

None of this is to criticize the editors of the work, which succeeds in its aims with aplomb and would otherwise have been unmanageable and unmarketable. It is merely to ponder its labelling and that of many 'handbooks' like it. As it is, at least the great majority of the chapters of this outstanding book combine the authority, accessibility and utility that one would expect of something billed as a handbook, albeit a handbook that, at 790 typeset and 10 blank pages, is liable to cause repetitive strain injury in said hand.

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Giulio Bartolini (ed.). ***A History of International Law in Italy***. Oxford: Oxford University Press, 2020. Pp 482. £95. ISBN: 9780198842934.

The historical turn in international law that characterizes our time involves a critical reflection on the study of international law in the past, new attention to the development of international legal thought in specific contexts and an opportunity to present some old ideas and notions under a new light. In a discipline dominated by the English language, historical reflection on a scholarly tradition largely based on another language may contribute to reintroducing into the wider debate some perspectives that are popular in other jurisdictions but less so in English/American scholarship. *A History of International Law in Italy*, edited by Giulio Bartolini, serves all these purposes in relation to the Italian tradition of international law. Its 19 chapters are waypoints in a fascinating voyage that will surely attract attention both from Italian and non-Italian scholars. The book offers a composite tapestry of theories, personalities and works that fully reflects the layered and complex intricacies of the studies of international law in Italy.

An overview of the structure of the book is necessary to understand the challenges that the editor and the authors faced. The collection is divided into four sections: an introduction by the editor, a very long section on the development of international law scholarship in Italy (10 chapters), a substantial section on key historical and political events and their impact on the Italian scholarship (six chapters) and a conclusion (two chapters). The overall structure appears coherent and reaches a fair balance between chronological, thematic and ideological approaches.

The book is the product of an Italian reflection on Italian scholarship: to the best of these reviewers' knowledge, the only author who is not an Italian citizen – Robert Kolb – was nonetheless born in Rome. Three authors (Eloisa Mura, Walter Rech and Claudia Storti) have a clear background in legal history, whereas 14 are international lawyers (and, with the exception of Pietro Franzina, generalist international lawyers). Regrettably, only two authors (both legal historians) are women. Since describing all the interesting aspects of this book is impossible in the limited space of the present review, it is helpful to highlight some main themes that are explored across the chapters.

Some issues are discussed in more specificity because they have attracted the interests of the reviewers.

The opening chapter, written by the book's editor, sets the stage for the entire book. Bartolini explains that the book originates from 'an interest in reassessing international law scholarship and practice in the Italian context ... and not an anachronistic desire to defend the national legal pride of a community of scholars' (at 10). As demonstrated by Bartolini's analysis of Italian international lawyers during the Fascist *ventennio* in Chapter 15, by Tullio Scovazzi's Chapter 14 on Italian colonialism and by Enrico Milano's Chapter 17 on territorial issues, the goal set in the introduction is achieved; rather than being hagiographies, the chapters are often very critical of the positions adopted by the Italian international lawyers.

With this in mind, it is possible to identify some main *filis rouges* that characterize the book. One of them is how Italian international law scholars have accompanied and addressed the unification of Italy. This topic is discussed in a number of chapters that explore the international legal issues raised by the fragmented Italian political landscape. Some chapters deal with the tension between localism (the Italian early territorial units) and universalism (the Holy Roman Empire). For instance, in Chapter 2, Storti argues that an Italian approach to international law existed even before the existence of Italy as a state. She addresses the Medieval approach to *ius gentium* in light of the fading Roman tradition and the challenges posed by new political entities (such as *comuni* and early national states). Some attention is devoted to important personalities of the time and the efforts to disentangle law from theology.

Other chapters link the Italian reflection on international law to the struggle for a unitary Italian state. A number of authors examine Pasquale Stanislao Mancini's 'principle of nationality', which was the main theoretical foundation for the claim to a unified Italian kingdom. Chapter 4 by Edoardo Greppi sheds much-needed light on the Italian school of international law headed by Mancini during the *Risorgimento*, whereas Sergio Marchisio, in Chapter 12, analyses how this doctrine was used by the Kingdom of Sardinia's politicians in order to legitimize the unification of Italy. According to Mancini, the nation, and not the state, was the 'natural' subject of international law, and nations had a right to be independent from foreign domination (at 87–88). Mancini, however, was not particularly rigorous in his argumentations, as meta-legal concepts like 'nation' were conceived as a sort of indemonstrable truth. Greppi argues that, for 19th-century Italian scholars of international law, politics and law were inextricably intermingled, not only because of their militant participation in the *Risorgimento* but also because of the institutional role that many of them played in the politics of pre- and post-unification Italy (at 105). This 'double hat' was more prominent in the Italian school of international law than in other jurisdictions, possibly due to the enthusiasm that followed the completion of the unification process (at least in Northern Italy) and the aspiration to play a role in the building of the new unified state.

