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AREAS OF POLITICAL-IR-IL RESEARCH ON THE VALUES AND RULES-BASED INTERNATIONAL ORDER, AND THE OPPORTUNITIES FOR THEORISING THE PHENOMENON¹

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ABSTRACT The article discusses a special type of modern structured international order, which is called the values and rules-based international order (VRBIO) and indicates potential lines of inter- and trans-disciplinary research on this phenomenon. The paper provides a joint political–IR–IL scientific description and explanation, basing on structural-functional approach. Among others, it addresses such issues as the nature and structure of VRBIO; classes of factors that form the "backbone" of VRBIO; the complexity of the international phenomenon. The article presents a wide range of research subjects concerning VRBIO, and multiplicity of topics and avenues to be taken in order to effectively deal with this complex phenomenon.

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

INTRODUCTION: TURBULENT TIMES AND THE VALUES AND RULES-BASED INTERNATIONAL ORDER

Members of the international community face an excess of challenges that are putting their political maturity and global thinking to the test, in particular their collaborative capabilities, ability to think comprehensively, act boldly, consistently and flexibly in rapidly changing conditions, as well as the effectiveness of their institutions and political determination when it comes to problem solving. Such global problems² as political upheaval, poverty, access to water and other vital resources, and economic crises are being compounded by other problems: geopolitical tensions, nuclear blackmail, populism, the dangerous rivalries of superpowers, political radicalism and extremism, and a neo-imperialism that is being implemented with absolute brutality. The pro-war policy being pursued by the Russian Federation, the PRC's "gunboat diplomacy" towards Taiwan, Russian and Chinese militarism, paralleled by similar bellicose tendencies in Afghanistan, Belarus, Iran, Syria, North Korea, and Turkey - all these developments indicate that the world is once again faced with the general problem of maintaining peace and security, freedom, growth and stability. The international community, at least a certain part of it, is dangerously susceptible to conflicts of interest and clashing political ideas, which are giving rise to political ambivalence and incoherence, which in turn may lead to the collapse of the current international order, including the system of values and rules upon which its organisational structure is based.³

M. Juergensmeyer, S. Sassien, M.B. Steger, V. Faessel (eds), The Oxford Handbook of Global Studies, Oxford 2019, pp. 277-679; K. Minkner, A. Drosik, S. Baraniewicz-Kotasińska, G. Haber, B. Maziarz, Wprowadzenie do Global Studies. Podręcznik akademicki, Toruń 2019, pp. 95-448. See also M. Tabor, "Problemy globalne," in E. Haliżak, R. Kuźniar (eds), Stosunki międzynarodowe. Geneza, struktura, dynamika, Warszawa 2006; L. Pastusiak, "Zagrożenia cywilizacyjne naszych czasów," in E. Haliżak, R. Kuźniar (eds), Prawo, instytucje i polityka w procesie globalizacji, Warszawa 2003.

See. e.g.: Challenges to the Rules-Based International Order, Background Paper, Chatham House - The Royal Institute of International Affairs, The London Conference 2015; M. Copelovitch, S.B. Hobolt,

Although times are once again – euphemistically speaking – turbulent and uncertain, and the existing structures of the international order are to some, albeit significant, extent under threat, these are also special times for another, more positive reason.

During the post-war decades members of the international community devised various instruments (albeit not obvious, imposing or clear in form) whose purpose was to check any possible increase in chaos and promote political integration on a global scale. They have developed an extraordinary – from a historical perspective – infrastructure of an international order that has so far proven more resistant to crises than one might think. This resilience is not a matter of chance, but rather the product of conscious, purposeful and consistent actions, transcending the boundaries of state interests, the logic underpinning the game of superpowers, etc., and is aimed at creating a lasting "skeleton" of an international community and international order, the building blocks of which would be (are) values and legal and extra-legal norms and rules common to all international entities.⁴ This international order, which we call the values and rules-based international order based, is currently turning out to be stronger than might have been imagined.

But what exactly is this international phenomenon? Are there any grounds for gauging its nature by means of suitable theoretical formula? How can it be tested? The authors of the present study endeavour to provide reliable answers to these questions. It should be pointed out that what we propose is a specific analytical model, research perspective and theoretical approach – due to being interdisciplinary in nature, which combine political science, international relations and international law. In our joint research practice (dedicated to the phenomenon addressed in the title), we assume that such complex phenomena as the international order require a comprehensive, integral explanation, and this can only be achieved by means of interdisciplinary research. Since the global effects of the political and legal actions of members of the international

S. Walter, "Challenges to the Contemporary Global Order: Cause for Pessimism or Optimism?," Journal of European Public Policy, vol. 27, no. 7 (2020), pp. 1114-1125; R.D. Blackwill, T. Wright, The End of World Order and American Foreign Policy, New York 2020 – part: "The End of World Order"; A. Singh, "Maintaining the Rules-Based International Order Is in Everyone's Best Interests," Centre for International Governance Innovation, 24 August 2022, at https://www.cigionline.org/articles/maintaining-the-rules-based-international-order-is-in-everyones-best-interests/, 11 December 2023; Y. He, "Challenges and Reconstruction of the International Order in the Post COVID-19 Era," in H. Wang, A. Michie (eds), Consensus or Conflict? China and Globalisation in the 21st Century, Singapore 2021; R. Zięba, "Współczesne wyzwania i zagrożenia, dla bezpieczeństwa międzynarodowego," Stosunki Międzynarodowe – International Relations, vol. 52, no. 3 (2016), pp. 9-31; G. Sørensen, "What Kind of World Order? The International System in the New Millennium," Cooperation and Conflict, vol. 41, no. 4 (2006), pp. 343-363.

