

## Prikazi knjiga | Book Reviews

### Siegfried Wiessner (ed.)

General Theory of International Law, Volume 1, American Classics in International Law, Brill/Nijhoff, Leiden and Boston, 2017, 534 str.

Knowledge is interdependent. It is context-driven. And it must serve some purpose. The understanding of any particular body of knowledge is sought through the prism of theories. Theories, in turn, same as the phenomena they seek to enlighten, are defined by their birth, formation, and application. The theory of and about international law is no exception. The task is intellectually formidable, and it becomes even more supremely challenging when tackling the very core of theory, as in this case, the classics of international law or, indeed, the American classics of international law. The task is henceforth multiplied in terms of selecting what constitutes, *first*, a classic; *second*, an American classic; and perhaps *third*, an adequately balanced set of authors and scholarship within the domain of American international legal classics.

The book is entitled *General Theory International Law*. Same as its title, its content and narrative is formed by a sophisticated simplicity, reducing the often complex universe of theory to a level that, while preserving the underlying substance, makes it distinctly comprehensible to any reader.

The *General Theory of International Law* is the frontrunner or, in the General Editor's phrasing, 'the flagship' of a series of indispensable tomes on the most distinct and novel American legal thought pertaining to the wide and diverse discipline of international law. The book is meant to, *one*, address the American international law classics and, *two*, be general, in a sense of comprehensively articulating the most pertinent doctrinal legal knowledge within the broader canon of the American classics.

The editing author, Professor Siegfried Wiessner, a distinguished member of the American legal academy, of European origin, has been uniquely positioned to undertake the first general, yet however, substantively insightful, original and nuanced, study of American classics of international legal theory. Being the first engagement of the task of its kind, also measured by its breadth and depth, his work is destined to remain itself a classical view of the American Classics of General International Legal Theory. This proposition can be substantiated on a number of key variables, i.e. the accuracy by which the selection of what constitutes an American classic of International Law is made, the rigorous and engrossing critical analysis of the selected material, and the equilibrium applied within and among the identified schools of thought. It is a singularly distinct expansion of the analytical framework currently in place of and about American international legal theory, a most valuable and enduring contribution to the understanding of the making and application of law in the global arena.

The framework of ideas defining the American legal thought of and about international law is presented and critically appraised with a particular sensitivity to context and aim of enhanced comprehension of essential facets of such a voluminous thought. In process, the author has retained its underlying focus on the core of American general theories of and about international law, namely American Legal Realism, the New Haven School of Jurisprudence, International and Transnational Legal Process, liberal theories of international law, linkages of law to humanities and social sciences, including Law and Economics, Critical Legal Studies, LatCrit, TWAIL, and feminist approaches to the discipline.

This ensemble of theories is organized around four major pillars that constitute the larger edifice of American *General Theory of International Law*, namely (1) American International Legal Realism; (2) Liberal Versions of American Legal Thought; (3) International Law and Science (or the claimed 'empirical turn' in international legal scholarship); and (4) Critical Legal Studies, inclusive of an ever-growing set of critical movements. The author delimits the key content of each of the composite pillars, carefully selecting their *messengers*, accurately transmitting their visions and, put against the very context that has dictated their conceptual *theologies*, he then appraises and critically compares and contrasts them.

Overall, the *General Theory of International Law* has portrayed a unique place for the United States in the field of international relations and international law, hence an active role, in particular in the twentieth century era, in modeling broader conceptual understandings of legal relations in external arenas. It has additionally portrayed a *living* body of theory, cross-perfecting, and linked to human experience and aspiration for an ever larger universe of core human values that gratify desire. A point of illustration, Dean Pound's conception of law as process that should serve social ends, for example, has been enlarged and extended by the New Haven School of Jurisprudence into a more precise process of authoritative and controlling decisions aiming at a world public order of human dignity, empirically expressed through a set of eight core human values encompassing the totality of human aspirations. The focus on values, value maximization and dignity has defined a large body of American legal scholarship. Thomas Franck's inquiry about what should be done to maximize human well-being, Ronald Dworkin's concerns for human dignity, or the Law and Economics cost-benefit analysis, which, after all, intends to maximize wealth, are testimonies to their joint philosophy of values; the difference being the latter's focus on narrower, singular values rather than the more comprehensively defined set of core human aspirations New Haven is providing.

Ultimately, the *General Theory of International Law* has located the place and space of theories in the totality of American legal thought of and about international law, from creation to operation, in turn producing the first volume of an engrossed and enlightened discussion about the content, context, and critique of specifically American theories of and about international law. The author's statement that the "American theory about international law is, in many respects, a kaleidoscope of ideas with which it has enriched the world" would analogously apply to this book and its central place in the world of ideas about American international legal theory.

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