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THEORISING THE VALUES AND RULES-BASED INTERNATIONAL ORDER: CHALLENGES AND OPPORTUNITIES FOR A COMMON POLITICAL-IR- INTERNATIONAL LEGAL THEORY¹

ABSTRACT

The aim of this paper is twofold. The first objective is to present the framework for a theoretical model describing and explaining an international phenomenon of a political and legal nature, i.e. an international order based on values and rules (VRBIO, values and rules-based international order). This model is the result of

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joint work conducted by political scientists, IR scholars and international legal scholars, and takes into account ontological, epistemological, descriptive and explanatory components. In addition to presenting the results of theoretical work on the international phenomenon addressed in the present study, another objective of this article is to discuss the challenges and opportunities of theorising across different disciplines – political science, international relations and international law. The platform for these meta-theoretical reflections is, of course, VRBIO.

Keywords: international law, international order, international relations, political science, political theory, rules, values

The present study is based on two objectives. The first objective is to present the framework for a theoretical model describing and explaining an international phenomenon of a political and legal nature, i.e. an international order based on values and rules (VRBIO, values and rules-based international order). This model is the result of joint work conducted by political scientists, IR scholars and international legal scholars and takes into account ontological, epistemological, descriptive and explanatory components. We assume that the present study, which highlights in particular the political dimension of the problem addressed in the title, may offer an important contribution to political theory, as it provides a new perspective on a complex research issue as well as an original theoretical approach. Moreover, an interdisciplinary theoretical approach broadens knowledge in political science, the discipline of international relations and subdiscipline of legal sciences: public international law, defining a new theoretical framework for further, in-depth scientific research both in these disciplines and interdisciplinary research, and transdisciplinary on VRBIO, its aspects and elements.

In addition to presenting the results of theoretical work on the international phenomenon addressed in the present study, another aim of this article is to analyse and discuss the challenges and opportunities of theorising across different disciplines – political science, international relations and international law. The platform for these meta-theoretical reflections is, of course, VRBIO. This is an extremely important issue, as it concerns crossing the boundaries of scientific disciplines with the aim of facilitating the task of describing and explaining complex and important topics.

VRBIO – AN ATTEMPT AT A THEORETICAL APPROACH, THE CONTRIBUTION OF THE DISCIPLINES: POLITICAL SCIENCE, INTERNATIONAL RELATIONS AND INTERNATIONAL LAW

As a phenomenon, the values and rules-based international order requires going beyond the current analytical framework of individual scientific disciplines if it is to be described and explained as comprehensively as possible via interdisciplinary cooperation.

VRBIO emerged over the last few decades from various trends towards internationalisation, among them the ongoing and constant institutionalisation of international cooperation and multilateralism, which has given rise to a specific plane of extensive cooperation, the structure or skeleton of which is created by means of universal political values, legal norms, legal and non-legal principles and standards of procedure recognised by members of the international community. As such, because it is a complex global entity formed from various political and legal actions, a description, study and explanation of VRBIO requires recourse to a considerable number of different scientific approaches, methodologies, perspectives and theoretical frameworks. Hence, the demand for an interdisciplinary perspective.² The scholarly approaches of political science, IR and IL together combine to produce a necessarily concise theoretical description of VRBIO.

We propose the following understanding of the values and rules-based international order: *a space created by members of the international community in the broad sense (but especially states and international organisations formed by states) on the basis of the developed internationalisation and institutionalisation of international cooperation, founded on common political values and legal and non-legal norms and principles that define the socio-political goals and methods of conduct of international actors both in the international arena and – if possible, as in the EU – in relations to the citizens of individual states.*

Although this explication meets the formal criteria of a scientific definition, referring as it does to a real international phenomenon, and identifies the basic components of VRBIO, it naturally does not yet explain everything.³ The understanding of VRBIO

² See parts I and VI in: R. Frodeman, J. Thompson Klein, R.C.S. Pacheco, *The Oxford Handbook of Interdisciplinarity*, Oxford 2019.

³ It is imperative that VRBIO should not be identified with the liberal international order (LIO). In an empirical and theoretical sense, VRBIO encompasses a broader range of phenomena. Although there is no space in this article to go into detail regarding the differences between VRBIO and LIO, a few remarks seem necessary.

According to researchers of international relations, the so-called liberal international order is the Western – a term that should be highlighted quite clearly here – international order that formed during the period 1945-1950.

Values such as freedom, equality, the rule of law, human rights, the free market, security cooperation and the promotion of liberal democracy are considered to be the fundamental components of LIO (D.A. Lake, L. Martin, T. Risse, "Challenges to the Liberal Order: Reflection on *International Organisation*," *International Organisation*, vol. 75, no. 2 (2021), pp. 225-257). Currently, the dominant theoretical option, derived from the liberal theory of international relations, is neoliberal institutionalism. Robert O. Keohane, a representative of this trend, claims that states are only interested in maximising their own benefits, but if such cooperation yields profits, they are actively involved in creating favourable international structures (see E. Haliżak, "Liberalna wizja porządku międzynarodowego," in R. Kuźniar (ed.), *Porządek międzynarodowy u progu XXI wieku*, Warszawa 2005, p. 60). International institutions, international organisations, international regimes and international conventions reduce uncertainty and facilitate international cooperation. Neoliberal institutionalism gained a foothold in the study of international relations in the 1970s and 1980s, when it marked out three research perspectives: the theory of international regimes, the theory of hegemonic stability and the theory of comprehensive interdependence. The first of these theories is a response to the hitherto excessive reliance on the role of international organisations and emphasises an understanding of regimes as *a set of*

set out here is based on suitable theoretical characteristics, which are discussed below. They satisfy a need for theoretical nuances resulting from the complexity of the phenomenon in question, as well as from the methods used to obtain knowledge and theoretical generalisations of the involved scientific disciplines.