By way of a digression, it is worth recalling that nowadays the notion of security has undergone a thorough reassessment, and is no longer understood to refer to the protection of state structures. The broader meaning of security nowadays also encompasses such areas as human security as well protection of the natural environment, the world economy, humanity as a species, and - which needs to be emphasised in the context of this study – protection of political values and supra-state structures common to the entire international community. See e.g. G. Allison, "The Impact of Globalisation on National and International Security," in J.S. Nye Jr., J.D. Donahue (eds), *Governance in a Globalizing World*, Cambridge–Washington 2000.

community are the result of a combination of many processes, their explanation requires reference to a larger number of scientific laws, methodologies and patterns of scientific inquiry, theoretical reference points and theoretical approaches. Hence, the demand for interdisciplinarity.⁵

UNDERSTANDING THE VALUES AND RULES-BASED INTERNATIONAL ORDER; THE LEGAL-POLITICAL-AXIOLOGICAL STRUCTURE OF VRBIO

The values and rules-based international order (VRBIO) is not only a political concept or a working academic concept – it does not simply possess the status of a "hypothesis". It is also, and above all else, a real international entity. This claim is substantiated by empirical research conducted by, among others, the authors of this article and other researchers we refer to; it is validated by the intersubjective nature of knowledge about the phenomenon in question and the observable processes that create and maintain this international order, and allow it to function with its inherent dynamics, etc. VR-BIO is therefore a real, observable political and legal phenomenon. It is the product of the actions of members of the international community – primarily states and the international organisations created by them – for the purpose of maintaining peace, promoting common interests, creating platforms for international cooperation and making international relations and world politics more regulated, stable and predictable by standardising the behaviour of international actors on the basis of a common law and shared political values. We propose the following definition of VRBIO:

a space created by members of the international community understood broadly (but referring in particular to states and international organisations created 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 defining the socio-political goals and methods of conduct of international actors both in the international arena and – if possible, as in the EU – in relation to citizens of countries.

The fundamental factor contributing to the maintenance and development of VR-BIO is – claims David L. Sloss, and postulated also by, for example, Amitav Acharia

See Part I and VI of *The Oxford Handbook of Interdisciplinarity*, R. Frodeman, J. Thompson Klein, R.C.S. Pacheco (eds), Oxford 2019.

An attempt at a historical explanation is given by P. Murphy in *The Rules-Based Multilateral Order:* A Rethink is Needed, Dublin 2020, pp. 1-6; D.L. Sloss, "Introduction: Preserving a Rules-Based International Order," in D.L. Sloss (ed.), Is the International Legal Order Unraveling?, Oxford 2022, pp. 5-20; R.H. Steinberg, "The Rise and Decline of a Liberal International Order," in D.L. Sloss (ed.), Is the International Legal Order Unraveling?, Oxford 2022, pp. 37-40.

A detailed discussion of the theoretical issues and challenges of collaborative theorising among political scientists, IR and IL scholars can be found in: P. Obacz, E. Chwiej, M. Kasperkowiak, J. Kłodowski, H. Korzonek, B. Kuźniak, I. Zeman, "Theorizing the Rules and Values-Based International Order: Challenges and Opportunities for a Common Political–IR–International Legal Theory," *Politeja*, no. 3(90) (2024).

and Roman Kuźniar – the axiological and normative engagement of members of the international community⁸ and compliance with international law⁹ as well as the negotiated standards of conduct that do not result from this law (non-legal norms, principles, standards). It is important to note that this involvement goes beyond the boundaries of national interests and associated thinking in terms of traditionally and state-centrically understood sovereignty.¹⁰

The values and rules-based international order is a special type of structured international space. Based on collaborative research combining political science, IR and IR scholarship, we were able to identify three main classes of factors that form the "backbone" of VRBIO, which we have presented below. It ought to be emphasised quite clearly here that these factors can be interpreted as confirming the anti-anthropic tendency underpinning the activities of the international community and international politics in general.¹¹

D.L. Sloss, "Introduction...," pp. 1-2. See also R. Kuźniar, *Porządek międzynarodowy. Perspektywa ontologiczna*, Warszawa 2019, pp. 116-132, 158-175; J. Morris, "Normative Innovation and the Great Powers," in A.J. Bellamy (ed.), *International Society and Its Critics*, Oxford 2005, pp. 270-275; A. Wendt, *Social Theory of International Politics*, Cambridge 2014, pp. 113-138, 313-369.

