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Aleksander Orakhelashvili, *International Law and International Politics: Foundations of Interdisciplinary Analysis*, Edward Elgar Publishing, Cheltenham: 2020, pp. 320

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It is hard to imagine a good international law scholar without knowledge of international politics, as this would prevent him/her from being able to explain mechanisms for the creation of norms of international law and their execution. International politics stands behind each treaty norm, as well as behind the practice of states and their statements concerning the meaning of their practice, which are the main elements to be assessed in order to identify norms of customary international law. Judgments of international courts also have their political background, including the International Court of Justice (vide its advisory opinion on the legality of the threat or use of nuclear weapons of 1996 and the statements of Judge Oda in his dissenting opinion). Thus it is obvious that international politics impact international law and international law shapes the framework of international decisions.

Consequently, many international lawyers have been at the same time leading scholars in international relations (IR), or have even helped to establish IR as a separate (sub)discipline of science. In Poland this group particularly includes Ludwik Ehrlich,¹ Remigiusz Bierzanek² and Janusz Symonides.³

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¹ L. Ehrlich, *Wstęp do nauki o stosunkach międzynarodowych* [Introduction to international relations] (reprint of the first edition from 1947), Scholar, Warszawa: 2018; T. Pugaczewicz, *Koncepcja teoretyczna stosunków międzynarodowych w ujęciu Ludwika Ehrlicha z 1947 roku* [Theoretical conception of international relations by Ludwik Ehrlich from 1947], in: P. Grzebyk, R. Tarnogórski (eds.), *Siła prawa zamiast prawa siły. Ludwik Ehrlich i jego wkład w rozwój nauki prawa międzynarodowego oraz nauki o stosunkach międzynarodowych* [The force of law rather than the law of force. Ludwik Ehrlich and his contribution to the development of International Law as well as the science of International Relations], PISM Warszawa: 2020.

² R. Bierzanek, *Współczesne stosunki międzynarodowe* [Contemporary international relations], PIW, Warszawa: 1972.

³ R. Bierzanek, J. Jakubowski, J. Symonides, *Prawo międzynarodowe i stosunki międzynarodowe* [International law and international relations], PWN, Warszawa: 1980; J. Symonides, *Les fonctions de la*

International lawyers often engage in analyses of international relations, especially concerning security issues – vide Manfred Lachs or Adam Daniel Rotfeld – which are combined with legal analysis;⁴ they often work in centres devoted to the analysis of international politics (vide the Graduate Institute of International and Development Studies in Switzerland and several universities in Italy, the US or Poland); or in the programmes combining international law and expertise in international politics (vide e.g. the Harvard Programme on International Law and Armed Conflicts). Nowadays, graduate/LLM programmes which unite both spheres – as in case of the University of Birmingham, where the author of this reviewed work, Orakhelashvili, works – have garnered great interest.

Consequently, the relationship between international law (IL) and international politics (IP) is a very promising topic and Orakhelashvili, as a scholar with an impressive record of publications (including the monographs *Peremptory Norms in International Law* (OUP 2006), *Collective Security* (OUP 2011), and a *Research Handbook on the Theory and History of International Law*, Edward Elgar 2011) seems to have been predestined to author this kind of a research monograph.

In the introduction Orakhelashvili promises that: “This study analyses the impact of international law on international politics from an inter-disciplinary perspective, combining and contrasting the method of international legal reasoning with that of international relations discipline,” adding that the “book proceeds to examine the relationship between international law and international politics by addressing the range of central issues that are examined by both disciplines,” and emphasizing that “today’s thinking and writing focus primarily on current events, without paying sufficient attention to similar events that have happened in the past.” Therefore, the expectations of readers of this book could be justifiably high.

The book is composed of six sections (apart from introduction and the single page (!) conclusion, which is surprising taking into account the broadness and complexity of the topic): (i) States as basic units; (ii) Law, power and politics; (iii) The foundational framework; (iv) Models of authority and governance; (v) Law, power and global space; and (vi) Peace and war. Unfortunately, the author does not justify this structure in a convincing way – it does not reflect any classic IL or IR handbooks’ divisions. Certainly the structure of a book is always the choice of the author, but in this case a reader might encounter problems in navigating within the content of the book. The

justice internationale dans les relations internationales contemporaines, Zakład Narodowy im. Ossolińskich, Wrocław: 1990.