International order, values, rules – political science and IR scholarship contribution

The discipline of international relations provides no precise definitions of such concepts as “international order”, “values” and “rules”. In the case of the first term in particular, we are dealing with – euphemistically speaking – what we may refer to as definitional pluralism. In the literature on the subject, the terms “order”, “arrangement”, “system” and “international order” sometimes operate interchangeably, while at the same time remaining different concepts.

unconditional and conditional principles, norms and rules and decision-making procedures on the basis of which the actions of participants converge in a given field of international relations (see M. Pietraś, “Teoria i praktyka reżimów międzynarodowych,” in K. Kącka (ed.), *Stosunki międzynarodowe. Wokół zagadnień teoretycznych*, Toruń 2014; S. Krasner, “Structural Causes and Regime Consequences: Regimes as Intervening Variables,” *International Regimes*, vol. 36, no. 2 (1982), pp. 185-205; E. Haliżak, “Liberalna wizja...,” p. 60). The second perspective highlights the leading role of superpowers in implementing this order, and assumes the specific selflessness of superpowers in creating an order accepted by all actors. Finally, the third of the above-mentioned concepts describes a wide catalogue of global phenomena covering the economy, security communities, international organisations and regimes.

Thomas Pogge draws attention to an important distinction he observes between the values of the liberal international order and the way in which they are implemented by Western democracies. He believes that the implementation of a global order representing Western liberal-democratic ideas must, first of all, overcome the resistance of Western states, which – if only due to their overwhelming power – have been considerably more important obstacles to the spread of democracy, freedom and the international rule of law than China or the Soviet Union (T. Pogge, “Can Liberalism Envision a Widely Acceptable World Order?,” in Y. Chu, Y. Zheng (eds), *The Decline of the Western-Centric World and the Emerging New Global Order: Contending Views*, London–New York 2020, p. 134). Numerous theorists of international relations point out the progressive erosion of the liberal international order. As R. Kuźniar notes, *the development of international relations in the liberal paradigm (...) resembled the expansion of the Western model, like the expansion of the universe in the standard model in physics (...), and the Western development pattern seemed to be something to which everyone was doomed (...)* (R. Kuźniar, *Zmierzch liberalnego porządku międzynarodowego 2011-2021*, Warszawa 2022, pp. 32-33). Nevertheless, in many parts of the world, liberal influence was shallow, and within the West there were often tensions regarding its policy towards the rest of the world, which is why the real problems of the liberal order had their origins in the diseases of the West (R. Kuźniar, *Zmierzch liberalnego porządku...*, p. 33). Currently, we are talking about the twilight of the liberal international order and Western civilisation. According to Samuel Huntington, in the near future the most significant areas of development will be Asian civilisations. As a consequence, in order to maintain its technological and military advantage it is prudent for the West to endure these changes, protect its own values and intensify cooperation across the Atlantic Ocean, combined with a policy of avoiding *intervention in the affairs of other civilisations*. (G. Sørensen, *A Liberal World Order in Crisis Choosing Between Imposition and Restraint*, Ithaca 2011, p. 177). Bearing this in mind, the liberal international order has two possible paths of evolution – towards a radical version of a “liberalism of imposition” or towards a “liberalism of restraint” (see P.J. Katzenstein, J. Kirshner (eds), *The Downfall of the American Order?*, Ithaca 2022; I. Trauschweizer, *Temple of Peace: International Cooperation and Stability Since 1945*, Ohio 2021).

The international order is a phenomenon characterised by dynamism and variability. It possesses a certain historical and temporal framework, has been shaped under the influence of long-term development processes, and tends to evolve and recreate *itself at increasingly higher levels of structure*.⁴ Most researchers link the creation of the current international order to the end of World War II, the establishment of the United Nations and the adoption of a catalogue of values and rules upon the basis of which this order operates. Others, on the other hand, date the birth of the current international order back to the interwar period, referring to the achievements of the League of Nations.⁵

This process is reflected in the theoretical debate on the issue and refers to a realistic vision of international relations as a system of dependencies between individual actors (states), shaped by four basic categories: groupism, anarchy, egoism and the desire to increase “political force” (power).⁶ Liberal thought contrasts with the above vision of the international order, which is a kind of “response” to the realists’ failure to notice or reject the normative nature of international relations and the principle of “balance of power” promoted by realism, which turned out to be ineffective in limiting conflicts between states (the outbreak of World War I and II world).⁷ The new, liberal international order was to be based on democratic values as well as on international agreements and institutions that provided space in which states could cooperate and solve common problems.⁸ It was also about making international relations more predictable and reducing the possibility of conflict by increasing the level of collaboration and dependence between states.⁹

In the literature on international relations as an academic discipline, the term “international order” is defined as a system of dependencies and connections between the elements making up its structure;¹⁰ the various form(s) in which the international environment is organised, along with the mechanisms guaranteeing its functioning,¹¹ as well as certain “patterns” of action for those entities that are part of it.¹² Definitions found in the field contain a number of common elements, indicating that

⁴ R. Kuźniar, “Porządek międzynarodowy. Rewizja koncepcji,” *Sprawy międzynarodowe*, no. 2 (2017), pp. 14-15; T. Łoś-Nowak, “Europejskie dylematy na XXI wiek: między chaosem a ładem międzynarodowym,” *Przegląd Politologiczny*, no. 2 (2020), p. 16.