For more on the relationship between public international law and international relations, an interpretation of the connections between them, as well as the relationship between the social sciences with regard to these topics, see e.g.: O. Yasuaki, "International Law in and with International Politics: The Functions of International Law in International Society," European Journal of International Law, vol. 14, no. 1 (2003), pp. 105-139; A. Watts, "The Importance of International Law," in M. Byers (ed.), The Role of Law in International Politics: Essays in International Relations and International Law, Oxford 2000; F.V. Kratochwil, "How Do Norms Matter?," in M. Byers (ed.), The Role of Law...; P. Allott, "The Concept of International Law," in M. Byers (ed.), The Role of Law...; S. Sur, Stosunki międzynarodowe, Warszawa 2012, pp. 252-278; J. Ciechański, "Prawo międzynarodowe – normy i regulacja," in E. Haliżak, R. Kuźniar (eds), Stosunki międzynarodowe...; C. Reus-Smit, "Prawo międzynarodowe," in J. Baylis, S. Smith (eds), Globalizacja polityki światowej. Wprowadzenie do stosunków międzynarodowych, Kraków 2008; R.O. Keohane, Power and Governance in Partially Globalized World, London 2002, pp. 117-131; G. Michałowska, "Czy prawo międzynarodowe ma znaczenie," in M.F. Gawrycki, E. Haliżak, R. Kuźniar, G. Michałowska, D. Popławski, J. Zajączkowski, R. Zieba (eds), Tendencje i procesy rozwojowe współczesnych stosunków międzynarodowych, Warszawa 2016, pp. 323-328; C. Lynch, Interpreting International Relations, London-New York 2014, pp. 67-83; C. Ku, International Law, International Relations, and Global Governance, London-New York 2012, pp. 133-157; D. Armstrong, T. Farrell, H. Lambert (eds), International Law and International Relations, Cambridge 2012, pp. 9-124; T. Wasilewski, Stosunek wzajemny. Porządek międzynarodowy, prawo międzynarodowe, europejskie prawo wspólnotowe, prawo krajowe, Toruń 2009, pp. 21-59; M. Byers, "International Law," in C. Reus-Smit, D. Snidal (eds), The Oxford Handbook of International Relations, Oxford 2010; J.L. Dunoff, M.A. Pollack, "International Law and International Relations: Introducing an Interdisciplinary Dialogue," in J.L. Dunoff, M.A. Pollack (eds), Interdisciplinary Perspectives on International Law and International Relations: The State of Art, Cambridge 2013 and K.W. Abbott, D. Snidal, "Law, Legalisation, and Politics: An Agenda for the Next Generation of IL/ IR Scholars," in J.L. Dunoff, M.A. Pollack (eds), Interdisciplinary Perspectives...

D.L. Sloss, "Introduction...," p. 2; A. Acharya, Constructing Global Order: Agency and Change in World Politics, Cambridge 2018, pp. 2, 33; R. Kuźniar, Porządek międzynarodowy..., pp. 116-127.

For more on this subject, see P. Obacz, "Entropia polityczna w przestrzeni międzynarodowej a czynniki powstrzymujące zwiększanie politycznego nieładu i postępowanie dezintegracji. Zarys problemu," *Studia Politologiczne*, vol. 70 (2023), pp. 189-214.

- 1. A class of legal factors i.e. those with the greatest potential for regulating the behaviour of international actors, and this is also their main function:
 - 1.1. public international law, i.e. a set of legal norms regulating relations within the international community:
 - (a) principles of international law and general principles of law;
 - (b) quantitative and qualitative (subject-related) development, including with regard to norms relating to territory, human rights, laws regulating armed conflict, treaty law, laws governing international organisations, laws governing the resolution international disputes and others; public international law, i.e. a set of legal norms regulating relations within the international community:
 - (c) *ius cogens* norms (peremptory, imperative) higher-level norms with which all other norms of public international law must be consistent (norms prohibiting the use of force, the threat of use of force, genocide, trade in slaves, women and children, piracy, racial discrimination et al.);
 - (d) *soft law* (postulative norms possessing legal value), i.e. obligations not introduced in treaty form, certain types of resolutions of international organisations and the quasi-legal documents of the Council of Europe and the EU, etc.;¹²
 - (e) The United Nations Charter as the "constitution" of the modern international community;
 - (f) non-Community and non-EU European law;
 - 1.2. European law *sensu stricto*, especially in its treaties, as the formal (legal) basis of European integration and at the same time a general legal model (pattern) of international integration; Moreover, the relationship between European law and national the relationship that creates the legal order of the European Union should also be highlighted here.¹³
- 2. The class of political factors connected with regulated forms of international cooperation or established forms of international practice together with the first and third groups of factors, contribute to creation and maintenance of international conditions that should be called the contemporary international order, or VRBIO:
 - 2.1. international organisations as political formulae promoting collective action designed to solve specific problems, promote integration and build an international order:
 - (a) the UN as the organisational foundation of global cooperation for the purpose of maintaining peace, solving global problems, and also as a structure ensuring collective security;¹⁴

For a discussion on the place and role of soft law "norms" within the domain of public international law as well as on the nature of the relationship between *jus cogens* norms and soft law, see selected articles in: B. Kuźniak, M. Ingelevič-Citak (eds), *Ius cogens, soft law. Dwa bieguny prawa międzynarodowego publicznego*, Kraków 2017.

¹³ See selected articles in: A. Arnull, D. Chalmers (eds), The Oxford Handbook of European Law, Oxford 2017.

See e.g.: R. Kuźniar, "System Narodów Zjednoczonych," in E. Haliżak, R Kuźniar (eds), Stosunki międzynarodowe... and selected articles in: J. Symonides (ed.), Organizacja Narodów Zjednoczonych.

- (b) the European Union as a specific model of international cooperation and integration, and at the same time a factor that creates "order" in Europe, but which also influences the broader international environment thanks to its international legal status and political aspirations;¹⁵
- (c) NATO as a promoter and guarantor of international security and an instrument of collective defence;¹⁶
- (d) The Council of Europe as a promoter of democracy and human rights, as well as a factor supporting political transformation and democratisation (e.g. the case of Poland);¹⁷
- (e) non-governmental international organisations as actors monitoring and influencing states, and in their activities focusing on solving specific local, regional and even global problems;
- 2.2. activities aimed at developing and strengthening global governance structures, understood collectively as the sum of laws, norms, policies and institutions that determine, constitute and mediate transnational relations between citizens, societies, markets and states in the international arena, thanks to which common problems can be solved more effectively; this is accompanied by the assumption that collective agreements result in greater predictability, stability and order and that global governance is a system of rules and norms that ensure order based on voluntariness and serving specific goals. Besides being focused on conducting specific matters in a transnational manner and solving global problems, global governance, also performs regulatory and integration functions; ²¹

Bilans i perspektywy, Warszawa 2012. See also T. Łoś-Nowak, "ONZ w XXI wieku: w poszukiwaniu nowego paradygmatu," in E. Haliżak, R. Kuźniar (eds), Prawo, instytucje i polityka...

