

Roman Kwiecień, *Teoria i filozofia prawa międzynarodowego. Problemy wybrane (Theory and Philosophy of International Law. Selected Problems)*, Difin, Warsaw 2011, pp. 238

This book consists of six chapters. They contain discussion of the notions of theory and philosophy of international law (Chapter 1), the internationality of law (Chapter 2), the universality and unity of international law (Chapter 3), the legitimacy of international law (Chapter 4), the constitutionalization of the International Legal Order (Chapter 5) and the axiology of international law (Chapter 6). The book ends with an English version of the table of contents and a summary of the monograph. This summary is of importance for the reader, since there is no Polish summary and, accordingly, one may easily comprehend the content of the following chapters and be encouraged to read them.

The book introduces problems which mainly concern the theory of international law. Philosophy is encountered only in small traces throughout the book. In particular, the works of two German philosophers are discussed, namely those of Hegel and Kant. However, the consequences of Hegel's philosophy in extreme are not introduced in the same manner in which they were portrayed in Nazi writings and in the writings of the early Soviet scholars, which promoted the liquidation of international law. Kwiecień comments upon Kant's work "Zum Ewigen Frieden" in the context of obligations arising from international law and an axiological approach to peace. However, the consequences of the whole philosophy of Immanuel Kant are not seen in the book and his second world in world citizenship is not mentioned.

Kwiecień's book adopts the terminology of the theory of law and describes an analysis of the notions of the theory of law as useful for

international law. Nevertheless, international law has developed its own terminology over time and this better describes the content of international law. International law need not to adopt descriptions or terminology derived from the theory of law because the theory of law as a discipline is not as old as international law. In consequence, chapters 4 and 6 provide mainly research of theory of law problems instead of problems of international law.

Chapters 3 and 4 represent the best of the book (with the exception of Section 4.1). Chapter 5, dealing with the constitutionalization of international law, is not a satisfactory presentation of the problem because it limits its discussion to the UN Charter and peremptory norms whilst simultaneously ignoring the international code. It is possible to stretch the conclusions of this chapter by including discussion from Antonio Sanchez Bustamante y Sirven's handbook on constitutional international law and other specific international laws derived therefrom.

Kwieceń introduces himself as a follower of Immanuel Kant but, in Chapter 3, better results could have been achieved by adopting a post-modernism approach to the characterization of international society. In other words, international society consists of circles of particular subjects of law, namely States, international organizations, nations and national minorities, juridical subjects and, finally, natural persons.

The book cites and comments upon numerous books, studies and articles in English, German, French and Russian. These sources were carefully selected and presented by the author. Of course taking into account the character of the book many other materials could have been added. It remains the author's prerogative to select literature for its own purposes, but I recommend M. McDougal's study on the axiology of international law treated as an internal construction of international law, which could have been used to improve upon the weak chapter on axiology in Kwieceń's book. This Chapter could become more interesting and not so general as regards discussion of regional law if T. Jasudowicz's book on the regionalism of international law and the studies of C. Mik on the nature of European law could be incorporated into future editions of the book.

Kwieceń's book introduces no new problems and presents no new solutions to the old problems discussed therein. The author writes in Preface that the book represents a rather systematic presentation of such

problems. This means that the book is suitable for doctoral students of international law as an introduction to their education and as a handbook to be used in student courses on international law.

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