⁵ R. Kuźniar, *Porządek międzynarodowy. Perspektywa ontologiczna*, Warszawa 2019, pp. 72-73; G. Rachman, “Is There Such a Thing as a Rules-Based International Order?,” *Financial Times*, 20 April 2023, at <https://www.ft.com/content/664d7fa5-d575-45da-8129-095647c8abe7>, 28 November 2023.

⁶ Cf. W.C. Wohlforth, “Realism,” in C. Reus-Smit, D. Snidal (eds), *The Oxford Handbook of International Relations*, Oxford 2010, pp. 132-134.

⁷ L.H. Miller, *Global Order: Values and Power in International Relations*, London–New York 2018, pp. 44-45.

⁸ See G.J. Ikenberry, “The End of Liberal International Order?,” *International Affairs*, vol. 94, no. 1 (2018), pp. 11-16.

⁹ A. Acharya, *Constructing Global Order: Agency and Change in World Politics*, Cambridge 2018, pp. 10-11.

¹⁰ R. Kuźniar, “Porządek międzynarodowy. Rewizja...,” pp. 14-15; C. Ku, *International Law, International Relations and Global Governance*, New York 2012, pp. 176-179.

¹¹ T. Łoś-Nowak, “Europejskie dylematy...,” pp. 16-17.

¹² H. Bull, *The Anarchical Society: A Study of Order in World Politics*, Hampshire 2002, p. 8; G. Rachman, “Is There Such a Thing...”

- the international order grows and functions in specific “environmental conditions” (“material and ideological background”), which shape its evolution;¹³
- the entities forming the international order are primarily states;¹⁴ currently, however, as, e.g. Charlotte Ku points out, non-state international actors are playing an increasingly important role;¹⁵
- the elements that provide the international order with a unified structure are interests, values, rules/norms (patterns of behaviour and interactions) and institutions;¹⁶
- the function of order in international space is to maintain the elementary or primary goals of the international community,¹⁷ the stability (durability) and predictability of the mutual interactions between its constituent entities,¹⁸ as well as its development (evolution) in a way that favours the safety of its participants.¹⁹

It follows from the above that values and rules are important for the creation and functioning of the international order, as constitutive and structuring (bonding) elements. As G.J. Ikenberry points out, the international order is a “multi-layered” system, whereby its deepest level is formed by states that share common values. This level is overlaid with a “layer” of rules, shaped under the aegis of the United Nations system, and recorded in treaties.²⁰

International relations as an academic system provides a relatively precise definition of the concept of “rules” – as prescribing or proscribing behaviour (actions) in specific situations.²¹ According to H. Bull, international law features various categories of rules: principles of international law, moral principles, customary law, and “operational principles”. Due to the criterion of significance, these principles form a certain hierarchy, the most important (“fundamental”, “constitutional”) of which is the idea of an international community of states, where any vision of world politics as a state of war is excluded. Another category of principles regulates the coexistence of states (such as limiting the use of force, *pacta sunt servanda*, the principle of the state’s supreme jurisdiction over its own citizens, non-intervention, the sovereign equality of states, etc.). The final

¹³ R. Kuźniar, “Porządek międzynarodowy. Rewizja...,” pp. 14-15; G. Rachaman, “Is There Such a Thing...”.

¹⁴ R. Kuźniar, *Porządek międzynarodowy...*, pp. 33-34; H. Bull, *The Anarchical Society...*, p. 12; G. Rachaman, “Is There Such a Thing...”.

¹⁵ C. Ku, *International Law...*, pp. 176-179.

¹⁶ T. Łoś-Nowak, “Europejskie dylematy...,” pp. 16-17; R. Kuźniar, *Porządek międzynarodowy...*, pp. 33-34; H. Bull, *The Anarchical Society...*, p. 51; G. Rachaman, “Is There Such a Thing...”.

¹⁷ H. Bull, *The Anarchical Society...*, p. 8.

¹⁸ R. Kuźniar, “Porządek międzynarodowy. Rewizja...,” pp. 14-15; C. Ku, *International Law...*, pp. 176-179.

¹⁹ R. Kuźniar, *Porządek międzynarodowy...*, pp. 33-34.

²⁰ G.J. Ikenberry, *Is There Such a Thing...*

²¹ R. Kuźniar, *Porządek międzynarodowy...*, pp. 123; H. Bull, *The Anarchical Society...*, p. 66-68; A. Bógdał-Brzezińska, “Porządek międzynarodowy w dorobku angielskiej szkoły stosunków międzynarodowych,” in R. Kuźniar (ed.), *Porządek międzynarodowy u progu XXI wieku. Wizje – koncepcje – paradygmaty*, Warszawa 2005, pp. 300-301.

category consists of regulatory principles enabling cooperation between states in the implementation of more advanced (specialised) goals.²²

Unlike values, rules come from “outside” (they are established by states). Those rules that are key to the survival of the order (and the entities creating this order), the coexistence of states and their development are shared principles, even though different states sometimes have different value systems. Such rules can also be enforced (imposed) through sanctions.²³ Compliance with them is one of the necessary conditions for maintaining the international order. The most important role in this respect is played by states that not only follow the rules, but also recognise, legitimise, change and “protect” those rules through foreign policy measures.²⁴

In the context of the present theoretical reflections, it is important to define certain values as well as specify a catalogue of those values important from the perspective of the international order. Unfortunately, international relations as an academic discipline lacks such a definition, even though such values are *as a postulate strong and constantly present in international life*.²⁵ Goals or interests that are described in great detail in the subject literature are mentioned much more often.