See selected articles in: E. Jones, A. Menon, S. Weatherill (eds), The Oxford Handbook of European Union, Oxford 2012.

See, e.g. selected articles in: T. Tardy (ed.), The Nations of NATO: Shaping the Alliance's Relevance and Cohesion, Oxford 2022; M. Weber, A. Hyde-Price (eds), Theorising NATO: New Perspectives on Atlantic Alliance, London 2016; J.A. Olsen (ed.), Future NATO: Adapting to New Realities, London 2020; as well as: J.R. Deni, NATO and Article 5: The Transatlantic Alliance and the Twenty-First Century Challenges of Collective Defense, Lanham 2017; B.J. Collins (ed.), NATO: A Guide to the Issues, Santa Barbara 2011; S.A. Johnston, How NATO Adapts: Strategy and Organisation in the Atlantic Alliance since 1950, Baltimore 2017; and also: G. Lindstrom, T. Tardy (eds), The EU and NATO: The Essential Partners, Paris 2019; N.E. Ewers-Peters, Understanding EU-NATO Cooperation: How Member-States Matter, London 2021.

See K. Żurkowska, "Rola organizacji międzynarodowych w transformacji krajów pokomunistycznych," in E. Haliżak, R. Kuźniar (eds), Prawo, instytucje i polityka...

A.M. Kacowicz, "Global Governance, International Order, and World Order," in D. Levi-Faur (ed.), The Oxford Handbook of Governance, Oxford 2014, p. 689.

¹⁹ Ibid., p. 690.

Both citations ibid., p. 689.

See. M.-L. Djelic, K. Sahlin, "Reordering the World: Transnational Regulatory Governance and Its Challenges," in D. Levi-Faur (ed.), *The Oxford Handbook...*; selected articles in: R.O. Keohane, J.S. Nye Jr. (eds.), *Transnational Relations and World Politics*, Cambridge 1972.

- 2.3. all activities aimed at building and strengthening international institutions and their resilience to crises; the development of multilateralism and diplomacy; introducing rules of conduct that provide the basis for "rules-based" international relations; ²² creating security infrastructure and limiting the use of force in international relations; strengthening international courts and tribunals as well as their position in international law. States play a key role here;
- 2.4. activities designed to accelerate and deepen political integration, including promoting the aggregation and transformation of national interests (states) into community interests (the communalisation of interests, goals, needs, aspirations), i.a.:
 - European integration as a model of political, legal, economic and social integration and the institutionalisation of international cooperation;²³
 - fostering cross-border cooperation as a pro-integration form of international cooperation at the local and regional level;
- 2.5. *ad hoc* and unconventional ways of regulating international relations and solving international problems (conferences, international political cooperation in various formats, etc.).²⁴
- 3. Informal (non-legal) factors other than those listed in the first group:
 - 3.1. international values values recognised by members of the international community as particularly important from the perspective of civilisational development, and which can be implemented by political means, including international cooperation, and creating the axiological structure of an international order (based on values and rules), which is an expression of "international morality", international values as a factor promoting change in political awareness and policy directions in the domestic and international spheres:²⁵

H.W. Maull, "Containing Entropy, Rebuilding the State: Challenges to International Order in the Age of Globalisation," in M. Lerch (ed.), Challenges of Globalisation: New Trends in International Politics and Society, New York 2017, p. 5.

²³ See, e.g.: D.R. Troitiño, T. Kerikmäe, R.M. de la Guardia, G.A. Pérez Sánchez (eds), The EU in the 21st Century: Challenges and Opportunities for the European Integration Process, Cham 2020; A. Wiener, T.A. Börzel, T. Risse, European Integration Theory, Oxford 2018; E. Jones, A. Menon, S. Weatherill (eds), The Oxford Handbook...

E. Haliżak, R. Kuźniar, "Niekonwencjonalne sposoby regulacji stosunków międzynarodowych," in E. Haliżak, R. Kuźniar (eds), Stosunki międzynarodowe...

R. Kuźniar, Porządek międzynarodowy..., pp. 117-126; E. Cała-Wacinkiewicz, J. Menkes (eds), Wspólne wartości prawa międzynarodowego, europejskiego i krajowego, Warszawa 2018 (selected articles); E. Chmara, "Recepcja wartości w środowisku międzynarodowym jako determinanta przeobrażeń świadomości społecznej w wymiarze globalnym," Świat Idei i Polityki, vol. 7 (2007), pp. 73-90; M. Drygiel, "Aspekt etyczny w stosunkach międzynarodowych," Doctrina. Studia społeczno-polityczne, no. 7 (2010), pp. 37-43; E. Stadtmüller, Ł. Fijałkowski (eds), Normy, wartości i instytucje we współczesnych stosunkach międzynarodowych, Warszawa 2015 (selected articles); H. Dembiński, "Moralne podstawy ustroju społeczności międzynarodowej," Roczniki Nauk Społecznych, no. 1 (1949), pp. 47-67; J. Kukułka, "Formy i treści zjawisk ideologicznych w stosunkach międzynarodowych," in A. Bodnar, W.J. Szczepański (eds), Stosunki międzynarodowe. Problemy badań i teorii, Warszawa 1983; A. Szpak, "Prawo międzynarodowe, moralność międzynarodowa, normy polityczne i prakseologia międzynarodowa – wzajemne