⁴ See e.g. R. Bierzanek, *Zalutwanie sporów międzynarodowych 1945-1973: studium prawno-polityczne* [International dispute settlement 1945-1973: a legal and political study], MON, Warszawa: 1974; M. Lachs, *System bezpieczeństwa zbiorowego a sprawa bezpieczeństwa i pokoju* [System of collective security and security and peace], Warszawa: 1955; M. Lachs, *The Polish-German Frontier: Law, Life and the Logic of History*, PWN, Warszawa: 1965; A.D. Rotfeld, *Europejski system bezpieczeństwa in statu nascendi* [The European system of security in statu nascendi], PISM, Warszawa: 1990; A.D. Rotfeld, *Bezpieczeństwo międzynarodowe czasu przemian* [International security in the times of change], Akademia Dyplomatyczna MSZ, Warszawa: 2004.

publishing house can be also blamed for the lack of a detailed Table of Contents and for the unfortunately incomplete Index, as some names of writers/thinkers are missing in the Index (e.g. Ehrlich), and surprisingly there are no references to their works in the bibliography. In addition, many basic notions like war, armed conflict, peace, trade, justice, courts etc. are not mentioned in the Index. Consequently, the issues such as “just war” are discussed in different parts of the monograph without cross-references. Thus a reader must be extremely attentive and read the whole monograph in order to be able to digest and categorize all the information on a particular concept (this problem is of course partly abated if a reader has access to an electronic version).

The author does not explain the criteria of selection of the main thinkers, nor does he indicate what theories of IR he wishes to discuss and whom he considers as the main representatives of a particular IR theory. I believe the author was convinced that only experts in both international relations and international law would read his book, and they would have no problem with identification of theories, main scholars etc. However, this might not be always the case, so the author missed the opportunity to be a guide for less-oriented readers.

The problems and ideas are not presented in chronological order, which would help to trace the development of IL and IR theories and their mutual inspiration. We jump from citation to citation, from Kissinger to Kant and then to Bernard (p. 37), and the author does not explain how their way of thinking is interlinked, thus some parts look like a stream of consciousness on the part of the author. Nevertheless, there are of course numerous brilliant comparisons, like 2003 US interpretation of the UN Charter to justify the invasion of Iraq and Vattel’s statements on false interpretations (p. 79).

The way of presenting problems additionally complicates a search of the monograph for information. It is not clear whether the author classifies a particular thinker as a representative of the IL or IR discipline, which makes it extremely difficult to track mutual influences. At the same time, he does not note that in many cases – as he cites works of Aristotle, Kant, Thomas d’Aquin – it is impossible to make such distinctions as even today analysis of doctrines includes analysis of both legal and political doctrines, as they are closely interlinked. The state – the main subject of international law – is a political and legal notion, therefore both disciplines would refer to the same philosophers. Consequently, there is not much innovation in this approach, and I would not dare to announce – as Orakhelashvili did in the title – that his propositions constitute the “foundations of interdisciplinary analysis.” Scholars writing about war, for example, would and do refer to Thucydides or Rousseau, but they do not announce this as an achievement, as it is just proof of a good (classic) education.

In addition, nowadays inclusiveness is also expected from scholars. A part which aims to overview ways of thinking about certain notions must present opinions not only from the Western world, but also from other parts of the globe. In my opinion, this monograph is a lost opportunity to include concepts/theories discussed in non-Western cultures, which today is at least a bit bizarre. The same could be said about ignoring the quite vigorously-developed feminist theories of IR.

It was to some extent disappointing to me that there are not many references to historical events (including the adoption of particular legal norms). The author criticizes others for not learning from the past, but he repeats the same mistake by not presenting profound research to show the repetitiveness of some events and the similar approaches to them. The historical facts presented seem to be done so in a random way, without proper comparisons. In principle, we are receiving a compilation of various citations of different authors (making the work rather an analysis of theories/doctrines than of international politics as such), which is hard to follow.

Undoubtedly the author demonstrates his great erudition, and it is visible that he put tremendous effort into the preparation of the monograph. I am convinced that he can surprise every interlocutor with fascinating references to classic writers. However, the flaws in the presentation of problems inevitably impact the final assessment of the value of the book. The monograph does not expose the linkage between international law and international politics – it “just” mixes ideas allegedly assigned to one or another discipline. At the same time however, the monograph can be an inspiration for further research and an incentive to immerse oneself in classic writings, which – as the author aptly proves – are still relevant for today’s problems.⁵

⁵ The eBook version is priced from £22/\$31 from Google Play, ebooks.com and other eBook vendors, while in print the book can be ordered from the Edward Elgar Publishing website.