Book Reviews

Lauri Mälksoo

*Russian Approaches to International Law*


$98.50 £60.00 ISBN: 978-0-19-872304-2 (hardback)

Investigating the ways international law is conceived and taught in different countries is extremely helpful for forging a comparative approach that makes it possible to overcome both parochialism and universalism in interpreting international legal rules and principles. The book under review—written by Lauri Mälksoo, professor of international law at the University of Tartu (Estonia) and a member of the Estonian Academy of Sciences—on *Russian Approaches to International Law* sets out such comparative objectives, attempting to reveal the dialectics of the Other and the Self in relations between Russian and Western doctrines of international law.

The author of the work being reviewed, here, is known both in the West and in Russia for his wide-ranging research on the Russian (Soviet) doctrine of international law. Seen from the Russian side, Professor Mälksoo is a frequent participant at international law conferences and other academic discussions in the Russian-language space, as well as an organizer of important colloquia bringing together Russian and Western international scholars. From the Western side, as far as I can appreciate, he is reputed, *inter alia*, as an author of several authoritative articles on the history of Russian international law and, especially, on the work of those Russian international scholars who were active at the University of Tartu in the XIX–XX centuries. Professor Mälksoo is fluent in Russian, curious about Russian (legal) culture, and is able to read Russian sources directly, which incontestably contributes to the success of this book and his research in general. This volume is written in a reader-friendly style. While the work is not overloaded with footnotes, Professor Mälksoo’s thinking is sufficiently supported by citations to literature. The only regrettable drawback is a lack of references to Russian court practice and statutory law: even where the author criticizes judgments of the RF Constitutional Court (*e.g.*, p.182) or discusses Russian legislative acts (*e.g.*, p.169), he refers only to newspaper sources.
I do not specialize in international law, but from the vantage point of my professional knowledge of Russian law, I can see that Professor Mälksoo discusses all of the key Russian works in this field. His description of the state of affairs in Russian international-law doctrine is highly realistic and coincides with my intuitive account of what is going on in Russian legal scholarship in general. My field of expertise lies in the province of legal philosophy, and in this volume I also have found a rich reservoir of stimulating—even sometimes disputable—philosophical ideas.

In the present review, I shall approach Professor Mälksoo’s book precisely from this philosophical perspective. I am aware that readers of this book review could object to this, pointing out that Professor Mälksoo’s work is not an exercise in legal philosophy; rather, its primary value is in the area of (comparative) international law, with the author’s philosophical speculations being an ‘added value’ to the basic subject matter. This reservation is one that I readily accept. However, the volume’s philosophical background also represents an important dimension because the author does not limit his research only to a description and analysis of Russian doctrines of international law. This analysis constitutes approximately one-half of his opus. My interest lies in the second part of his work in which this Estonian scholar ventures to entwine his analysis into a broader philosophical perspective and to reason about civilizational differences in Russian perceptions of international law.

The civilizational question of whether Russia is with or against the West has been disquieting Russian philosophers for several centuries (with good reason, Professor Mälksoo traces the start of this problem from the Great Schism of the XI century), and it is no wonder that this question also, periodically, arises in scholarly discussions about international law and Russia’s attitude to it. Here, one wholeheartedly may agree with the author on the importance of this question in assessing Russian international-law doctrine. But is it a specifically Russian trait or, more generally, a normal situation for those countries (Turkey, India, Israel, South Africa, among others) that are situated at a crossroad of civilizations and whose legal cultures do not and cannot entirely belong to only one civilizational pole?

His main thesis is that Russian approaches to international law are formed under the influence of the “powerful idea of Russia’s civilizational distinctness from the West” (p.190). Even if Russian politicians or lawyers refer to international law, they fill the corresponding concepts and principles “with a different content” (p.193) as compared with what is thought and advocated by their Western counterparts. Surely, if we adhere to the idea that law acquires its forms and meanings in particular linguistic and cultural communities, then