- a) international values and standards underpinning and constituting the principle meta-goals of GO-type international organisations: UN,²⁶ EU, NATO, CE,²⁷ as well as certain non-governmental international organisations (e.g. those dealing with the issues of democracy and human rights);
- b) the values of the European Union, as defined in Art. 2 TEU, which function as the axiological core of this international organisation, the basis of European integration and at the same time the basis of the EU's political involvement in promoting the role of the Union as an international "leader" or "pioneer" in the task of building the values and rules-based international order:²⁸
- 3.2. all activities undertaken by both state actors and IGOs, as well as non-state actors (mainly INGOs), aimed at creating and strengthening norms of international conduct (in a non-legal sense), including developing a political culture based on non-violence and the peaceful resolution of disputes; promoting and reinforcing the rule of law; monitoring the observance of human rights, as well as striving to expand the catalogue of these rights; promoting a socially inclusive and democratic political process; promoting aspirations for social and political equality.²⁹

Of course, the structural-functional approach to VRBIO does not mean that this international phenomenon has and will have an unchanging structure, and as a consequence will always function in the form in which the authors have currently identified it, having grasped its present nature. VRBIO is an ever changing construct, which depends primarily on the directions and dynamic in world politics, the decisions and behaviours of international entities and the evolution of legal and non-legal international standards, practices and rules. This means that although the basic framework, structural elements and mechanisms of VRBIO have been grasped and identified, a common political-IR-IL theory of the values and rules-based international order will also require revision, and perhaps also significant adjustments and modifications over time.

relacje," *Athenaeum. Polskie Studia Politologiczne*, vol. 26 (2010), pp. 161-178. See also M.A. Kaplan, *System and Process in International Politics*, Oxford 2005, pp. 140-152.

B. Kuźniak, M. Ingelevič-Citak, "Aksjologia Organizacji Narodów Zjednoczonych a wyzwania współczesności – mocny punkt odniesienia czy potrzeba przewartościowania? Perspektywa polska," in E. Cała-Wacinkiewicz, J. Menkes, J. Nowakowska-Małusecka, A. Przyborowska-Klimczak, W.S. Staszewski (eds), System Narodów Zjednoczonych z polskiej perspektywy, Warszawa 2017; Z. Orbik, "Problematyka aksjologiczna w Karcie Narodów Zjednoczonych," Krakowskie Studia Międzynarodowe, no. 3 (2005), pp. 67-72; see also selected articles in J. Symonides (ed.), Organizacja Narodów Zjednoczonych...

²⁷ J. Jaskiernia, "Rada Europy jako 'organizacja wartości," Studia Politologiczne, vol. 17 (2010), pp. 172-187.

J. Sozański, Ogólne zasady prawa a wartości Unii Europejskiej (po traktacie lizbońskim) – studium prawnoporównawcze, Toruń 2012; F. Foret, O. Calligaro (eds), European Values: Challenges and Opportunities for EU Governance, London 2018; B. Kuźniak, P. Obacz, "Wartości Unii Europejskiej adresowane pro foro interno," in E. Cała-Wacinkiewicz, J. Menkes, J. Nowakowska-Małusecka, W.S. Staszewski (eds), W jakiej Unii Europejskiej Polska – jaka Polska w Unii Europejskiej. Instytucjonalizacja współpracy międzynarodowej, Warszawa 2019.

²⁹ See H.W. Maull, "Containing Entropy, Rebuilding the State...," p. 5.

AVENUES OF FUTURE POLITICAL-IR-IL RESEARCH ON VRBIO

Due to the complex nature of the international order, it has given rise to an extensive field of empirical and theoretical research – both within specific disciplines as well as at an inter- and trans-disciplinary level. We have no doubt that political scientists, IR and IL scholars in particular have the most opportunities in this respect. However, there is absolutely nothing impeding VRBIO from also being a focus of interest in sociology and political sociology (e.g. research on the social basis of the political decisions that shape the development of VRBIO; on the importance of civil society in the context of the functioning of VRBIO – in connection with the democratisation of world politics), from the perspective of philosophy and political philosophy (e.g. reflections on political ideas, axiology, the fundamental problems of the international order and the dialectical nature of VRBIO), economics (e.g. research on the impact of economic factors on the development or decomposition of VRBIO), and others.

As regards research in the disciplines of political science, IR and IL regarding the essential features of VRBIO, potential research directions seem obvious. Indicated below are only a few of the most important areas of empirical and theoretical investigation, namely:

- the nature and dynamics of the global political process and national political processes and the condition of VRBIO;
- the dynamics of public international law and the development and strengthening of VRBIO;
- factors increasing entropy in the international space and opposite factors checking trends towards chaos;
- research and explication of VRBIO through the lens of various political theories (in particular institutional, normative, historical, structural-functional and decision-making) and theories of international relations (in particular, constructivist, liberal institutionalism and new liberalism, the English school, critical theory, feminist theory, but also realist theory);
- the significance of international courts and tribunals for VRBIO;
- research on the impact of different types of political leadership on the development of decomposition of VRBIO;
- VRBIO research from the perspective of democratic theory;
- research on the importance of international political and legal obligations for the development or decomposition of VRBIO;
- research on internationalisation and internationalism;
- analysis of political agency in the context of VRBIO;
- analysis of VRBIO from the perspective of research on political ideologies;
- research on the importance of political conflicts for VRBIO whether they have only a dysfunctional meaning or also serve a positive purpose;
- research on political motivations in the context of building, strengthening, maintaining, modifying, or destroying VRBIO;

- political and legal populism in international space and the condition of VRBIO;
- research on mechanisms of cooperation promoting VRBIO and resistance to this formula of the international order;
- research on the problem of legitimising the VRBIO;
- directions of change in the international legal order with regard to VRBIO;
- research on issues connected with global justice and international peace as one of the "driving engines" of VRBIO dynamics;
- the role of diplomacy in the development of VRBIO;
- security policy on a regional and global scale and the development of VRBIO;
- last but not least, indeed most importantly, research on the very components constituting VRBIO, i.e. its values and principles, laws and other sets of norms and rules, as well as theoretical research and prognostic research.