Drawing on the findings of other disciplines in the social sciences (including psychology – S.H. Schwartz’s theory), values can be defined as ideas, beliefs or notions regarding what is desirable (important, valuable) that go beyond specific situations (ordered according to rank (importance) of a “supra-situational character” that guide behavioural choices and affect how actions, events and behaviours are judged.²⁶

Theories of international relations differ in their recognition of the essence of values in international politics. For example, realism assigns central importance to the individual interests of players in the international arena (the desired value is the security and goals of the state), while liberalism emphasises the common interest, which can be based on common values (the emphasis is on the importance of freedom, cooperation, peace, progress).²⁷ Values also play a special role in constructivist theory. They are identical to the ideas that, according to constructivists, denote (...) *a network of meanings and practices recognised and shared by people*.²⁸

States or groups of states may have different value systems, which sometimes contradict or are even hostile to one another. At the same time, these agents agree to

²² H. Bull, *The Anarchical Society*..., pp. 63-68; A. Bógdał-Brzezińska, “Porządek międzynarodowy w dorobku...,” pp. 300-301.

²³ R. Kuźniar, *Porządek międzynarodowy*..., p. 123.

²⁴ A. Bógdał-Brzezińska, “Porządek międzynarodowy w dorobku...,” pp. 300-301.

²⁵ R. Kuźniar, *Porządek międzynarodowy*..., p. 117.

²⁶ M. Łobocki, “Pedagogika wobec wartości,” in B. Śliwerski (ed.), *Kontestacje pedagogiczne*, Kraków 1993, p. 125; P. Brzozowski, “Uniwersalność struktury wartości: koncepcja Shaloma H. Schwartz,” *Roczniki Psychologiczne*, no. 5 (2002), pp. 27-30.

²⁷ R. Jackson, G. Sorensen, *Wprowadzenie do stosunków międzynarodowych. Teorie i kierunki badawcze*, Kraków 2006, pp. 4-6, 70.

²⁸ A. Curanović, “Konstruktywizm,” in S. Bieliń, J. Zajac, R. Zięba (eds), *Teorie i podejścia badawcze w nauce o stosunkach międzynarodowych*, Warszawa 2015, p. 15.

select and jointly define certain values that are deemed “useful” from the perspective of the international order. These values provide the platform for proposing, justifying and anticipating international norms. Although the subject literature includes various classifications of values,²⁹ of key importance from the perspective of the project and its area of research are the existential values of the international community as a whole, which at the same time are also necessary for maintaining the basic parameters of the international order.³⁰ These values become normativised in a series of phases, beginning with political discourse and the exchange of opinions, followed by the stage of diplomacy (when international agreements are negotiated) and the establishment of these values in legal doctrine, and concluding with their final positivisation, i.e. the acceptance of important multilateral treaties that introduce these norms into the practice of international relations.³¹ Such values may perform both positive functions in the international order (integration of entities striving to achieve or maintain common values) by promoting the stability and durability of the latter, as well as negative functions, which may lead to the destabilisation or even disintegration of the structure.³²

Experts in the field of international relations studies unanimously claim that both the catalogue of values deemed of key importance to the international order as well as the catalogue of rules intended to “protect” these values are included in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (UNGA *Resolution 2625(XXV)* of 24 October 1970). These values and principles were then implemented into international bilateral and multilateral agreements.³³ Researchers also believe that the international order is currently at a turning point. This is due to many factors, including the emergence of new actors (PRC, India) with a different vision of this international order, the increasing importance of non-state actors and new global challenges, as well as the outbreak of the war in Ukraine in 2022 and the reaction of the international community to this conflict, which may become a catalyst for change. The postulate of reconfiguring the international order is also associated with the need to find space for cooperation that overcomes existing divisions and differences with the aim of solving problems of existential importance for all of humanity (“planetary problems”), such as counteracting the effects of climate change.³⁴

²⁹ Cf. C. Maj, *Wartości polityczne w stosunkach międzynarodowych*, Lublin 1992, pp. 65-120.

³⁰ R. Kuźniar, *Porządek międzynarodowy...*, pp. 117-121.

³¹ *Ibid.*, pp. 120-121.

³² C. Maj, *Wartości polityczne...*, pp. 122-135.

³³ R. Kuźniar, *Porządek międzynarodowy...*, pp. 124-125; G. Rachaman, “Is There Such a Thing...”.

³⁴ G. Rachaman, “Is There Such a Thing...”; G.J. Ikenberry, “The End of Liberal...”, pp. 21-23; L.H. Miller, *Global Order...*, p. 14; C. Ku, *International Law...*, pp. 176-179.

