weapon-use-by-syrian-regime-uk-government-legal-position/chemical-weapon-use-by-syrian-regime-uk-government-legal-position-html-version>> [↑](#footnote-ref-10)
11. N.D. White, ‘The Legality of Bombing in the Name of Humanity’ (2000) 5(1) Journal of Conflict and Security Law 27. [↑](#footnote-ref-11)
12. It is illustrative to note Schmitt’s reflections in the passage immediately preceding his (in)famous reformation of Proudhon’s expression. ‘The concept of humanity is an especially useful ideological instrument of imperialist expansion, and in its ethical-humanitarian form it is a specific vehicle of economic imperialism’: C. Schmitt, *The Concept of the Political* (G. Schwab trans, University of Chicago Press 1996) 54. [↑](#footnote-ref-12)
13. UN Charter, art 109(2). [↑](#footnote-ref-13)
14. See, eg, J-B.J Vilmer, ‘The Responsibility Not to Veto: A Genealogy’ (2018) 24(3) Global Governance 331. [↑](#footnote-ref-14)
15. D. Pulkowski, ‘Structural Paradigms in International Law’ in T. Broude & Y. Shany (eds), *The Shifting Allocation of Authority in International Law: Considering Sovereignty, Supremacy and Subsidiarity* (Hart 2008) 51, 70. [↑](#footnote-ref-15)
16. We should be wary of liberally ‘stretching’ the concept of *jus cogens* too far, considering the difficulty in identifying the existence of peremptorynorms even within more conservative parameters. This wariness resonates with D’Amato’s famous formulation: A. D’Amato, ‘It’s a Bird, It’s a Plane, It’s Jus Cogens’ (1990) 6(1) Connecticut Journal of International Law 1. Once the flying vessel is identified as *jus cogens*, we shouldn’t pack it so full of additional baggage that it can’t get off the ground. [↑](#footnote-ref-16)
17. UN Charter (1945), arts 1(1), 1(3) and 2(2). [↑](#footnote-ref-17)
18. A. Peters, ‘Article 25’, in B. Simma et al (eds), *The Charter of the United Nations: A Commentary* (3rd edn, vol II, Oxford University Press 2012) 803, 812. [↑](#footnote-ref-18)
19. Convention on the Prevention and Punishment of the Crime of Genocide (1948), art 1. The ICJ has held that states should ‘employ all means reasonably available to them’ to realise this obligation: *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia & Herzegovina v Serbia & Montenegro)* (Judgment) [2007] ICJ Rep 43, at para 430. [↑](#footnote-ref-19)
20. See, from a more theoretical perspective, C. Brölmann, *The Institutional Veil in Public International Law* (Hart 2007). [↑](#footnote-ref-20)
21. *Legal Consequences for States of the Continued Presence of South Africa in Namibia* (Advisory Opinion) [1971] ICJ Rep 16, at para 89. See, earlier, *Case Concerning the Northern Cameroons (Cameroon v UK)* (Preliminary Objections) [1963] ICJ Rep 15, at 33: ‘Decisions of the political organs of the United Nations could not be reversed by the judgment of the Court’. [↑](#footnote-ref-21)
22. A Belgian proposal to endow the ICJ with respective review powers was not adopted at San Francisco, and there is little evidence to suggest that permanent members would accept such a proposal today. [↑](#footnote-ref-22)
23. See, A. Peters, ‘Realizing Utopia as a Scholarly Endeavour’ (2013) 24(2) European Journal of International Law 533. [↑](#footnote-ref-23)
24. A. Peters, ‘The Rise and Decline of the International Rule of Law and the Job of Scholars’ in H. Krieger. G. Nolte, A. Zimmermann (eds), *The International Rule of Law: Rise or Decline?*(Oxford University Press 2009) 56, 57. [↑](#footnote-ref-24)
25. It is obviously neatly encapsulated in the title of his edited collection: A. Cassese (eds), *Realizing Utopia* (Oxford University Press 2012). [↑](#footnote-ref-25)
26. Ibid, xvii. [↑](#footnote-ref-26)
27. Peters (n 24) 64. [↑](#footnote-ref-27)
28. See, eg, M. Astor, ‘How the Politically Unthinkable Can Become Mainstream’ (New York Times, 26 February 2019) <<https://www.nytimes.com/2019/02/26/us/politics/overton-window-democrats.html>> [↑](#footnote-ref-28)