That is not everything, naturally. We can offer further thematic threads, both empirical and theoretical, regarding research within both individual disciplines and inter-disciplinary research:

— constitutionalisation of international law and its importance for VRBIO – commentary: When, from the perspective of contemporary public international law, we consider the factors structuring the international order, in particular those values and principles expressed in legal provisions, we inevitably find ourselves having to address the constitutionalisation of this subdiscipline of law. The most important dilemmas that need to be resolved here include whether we are dealing with what is actually an ongoing normative process or we are only confronted with a certain vision of reality and de lege ferenda postulates. Another vital issue is whether we approach the constitutionalisation of international law from a formal perspective, i.e. primarily seeing the role of a legal act in the United Nations Charter as a kind of constitution of the international community, or whether we understand constitutionalisation in material terms, namely we are seeking various phenomena that have legal value and constitute the most important institutions and legal structures for public international law.³⁰

From the point of view of research on VRBIO, however, the most important task – and one initially not necessarily requiring a solution of the problems outlined above – is to consider the position and role of the values and principles expressed in the provisions of public international law (in particular in the UN Charter or, according to another approach, in the numerous international agreements constituting what are termed the World Order Treaties). When determining the position and role of values and principles in the context of the constitutionalisation of international law, it is necessary to determine what relationship exists between the values expressed by law and the principles established by law, and it is likewise imperative that we examine the position each of them holds among a set of many factors (e.g.: jus cogens norms; erga omnes obligations; international institutions of a subordinating nature such as the UN Security Council;

For more on this topic, see: J. Klabbers, A. Peters, G. Ulfstein, The Constitutionalisation of International Law, Oxford 2009.

the mechanisms underpinning the judicial interpretation of international law such as the advisory opinions of the ICJ, etc.) which together contribute to the ongoing – or for now only planned – process of constitutionalisation. Finally, it is worth asking ourselves whether it is an advantage or a disadvantage of the system of public international law that its values, i.e. the goods protected by this system, are referred to in the language of the law and specified in legal acts (mainly in the Charter of the United Nations, but not exclusively so), especially when we bear in mind the fact that these values are violated in international practice, primarily during the many armed conflicts that have taken place and are still taking place under modern international law.

It is important to emphasise that limiting the study of international law to traditional juridical methods, such as dogmatic, comparative law and historical law, and without any connection with the system of international relations, will result in excessive formalism. Only interdisciplinary research can provide a multi-faceted answer to the questions posed above that will be as close to the absolute truth as possible. As a consequence, it is important to explore the processes involved in the creation, interpretation and application of public international law in its real environment;

- research on VRBIO from the perspective of regional studies - commentary:

In international relations as an academic discipline, the term 'international order' is defined, among other things, as a system of dependencies and connections between the elements that form its structure.³¹ The main entities of the international order are states that operate and cooperate or compete not only in a global dimension, but also within individual regions.

Research on VRBIO can therefore also be conducted within the framework of regional studies, which is one of the key subdisciplines of IR scholarship. According to researchers, the international order develops and functions in specific "environmental conditions" (its "material and ideological background"), which shape its evolution and development. ³² We must therefore ask and answer the question of what political, legal, economic, and social factors influenced the formation of the international order at the regional level.

Values, rules and norms are an important element binding together the structure of the international order. Countries or groups of countries may have different value systems, sometimes even opposing and conflicting ones. From the perspective of regional studies, it seems important not only to define the concept of value and specify a catalogue of values important for the international order, but also to point out similarities/differences in which the concept of value is defined in different cultural milieu and to identify key values in a given regional system of international relations.

According to many researchers, the international order is currently at a turning point. This is due to many factors, including the following: the emergence of new actors

R. Kuźniar, "Porządek międzynarodowy. Rewizja koncepcji," Sprawy międzynarodowe, no. 2 (2017), pp. 14-15; C. Ku, International Law..., pp. 176-179.

R. Kuźniar, "Porządek międzynarodowy...," pp. 14-15; G. Rachman, "Is There Such a Thing as a Rules-Based International Order?," *Financial Times*, 20 April 2023, at https://www.ft.com/content/664d 7fa5-d575-45da-8129-095647c8abe7, 28 November 2023.

with their own – different – vision of the international order (PRC, India); the growing importance of non-state actors and new global challenges (the Covid-19 pandemic, the effects of the war in Ukraine, the consequences of the climate and ecological crisis, etc.). From the perspective of regional studies, the following research questions regarding the functioning and future of VRBIO ought to be addressed: what is the current contribution of a given region/regions to the task of building multilateralism based on rules and values?; what vision of the international order is promoted by the most important countries of the global South, which aspire to play an increasingly important role in the international arena?; what non-state actors play/may play a role in VRBIO?; what values important from the perspective of the international order should the international community select in order to find space for solving problems of existential importance for all of humanity ("planetary problems")?;³³ what would the "new" international order be like if we truly are currently facing a sea change, and will this process be accelerated by the outbreak of war in Ukraine in February 2022 and the varied responses of different states (regions) to this conflict?