International order, values, rules – IL scholarship contribution

After every major international crisis, the international community revives the idea of the rule of law. At the end of World War II, a global system of international rules and values based on the UN was established, followed subsequently by other systems based on regional organisations, one particular example of which is the European Union.³⁵

Two research questions of growing importance are: what are the principles and values associated with international law, and what is meant by the international order from the perspective of international law? It is worth supplementing these questions with a fundamental issue, namely whether the standards of the international rule of law developed over 70 years ago are sufficient in light of the various acts of military aggression that have taken place in the 21st century and whether the response to international crimes should not be a radical change in the existing international legal order? In view of these events, it is also reasonable to ask ourselves whether international law is still developing or, instead, is actually disappearing?³⁶

J. Dugard was for the most part convinced that the principles of international law were well developed and widely accepted, and the main problem was the enforcement mechanism. However, this author dared to formulate a very radical thesis provoked by the consequences of Russia's invasion of Ukraine and the rethinking of international conflicts that has taken place over the last 30 years. The point is that the political leadership and legal advisers of many states, and thus major players in international relations, do not accept the fact that the most basic principles of international law also apply to them and their close friends.³⁷ Dugard places much of the responsibility for the possible consequences of redefining international law on internationalist lawyers. He writes: *International lawyers will have to address the question of whether they owe allegiance to international law as it is declared in Article 38 of the Statute of the International Court of Justice or whether they see it as a legal order in which the most important decisions affecting the future of the planet are governed by a "rules-based order" and only less vital issues are regulated by the law of Article 38 of the Statute, that is, the body of law based on the agreement of States from all continents of the world expressed in treaties, custom and general principles of law reflecting the values of the international community as a whole.*³⁸

When we consider the principles serving as the foundation of international law, within this subdiscipline we can talk both about *principles of international law* and *general principles of law*. While these are not identical, and are diverse in nature, at the same time they are not fully separable.

³⁵ See R. Coman, "Values in EU Governance: How and Why do Political and Social Actors Stand for the Rule of Law?," in F. Foret, O. Calligaro (eds), *European Values: Challenges and Opportunities for European Governance*, London–New York 2018, pp. 83–85.

³⁶ H. Krieger, G. Nolte, A. Zimmermann, "Preface," in H. Krieger, G. Nolte, A. Zimmermann (eds), *The International Rule of Law: Rise or Decline?*, Oxford 2019, p. v.

³⁷ J. Dugard, "Overcoming Disillusionment with International Law," in V. Popovski, A. Malhotra (eds), *Reimagining the International Legal Order*, London–New York 2023, pp. 19–20.

³⁸ *Ibid.*, p. 28.

The *general principles of law*, referred to in Art. 38 of the Statute of the International Court of Justice, are, alongside treaties and international custom, one of foundations of the judgments of this court. These rules are perceived as providing a means of protection against *non liquet* situations.³⁹ They are intended to fill possible gaps in the law, although practice shows that the ICJ applies these rules with restraint.⁴⁰ It should be pointed out that in the subject literature general principles of law are often classified as a source of international law.⁴¹ On the other hand, according to the same literature it is not fully known what principles we are dealing with, both in terms of their content-based catalogue as well as their type based on their origin. The above follows from the fact that although these principles are listed in Art. 38 of the ICJ Statute, they are not defined by law. The doctrine has given rise to various concepts, underlined by the claim that these are: 1) principles of law present in the national law of many countries; 2) principles of international law; 3) abstract principles of logical legal reasoning.⁴² As for their catalogue, they usually include, for example, the principle of good faith or the principle of estoppel (not contradicting oneself) and the principle of equity.⁴³

In turn, the *principles of international law* are classified as directives formulated and determined by law, expressed in a very general form accepted by the entire interstate community and whose content has special significance and also sometimes force (*ius cogens*).⁴⁴ The most representative catalogue of these principles is contained in Article 2 of the Charter of the United Nations as well The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. These rules include, among other things, the obligation to refrain from the threat or use of force in international relations, the obligation to settle international disputes by peaceful means, the obligation of states to cooperate with one other, the equality and self-determination of peoples, and the sovereign equality of states. These principles, although diverse in terms of the goods they protect, are interconnected in that they are not arranged hierarchically and form a whole that should be subject to common interpretation.⁴⁵ The goods protected by the principles referred to above are *values of international law*. The most important of these

³⁹ I. Zeman, "Prawowa przyroda osnovnych pryncypiw miznarodnoho prava," in V. Repetskyy, I. Zeman, W. Gutnyk (eds), *Miznarodne pravo u switi dynamicznych zmin: kontury majbutnjoho miznarodnoho prawoporadku*, Lviv–Drohobycz 2021, p. 52.

⁴⁰ See e.g. J. D'Aspremont, "Towards a New Theory of Sources in International Law," in A. Orford, F. Hoffmann (eds), *The Oxford Handbook of the Theory of International Law*, Oxford 2016, p. 560.

⁴¹ See e.g. M. Wood, "Values in the International Community: *Jus Cogens* in Light of the International Law Commission's 2022 Conclusions," *KFG Working Paper Series*, no. 61 (2023), p. 10.

⁴² See I. Brownlie, *Principles of Public International Law*, Oxford 2008, p. 105.

⁴³ W. Czapliński, A. Wyzomska, *Prawo międzynarodowe publiczne. Zagadnienia systemowe*, Warszawa 2014, p. 139.

⁴⁴ K. Hossain, "The Concept of *Jus Cogens* and the Obligation Under the U.N. Charter," *Santa Clara Journal of International Law*, vol. 3, no. 1 (2005), p. 95.

⁴⁵ T. Ginsburg, "Article 2(4) and Authoritarian International Law," *AJIL Unbound*, vol. 116 (2022), pp. 395-396.

values are peace and security, while others, such as in particular the sovereign equality of states or their cooperation, seem to be of an operational nature, i.e. their goal is to protect and strengthen peace and security. The values underlying the principles of international law are sometimes directly articulated by international law (e.g. peace, security, justice) both in the provisions establishing these principles as well as in other provisions, especially in the preambles to treaties, with the prime example being the United Nations Charter, which clearly states that international peace and security are ensured by the acceptance of these principles.