Whereas Greppi presents the relationship between the unification of Italy and the doctrine of nationality, Sergio Marchisio, in Chapter 12, thoroughly considers the international law issues arising from the unification of Italy in 1861–1870. Marchisio first discusses whether the annexation of the Italian pre-existent states by the

Kingdom of Piedmont-Sardinia breached international law, arguing that the dynastic legitimacy principle enforced by the Holy Alliance after the 1815 Congress of Vienna had waned by the time the Italian *Risorgimento* had started, while other principles had appeared (particularly non-intervention, nationality and the right to assist nations in their struggle for independence). These principles were used by Piedmont-Sardinia's Prime Minister Cavour as legal justifications for his military campaign for the unification of the peninsula (at 296). After a detailed analysis of the legal debate of the time, Marchisio concludes, following Scipione Gemma, that Italy was the continuation of the Kingdom of Piedmont-Sardinia, from a legal point of view, but a new entity, from a political perspective. Marchisio affirms that international law played an important role in the process for the unification of Italy and contributed to the emergence or consolidation of principles like the principles of nationality and non-intervention; while the former, advocated by Mancini, was never really accepted as an uncontroversial legal rule, the latter was more successful and became a means to protect the sovereignty and independence of states, concepts that are still at the core of the international community today (at 308–309).

The book also explores the relevance of the Catholic faith and the impact that the very existence of a State of the Church (later, Vatican City) within Italy had on the development of international law doctrine in Italy. From Chapter 2, in which Storti examines how early Italian scholars addressed the relationship between the Pope and the Holy Roman Emperor, to Chapter 13, in which Tommaso Di Ruzza explores the international law issues posed by the dissolution of the Papal States, the book demonstrates how the relationship between the Catholic Church and the Italian states has often been considered to be an international law issue. Unsurprisingly, this perspective, rooted in the Catholic education of many Italian international lawyers (as explored by Mirko Sossai in Chapter 9), led the drafters of the Italian Constitution to frame the relationships between Italy and the Catholic Church in terms of relations between sovereign entities (see Chapter 16 by Roberto Virzo, at 403–404).

Another interesting theme explored by the book is the tension between what is often considered to be the dominant theoretical position in the international law discourse in Italy and the actual coexistence of competing views. The aforementioned principle of nationality championed by Mancini is a good example of this dialectic. Greppi demonstrates that, although Mancini's doctrine was considered the standard Italian position of the time, some contemporary scholars nevertheless have presented different theoretical contributions that coexisted with it. The Italian doctrine of the post-unification period, for instance, was largely dominated by the work of Pasquale Fiore, who eventually rejected Mancini's idea of the nation as the subject of international law and went back to the centrality of the notion of 'state', which is still prevailing today (at 100). As confirmed by Mura in Chapter 5, although many of Mancini's former students became professors in Italian universities after the unification (at 111), over these years the theory of the principle of nationality started losing its appeal for Italian scholars, who progressively turned to positivism (at 118–126). In another chapter, Tullio Scovazzi argues that the principle of nationality was in fact betrayed by Mancini and those post-unification scholars who attempted to justify the Italian colonial expeditions in Africa (at 335–337). All in all, Mancini's exaltation has

undeservedly condemned other scholars of his time to oblivion: it is one of the merits of the present book to remove the dust that has so far covered their works so as to bring them to the attention of a contemporary non-Italian speaking readership.

The book addresses in a similar way the figure of Dionisio Anzilotti, who is the leading figure of Italian positivism. In Chapter 15, Bartolini correctly points out that Anzilotti never envisaged positivism as an unquestioning approach to the law: rather, Anzilotti invited scholars to make a visible distinction in their scholarship between the legal analysis of the law (*lex lata*) and the due criticism of law that is necessary to develop better law (*lex ferenda*) (at 134). Although Anzilotti's perspective is considered by Paolo Palchetti in the last chapter of the book to still be the major feature of Italian international law scholarship today (at 482), Bartolini is quick to shed some light on authors who have departed from Anzilotti's positions (such as Santi Romano). Similar attention to these competing views is found in Chapter 7, which is written by Antonello Tancredi. Read together, these pages demonstrate that the Italian approach to international law has been less monolithic than one could have suspected, as demonstrated by the proliferation of international law journals with a non-positivist approach after the end of World War II and by the coexistence of positivist and non-positivist writings in the main Italian international law periodical, the *Rivista di diritto internazionale*, which was edited by Anzilotti (on this, see Chapter 8 by Ivan Ingravallo).