VRBIO and globalisation – commentary:

Globalisation significantly influences the shape of the contemporary international order, functioning as its background.³⁴ The scope of interdependence in international

³³ G. Rachman, "Is There Such a Thing...".

It is paradoxical that researchers of international relations researchers continue to dispute with one another regarding the definition of globalisation. Competing concepts are relatively often organised around the characteristics of this phenomenon, and not on its proper theoretical conceptualisation and operationalisation in terms of empirical research. The source of the problems may be, indeed, the complex nature of globalisation and a wide range of factors determining its essence, which are components of global processes (not a single process), difficult or impossible to control in terms of their effects. See, e.g. M.N. Jovanović, "Is Globalisation Taking us for a Ride?," Journal of Economic Integration, vol. 25, no. 3 (2010), p. 513; M. Frost, Global Ethics: Anarchy, Freedom and International Relations, London 2009 (part Assessing Globalisation). See also: G. Cimek, "W labiryncie pojęć – globalizacja jako kategoria teoretyczną," Zeszyty Naukowe Akademii Marynarki Wojennej, no. 4 (2011), pp. 159-178; B. Krauz-Mozer, P. Borowiec (eds), Globalizacja – nieznośne podobieństwo? Świat i jego instytucje w procesie uniformizacji, Kraków 2009: Introduction, part 1; K. Minkner, A. Drosik, S. Baraniewicz--Kotasińska, G. Haber, B. Maziarz, Wprowadzenie do Global Studies..., pp. 53-65, 67-80; B. Rychłowski, "Globalizacja – jej istota i kierunki rozwoju," in E. Haliżak, R. Kuźniar (eds), Prawo, instytucje i polityka...; J.A. Scholte, Globalizacja, Sosnowiec 2006, parts I and II; R.O. Keohane, J.S. Nye Jr., "Globalisation: What's New? What's Not? (And So What?)," Foreign Policy, no. 118 (2000), pp. 104-119; R.O. Keohane, J.S. Nye Jr., "Introduction," in J.S. Nye Jr., J.D. Donahue (eds), Governance...; M. Pietraś, "Paradygmat globalizacji in statu nascendi," in R. Kuźniar (ed.), Porządek międzynarodowy u progu XXI wieku, Warszawa 2005; U. Beck, Władza i przeciwwładza w epoce globalnej. Nowa ekonomia polityki światowej, Warszawa 2005, chapters 1-2; P. Maśloch, "Globalizacja i jej wpływ na rozwój współczesnej cywilizacji," Przedsiębiorczość – Edukacja, no. 1 (2005), pp. 17-26; J. Osterhammel, "Globalisations," in J.H. Bentley (ed.), The Oxford Handbook of World History, Oxford 2011; J. Sheffield, A. Korotayev, L. Grinin (eds), Globalisation: Yesterday, Today, and Tomorrow, Prague 2013, chapter "Globalisation as a Link between the Past and the Future"; T. Łoś-Nowak, A. Florczak (eds), Encyklopedia politologii. Tom. V: Stosunki międzynarodowe, Warszawa 2010, keywords: "Globalizacja", "Globalizm", "Globalne problemy", "Globalne rządzenie"; Z. Bauman, Globalizacja. I co z tego dla ludzi wynika, Warszawa 2000; A. Giddens, Nowoczesność i tożsamość. "Ja" i społeczeństwo w epoce późnej nowoczesności, Warszawa 2006.

relations – including as a result of various factors of globalisation – is constantly expanding. The nature of this interdependence is both subjective (between international actors) and objective (due to the influence of such factors such as the economy, law, patterns of social behaviour, and certain megatrends such as climate change).

The values and rules-based international order is a space also determined by the processes of globalisation, which increase and make its dynamics specific. Therefore, research on VRBIO should definitely also focus on analysing the relationships between globalisation and VRBIO and endeavour to formulate theoretical generalisations regarding the mechanisms underpinning mutual connections. Such research should also direct scientific inquiry towards such issues as the antinomies of globalisation and VRBIO, the evolution of individual VRBIO domains and elements under the influence of selected globalisation factors, the influence of the international order on the evolution of globalisation from a political and legal perspective, the globalisation of law; the globalisation of values, and many others aspects.

- *national interests and the state and future of VRBIO* - commentary:

One factor that has an impact on the functioning of VRBIO – in both a positive and a negative, dysfunctional sense – are the interests of international actors. Among all the participants in international relations a specific role is played by states. The interest of the state is conceptually identified with the national interest.³⁵ The national interest is the priority goal of a state, pursued, among other things, through external (foreign) policy. Within the legal and political science tradition, national interest refers to the state community, understood as a set of (co-)citizens. The national interest is defined by decision-makers, democratically elected and representing the nation/political community of the state.

Depending on one's understanding of international relations, a national interest may either constitute an obstacle to the development of VRBIO or, on the contrary, be a factor supporting its ability to function. In a realistic approach, a national interest is defined in terms of increasing power and influence. States constantly compete with one another in striving to maximise their potential and are not guided by abstract moral rules, ideals or the "utopian" common good, but only by their selfishly understood national interest. It can thus be argued that as long as the values and rules agreed within the international community are consistent with the national interest, a state will be keen to build and maintain an international order based on them. Representatives of the liberal doctrine, in turn, emphasise the importance of common benefit and the pursuit of consensual and fair solutions for all participants in international relations.

K. Kałużna, R. Rosicki, "O interesie narodowym i racji stanu – rozważania teoretyczne," Przegląd Politologiczny, no. 1 (2013), pp. 119-128; D. Kabat-Rudnicka, "Pojęcie interesu w perspektywie głównych ujęć teoretycznych stosunków międzynarodowych," Polski Przegląd Stosunków Międzynarodowych, no. 3 (2013), pp. 5-42.