In any interdisciplinary analysis of the values and rules-based international order, when taking into account the above-formulated comments, it is important to note that the one component that the scientific subdiscipline of international law will contribute to these reflections comprises all factors of an organising or ordering character, which, as a consequence will include, even though we are talking about rules of a different nature and essence, both principles of international law and general principles of law.

It is also worth adding that from the perspective of public international law, the international order can be approached in at least two ways, namely both *sensu stricto* and *sensu largo*. For international lawyers, the *international order understood in its narrowest sense* is simply an order built by the norms of international law. *This order, in its broader meaning*, is one in which public international law is only one of its regulators. It should be pointed out here that it does not appear effective or legitimate to study international law in isolation from international relations, as this will lead to excessive formalism⁴⁶ and the possible omission of the functioning of law (both at the stage of its creation, as well as in its interpretation and execution) in its real environment will not yield sufficiently fundamental results. Only interdisciplinary research can provide a reliable answer to the question of whether a radical change in the international legal order is needed and whether its values and principles are in actual fact not accepted or are merely violated.

Closing theoretical remarks

Roland Bleiker claims that *order is crucial to understanding international society*,⁴⁷ arguing that *without order there would be no society*, and that such a society is a political and social fact. Moreover, the Author claims, (...) *order is desirable and necessary. Without order, there would be no rule of law, no protection of human rights, and no civilised life in general*.⁴⁸ However, it must be remembered that order always emerges from disorder, and the relations between one state and another are very complex, which thus requires special research attentiveness.⁴⁹

⁴⁶ A. Acharya, *Constructing Global Order...*, pp. 5-6.

⁴⁷ R. Bleiker, "Order and Disorder in World Politics," in A.J. Bellamy (ed.), *International Society and Its Critics*, Oxford 2009, p. 179.

⁴⁸ *Ibid.*, p. 186.

⁴⁹ *Ibid.*, pp. 188-192.

One fundamental factor contributing to the creation and maintenance of VRBIO is – according to David L. Sloss, which is also very much stressed by, for example, Roman Kuźniar and Amitav Acharya – the axiological and normative engagement of members of the international community⁵⁰ and their compliance with international law and negotiated standards of conduct not resulting from this law. It should be noted that this engagement goes beyond the boundaries of national interests and the accompanying thinking in terms of traditionally and state-centrally understood sovereignty.⁵¹

COMMON POLITICAL-IR-INTERNATIONAL LEGAL THEORISING: CHALLENGES AND OPPORTUNITIES

Cross-disciplinary theorising poses a scientific challenge and does not always produce obvious results. It requires agreement between different areas, encompassing, among other things, common points of reference, analytical criteria, categories, the terminological system, and, finally, common modes of theorising. Although interdisciplinary agreement on these issues does not guarantee effective theorising, i.e. it does not “automatically” guarantee the development of a satisfactory, coherent, logical descriptive-explanatory theory, it does, so the authors assume, definitely create greater opportunities for encompassing important properties of the studied phenomena and provides a wider scope for the theoretical “processing” of reality. As a consequence, eclectic theorising has important qualities and possesses scientific potential,⁵² which is particularly important in the context of the complexity of, among other things, international phenomena (first and foremost here the international order), which require us to look at the world (...) holistically and systemically”.⁵³ The chances of effectively explaining socio-political reality by means of interdisciplinary theoretical formulas will increase, provided that certain dilemmas and challenges of combining political science, IR and IL research are resolved.

Challenges

A common interdisciplinary theoretical approach encompassing political science, IR and IL has a number of paradigmatic foundations (for the social sciences). However, it does not follow *explicite* that they enable an entity to easily “circumvent” the specificity

⁵⁰ D.L. Sloss, “Introduction: Preserving a Rules-Based International Order,” in D.L. Sloss (ed.), *Is the International Legal Order Unraveling?*, Oxford 2022, pp. 1-2; R. Kuźniar, *Porządek międzynarodowy...*, pp. 116-132; J. Morris, “Normative Innovation and the Great Powers,” in A.J. Bellamy (ed.), *International Society and Its Critics*, Oxford 2009, pp. 270-275; A. Wendt, *Social Theory of International Politics*, Cambridge 2014, pp. 113-138, 313-369.

⁵¹ D.L. Sloss, “Introduction...,” p. 2; A. Acharya, *Constructing Global Order...*, pp. 2, 33; R. Kuźniar, *Porządek międzynarodowy...*, pp. 116-127.

⁵² P. Katzenstein, R. Sil, “Eclectic Theorising in the Study and Practice of International Relations,” in C. Reus-Smit, D. Snidal (eds), *The Oxford Handbook of International Relations*, Oxford 2010.

⁵³ K. Minkner, A. Drosik, S. Baraniewicz-Kotasińska, G. Haber, B. Maziarz, *Wprowadzenie do Global Studies. Podręcznik akademicki*, Toruń 2019, p. 11.

of the above-mentioned disciplines and embark on theoretical work free of any doubts or dilemmas.