Finally, several authors discuss why, after World War II, Italian international lawyers have been less influential than in the past. Greppi and Bartolini correctly emphasize that Mancini and Anzilotti were central figures in European international law, with recognized standing and the capacity to influence an international audience thanks to their writings published in national and international journals and their membership of international bodies (at 84–85, 133–138). Nevertheless, Bartolini recalls the marginal role of the Italian scholars in the drafting of the Covenant of the League of Nations (at 370–372), and Milano notes that, after World War II, the very rich 'scholarly production in Italian had a modest impact outside Italy' (at 430). The reason for this loss of influence can be found in some peculiarities of the Italian approach to international law, such as the propensity to include private and public international law in the same subject (explored by Pietro Franzina in Chapter 11), and in the decline of relevance of the French language, in which most Italian international lawyers communicated their ideas abroad. In those circles where French still plays an important role today, such as the International Law Commission and the Hague Academy of International Law, Italian scholars have maintained a significant influence, as discussed by Robert Kolb and Giovanni Distefano in relation to the law of state responsibility in Chapter 18. To counteract this decline, as Ingravallo notes, some Italian scholars created the *Italian Yearbook of International Law* in 1975, which is entirely in English (at 212–214). As demonstrated by Palchetti, today, Italian scholars are more open to international debate than they were in the past, thanks to a progressive shift to writing in English (at 470) and to an increased mobility abroad of Italian researchers (at 471).

Overall, the reviewed book is an important contribution to the study of the history of international law that deserves attention by international law scholars around the world. It reminds us of the richness of intellectual debate in Italy and provides an

overview of these intellectual endeavours to non-Italian scholars who cannot read Italian, demystifying some false assumptions such as the a-critical stance of Anzilotti's positivism and Mancini's principle of nationality and shedding light on lesser-known theoretical approaches, such as Marxism in Italian scholarship (at 235, by Lorenzo Gradoni).

To the best of these reviewers' knowledge, there is no work as complete as this on the history of international law in Italy. The only other book-length English analysis of international law in Italy is Angelo Piero Sereni's dated *The Italian Conception of International Law*, published in 1943. Antonio Cassese published a highly influential chapter on this topic in 1990, which is not well known outside Italy because it is written in Italian and is included in a book that is out of print.<sup>1</sup> Enzo Cannizzaro authored a rich article in French in 2004 that, for obvious reasons, cannot have the depth of a book-length study.<sup>2</sup> Accordingly, the book under review is likely to become the most important entry point that the wider, global audience will employ to start investigating the history of international law in Italy. In this respect, this book belongs to a group of recent works that, laudably, aims at providing an international audience with a detailed portrait of the richness of international law studies in different countries.<sup>3</sup>

There is a lingering sentiment throughout all the chapters: international law is poorer than in the past due to the prevalence of English as an international law language,<sup>4</sup> which has led to the progressive decline of the influence of scholarship written in a different language. This book aims to counter the risk that Italian scholarship could go unnoticed on the international stage. The point, as explained by Bartolini in the introduction, is not to argue any superiority of the Italian doctrine but, rather, to contribute to the diversity of voices in the contemporary debate on international law. Seen from this perspective, and notwithstanding the minor issues mentioned in this review, the present book has fulfilled its aim and could pave the way for further studies both on the Italian doctrine and on other national approaches to international law.

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<sup>1</sup> Cassese, 'Diritto Internazionale', in L. Bonante (ed.), *Studi internazionali* (1990) 113.

<sup>2</sup> Cannizzaro, 'La doctrine italienne et le développement du droit international dans l'après-guerre: Entre continuité et discontinuité', 50 *Annuaire Français de Droit International* (2004) 1.

<sup>3</sup> See, e.g., L. Mälksoo, *Russian Approaches of International Law* (2015); I. de La Rasilla del Moral, *In the Shadow of Vitoria: A History of International Law in Spain (1770–1953)* (2018).

<sup>4</sup> See generally Tomuschat, 'The (Hegemonic?) Role of the English Language', 86 *Nordic Journal of International Law* (2017) 196; Lentner, 'Law, Language, and Power: English and the Production of Ignorance in International Law', 8 *International Journal of Language and Law* (2019) 50.