J. Sadłocha, Krytyczna analiza kategorii interesu w teorii stosunków międzynarodowych, Wrocław 2015, p. 15. See also: W.C. Wohlforth, "Realism," in C. Reus-Smit, D. Snidal (eds), The Oxford Handbook... and J. Donnelly, "The Ethics of Realism," in C. Reus-Smit, D. Snidal (eds), The Oxford Handbook...

Scholars such as Andrew Moravcsik view states as interdependent entities whose interests are curtailed by the interests of others.³⁷ Therefore, in the modern world, individual interests must be seen in juxtaposition with the interests and preferences of other participants, as well as in the context of the general state of international relations.³⁸ It is impossible to deny that international cooperation within VRBIO could require certain concessions in terms of pursuing the interests of states, but at the same time it could bring long-term benefits in the form of stability, peace, economic growth and security.

Observing the behaviour of states in international space, it can be concluded that international cooperation aimed at developing VRBIO is often perceived by states as something that would hinder the implementation of their national interests, and sometimes even as something that could destroy those interests – that is why they oppose the calls of other states and international organisations to develop and deepen cooperation. It would seem that international cooperation aimed at promoting the values and rules-based international order is in the interest of all states for many reasons, especially in the context of global problems and challenges the world faces. However, what this actually means is interpreted differently by various political factors and decision-makers.

Taking the above into account, the importance of political interests in the context of VRBIO requires reflection and in-depth research, as does the evolution of the meaning and form of interests connected with VRBIO.

 the role of religion and other cultural factors in world politics and their impact on the structure of VRBIO – commentary:

Religion has long been overlooked by contemporary theorists of politics and international relations as a cultural factor that can have an impact on international relations.³⁹ The first signs of a break in this trend were observed in the 1990s, in particular with Samuel Huntington's breakthrough article, 'A Clash of Civilisations?' which appeared in *Foreign Affairs* in 1993.⁴⁰ The publication of Huntington's article

³⁷ A. Moravcsik, The Choice for Europe: Social Purpose and State Power from Messina to Maastricht, Ithaca 1998.

³⁸ R. Tenerowicz, "Nowy liberalizm," in R. Zięba, S. Bieleń, J. Zając (eds), Teorie i podejścia badawcze w nauce o stosunkach międzynarodowych, Warszawa 2015, p. 31. See also: A. Moravcsik, "The New Liberalism," in C. Reus-Smit, D. Snidal (eds), The Oxford Handbook... and G. Simpson, "The Ethics of the New Liberalism," in C. Reus-Smit, D. Snidal (eds), The Oxford Handbook...

³⁹ Ancient thinkers, who are today considered the forerunners of modern sciences, took religion into account in their political and legal considerations. Thucydides avoided religion as a criterion for analysing politics, but he did not refrain from using it as an effective moralising instrument. This was important considering Thucydides' general pessimism towards human nature. Niccolò Machiavelli advocated a similar view, claiming that religion performed four key political functions: (i) it establishes moral patterns, (ii) it promotes good customs, the validity of laws and compliance with contracts, (iii) it has the power to sanction legal innovations, and (iv) it fosters courage and self-confidence. Another thinker who referred to religion is Thomas Hobbes. Although he was accused of atheism during his lifetime, his ideas never actually questioned the existence of God.

S.P. Huntington, "Clash of Civilisations?," Foreign Affairs, vol. 72, no. 3 (1993), pp. 22-49.

was preceded by an often forgotten terrorist attack against the World Trade Center, when a truck exploded in the garages of one of the towers. The attack was carried out by a group of Islamic extremists led by Ramzi Yousef. ⁴¹ Currently, even the attitude of realists, such as Keneth Waltz – a representative of structural realism, or Jack Snyder – towards religion is changing. The latter even states: (...) religion helps to organise the system. Moreover, changes in religion can disrupt or reorder the international system. (...) Religion not only plays a central role in constructing the organising principle of the system, but can also shape specific behaviours and patterns within the system.

As a consequence, while the relationship between the international order and religion is still not an obvious area of research, precisely because of this fact it provides significant opportunities for scientific investigation. Potential directions of research include: reconstructing the VRBIO-religion relationship and determining the importance of religion for "ordering" the international system; identifying religious elements in the axiological dimension of VRBIO; assessing the place of religion in diplomacy and other activities sustaining VRBIO, and much more.

SUMMARY

The structural, political, legal and axiological components of VRBIO, the very functioning of the values and rules-based international order, the factors that sustain it, promote it and lead to its decomposition – all these issues represent great opportunities for political, IR and IL scholars. Methodological challenges, problems of empirical research and dilemmas of joint theorising should be perceived not as barriers, but as incentives for undertaking interdisciplinary research, because an important cognitive goal is knowledge about an extremely complex international phenomenon.

The authors' research should be treated as the first step towards filling the current research gap. There is no doubt that what we call the values and rules-based international order still requires broad-ranging empirical analyses and an in-depth, responsible theoretical base. The areas of research indicated in this article lead to the conclusion that VRBIO is extremely promising both as a concept and as an actual entity. We are convinced that as a subject of research VRBIO requires combining the potential of various disciplines, and – as in the case of our research – only such a combination would provide the right approach to the multidimensionality of the phenomenon that is the focus of our interest.

[&]quot;FBI 100: First Strike: Global Terror in America," *Federal Bureau of Investigation* (archive website), 26 February 2008, at https://archives.fbi.gov/archives/news/stories/2008/february/tradebom_022 608, 13 December 2023.

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