When it comes to the aforementioned specificity of these disciplines, the issue at stake is not primarily, or not exclusively, well-established patterns of conducting research (and, naturally the habits of researchers connected with them), but primarily differences of a more fundamental nature – those related to onto-epistemological positions. Of course, if these differences were insurmountable, neither cooperation between the researchers and authors of this study nor any joint theoretical work would probably be possible; nevertheless, for example, the very assumption regarding the reality of socio-political-legal phenomena and their study does not solve any dilemmas regarding, among other things, our understanding of certain aspects of socio-political-legal reality and the ways in which they should be examined.

In fact, ontological assumptions (with regard to being and its nature) largely imply epistemological assumptions (concerning our ways of knowing and the relationship between cognition and the object of cognition), and are a preliminary condition (point of departure) of empirical research.⁵⁴ Alexander Wendt rightly reminds us that if we as researchers seek to understand international life, international politics, international order and other international phenomena, we must be aware of the assumptions underlying our understanding of the terms ‘international,’ ‘political’ and ‘order,’ and what actually we expect to learn in this investigation and how best to do so.⁵⁵ Although it is not the case that political science, IR and IL have radically different and competing ontologies, epistemological issues are more subtle, as are also methodological issues and issues concerning the forms of analysis, description and explanation. A number of research challenges, including those concerning a joint theoretical approach, have emerged in the case of VRBIO, e.g. encompassing following issues (questions):

- whether and how VRBIO exists and what does its existence possibly confirm? What does its existence indicate?
- in what sense does VRBIO exist? How should we understand its functioning?
- what is VRBIO? How can we conceptualise it?
- is the international order based on spontaneously created values and rules or is this order consciously and deliberately organised by international entities?⁵⁶ What is the balance between the two (to what extent is it a spontaneous order and how much deliberate action)?
- should we treat VRBIO as a structure or as a process?
- is VRBIO a manifestation of structural changes in international space, or is it one of the sources of these changes?
- how should we approach the “structure-agency” dilemma?⁵⁷

⁵⁴ C. Wight, *Agents, Structures and International Relations: Politics as Ontology*, Cambridge 2006, pp. 226, 280; A. Wendt, *Social Theory...*, pp. 231-232.

⁵⁵ A. Wendt, *Social Theory...*, pp. 370-378.

⁵⁶ R. Kuźniar, *Porządek międzynarodowy...*, pp. 217-230.

⁵⁷ G. Friedman, H. Starr, *Agency, Structure and International Politics: From Ontology to Empirical Inquiry*, London–New York 1997, pp. 3-20; S. McAnulla, “Struktura a podmiotowość,” in D. Marsh,

- what in particular should we pay attention to when analysing VRBIO and developing a theory based on it: the balance of power, political-military-economic potentials, values, the nature of international relations, law?
- should we limit ourselves to describing and explaining the international order, or should we express what should be done from the perspective of social scientists?⁵⁸
- what is the importance of identity and its various components in the creation/building of VRBIO?
- what is the importance of VRBIO for the international community and international relations? Using these fundamental questions as a guide, we can ask further questions that by their very nature also require theoretical and methodological reflection:
- from where does VRBIO derive its legitimacy?
- why are some actors involved in its creation and others not?
- how to best gauge the dynamics underlining the functioning and development of the international order?
- what factors are responsible for the international order such that it possesses this specific shape rather than another: competition, conflict, cooperation, negotiations, exchange relations, the diffusion of ideas, changes in the structure of interests and influences, political, social and economic relations, etc.?

Besides the issue of what and how to theorise, there is also the more general challenge arising from the various modes of theorising in our disciplines, as well as whether these modes somehow allow for interdisciplinary theoretical work. This is not an obvious issue. It inevitably leads to the following important questions: what actually constitutes theory in political science, international relations science and legal science, and is it possible to develop a common theory for a specific international phenomenon? How do we understand such a common theory and what functions does/should it perform? How should it be constructed? What do we expect this theory to encompass? What formal conditions should it meet? Should it be an integral or aspectual theory? Should it be general or specific in character?⁵⁹ It is also worth noting that it is not rare for theoretical researchers to use complex theoretical formulas to paint a picture of something whose real contours are barely visible.⁶⁰ Hence, the question is how to avoid this problem and would common points of (scientific) reference be enough to avoid mistakes?

No less important is the problem of reaching a consensus on the linguistic basis of the theory, by means of which we can describe and explain the international phenomenon in which we are interested. From the tasks of selecting the terminology and

G. Stoker (eds), *Teorie i metody w naukach politycznych*, Kraków 2006; C. Wight, *Agents, Structures...*, pp. 243-289.

⁵⁸ J. Snyder, "‘Is’ and ‘Ought’: Evaluating Empirical Aspects of Normative Research," in C. Elman, M. Fen-dius Elman (eds), *Progress in International Relations Theory: Appraising the Field*, Cambridge 2003.

⁵⁹ Z. Blok, "Teoria – teorie – wiedza teoretyczna," in Z. Blok (ed.), *Czym jest teoria w politologii?*, Warszawa 2011; M. Karwat, "Rodzaje teorii w nauce o polityce," in Z. Blok (ed.), *Czym jest teoria w politologii?*, Warszawa 2011.

⁶⁰ R. Bleiker, "Order and Disorder..." p. 179.

categories, and later negotiating conventions, right through to the form of scientific expression chosen, the language of a common theory essential. However, this may also give rise to disputes resulting from misunderstandings and pose a difficult challenge. The results of empirical research alone are not in any way a “determinant” of the language used to describe and explain facts, as “there is no language of pure perception”.⁶¹ The language of a theory requires serious reflection and this issue should not be underestimated. After all, language is a symbolic representation of reality, and in order to be scientifically credible, it must constitute a coherent, sensible and logical whole and convey content (knowledge) in such a way as to meet epistemic goals.⁶²

Opportunities

Dealing with the challenges outlined above, as well as with many other challenges posed by interdisciplinary cooperation, involves developing the resources of scientific knowledge, social science disciplines and individual researchers. We recognise that challenges always involve opportunities. We support the thesis that “in the social sciences, knowledge possessing cognitive value is interdisciplinary (...)”.⁶³ Interdisciplinary research and theory in this field have, *ex definitione*, i.e. from the outset, significant knowledge-creating potential.

A number of factors, both when combined with one another, but also when treated separately, create special, extremely interesting and inspiring conditions for theory and research, namely the following: the ontological assumption (and its verification) that there really is such a thing as an international order, as well as the epistemological assumption that this phenomenon can be studied using methods available to contemporary social sciences, and that this will yield conclusions complementing our knowledge of international phenomena; empirical identification and in-depth research of the axiological, political and legal components of VRBIO; and finally, joint attempts to use the language of theory to express in the most comprehensive terms possible the constitutive and distinctive features VRBIO, as well as explain the mechanisms by means of which it operates, is maintained, developed, defended or questioned. The values and rules-based international order is a complex international phenomenon. As a consequence, in itself it opens up many possible fields of inquiry, and it can be the subject of what might appear to be unobvious research patterns that may reveal further interesting aspects of VRBIO.

When it comes to an interdisciplinary theoretical approach, we adhere to the maxim once expressed by Barbara Krauz-Mozer, namely *let's meet – we are all theorists!*.⁶⁴

⁶¹ B. Krauz-Mozer, *Metodologiczne problemy wyjaśniania w nauce o polityce*, Kraków 1992, p. 19.

⁶² See B. Krauz-Mozer, *Metodologiczne problemy...*, pp. 19-24; B. Krauz-Mozer, *Teorie polityki. Założenia metodologiczne*, Warszawa 2007, pp. 26-32.

⁶³ B. Krauz-Mozer, *Metodologiczne problemy...*, p. 24.

⁶⁴ B. Krauz-Mozer, “Spotkajmy się – wszyscy jesteśmy teoretykami!”, *Teoria Polityki*, no. 1 (2017), pp. 11-24.

This is a postulate full of sincere conviction and optimism regarding the possibility of integrating knowledge of socio-political phenomena in the form of theory – both political theory (political science) and interdisciplinary theory. Theory is an essential element of scientific research – the point of departure for observations and analyses, and a reference point for interpretations and assessments. Finally, the result of any systematic study of reality must consist in general statements that refer to the properties and mechanisms of reality; hence, everything begins with theory and returns to it. In this context, which is obvious to researchers, the joint theorising of political scientists, IR scholars and IL scientists appears to be an important, necessary activity that can make a significant contribution to the understanding of, for example, such international phenomena as VRBIO. In recent years, a number of publications have appeared in Poland that can be successfully cited as important examples of theorising, e.g. by political scientists and lawyers, and which prove that a common theory is possible.⁶⁵ Research on VRBIO is another step towards the development of interdisciplinary cooperation and scientific theory – it should be added here that the disciplines of political and administrative sciences in international relations, as well as one sub-discipline of the legal sciences, namely public international law, provide excellent opportunities for joint research on international life, especially in connection with their field of academic interest, theoretical domain and methodology.

At the same time, undertaking interdisciplinary research, including joint theoretical work, is guided by the following motives and advantages: to help find answers to scientific questions that overlap with the fields of interest of other social scientific disciplines; explain complex socio-political phenomena more effectively; facilitate the task of solving complex scientific problems that one discipline either cannot solve on its own or can only do so partially; promote innovation in scientific research.

SUMMARY

Joint research, including theoretical work on the values and rules-based international order conducted by political scientists, IR and IL scholars, meets a certain need for an integral explanation of a complex international phenomenon. VRBIO is not just a political declaration or an expression of the aspirations of one international actor or another, but is, above all, a real axiological, political and legal phenomenon. It is the product of the efforts of international entities – both individual and collective – to maintain and promote international peace and common interests, develop areas of cooperation,

⁶⁵ B. Kuźniak, P. Obacz, *Instrumentalizacja prawa międzynarodowego na przykładzie Polski jako strony konwencji stambulskiej*, Kraków 2020; B. Kuźniak, P. Obacz, "Narracja politologiczno-prawnicza: problemy, wyzwania, szanse. Garść uwag na przykładzie prac badawczych z pogranicza politologii oraz prawa międzynarodowego publicznego," *Spółeczeństwo i Polityka*, vol. 4, no. 65 (2020), pp. 113-132; P. Obacz, "Potencjał poznawczy łączonej teorii polityki i teorii prawa. Garść argumentów na rzecz ściślejszej współpracy politologów (teoretyków polityki) i prawników (teoretyków prawa) oraz tworzenia wspólnego programu naukowego," *Historia i Polityka*, vol. 41, no. 48 (2022), pp. 9-19.

standardise international behaviour and make international politics predictable. This purpose is served by political values, the law, as well as extra-legal norms and principles.

In the face of such a complex phenomenon as VRBIO, undertaking interdisciplinary cooperation is seen as something of a “duty” for political scientists, IR and IL scholars. Both joint empirical and theoretical research pose significant problems and challenges. However, both forms encompass important values and, above all else, create opportunities for a deeper and more comprehensive explanation of the phenomenon in question and its individual components.

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