

Primo piano:
James Kraska and Hayoun Ryou-Ellison (eds.)
*Cultural Influences on the Law of the Sea: History,
Legacy, and Future Prospects*

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ANDREA CALIGIURI

Cultural Influences on the Law of the Sea: History, Legacy, and Future Prospects, edited by J. Kraska and H. Ryou-Ellison, is an innovative volume that interrogates the relationship between regional cultural traditions and the formation, development, and interpretation of the international law of the sea. Departing from the doctrinal universalism that often characterises mainstream legal literature in this field, this book provides a pluralist and culturally nuanced analysis, filling a conspicuous gap in oceans law scholarship. It does so by bringing together an impressive group of contributors – including

judges, practitioners, and legal academics – each of whom examines the historical and normative approach to ocean governance in a distinct cultural region.

The theoretical groundwork set out in the introduction (Ch. 1) is invaluable, providing the intellectual foundation upon which the rest of the volume is built. Moving beyond legal doctrinalism, Kraska and Ryou-Ellison draw on insights from political science, cultural anthropology, sociology, and comparative law to construct a sophisticated, interdisciplinary methodology. This approach emphasises the significance of cultur-

al cognition, ethnographic patterns and the formation of civilisation-specific worldviews in the interpretation and application of international law, particularly in the maritime domain where norms often emerge in ambiguous or contested environments. Rather than treating law as a universal, culturally neutral system of rules generated by state consent, the authors contend that legal meaning is profoundly shaped by culturally distinct perceptions of authority, obligation, time, nature, and community. Central to their framework is an in-depth analysis of epistemic divides, particularly the East-West

and North-South dichotomies, which reveal starkly contrasting conceptions of justice, legal reasoning, and normativity. For example, they compare the Confucian emphasis on harmony and relationalism in conflict resolution with the adversarial, formalist ethos of Western legal traditions. This demonstrates how philosophical commitments can influence procedural preferences (e.g. mediation *versus* litigation) and substantive goals (e.g. social harmony *versus* legal rights). Similarly, they contrast African communalism, which is rooted in notions of interdependence, oral tradition and customary authority, with Euro-American individualism and rights-based formalism. These comparisons are not merely descriptive; they form the basis of a critical challenge to the presumed objectivity and universality of dominant international legal norms.

One of the book's central contributions is its re-framing of the law of the sea not merely as a product of geopolitical negotiation or economic interest, but as a reflection of deep-seated civilizational values and legal cultures. Each regional chapter provides a critical lens through which to view both formal and informal contributions to oceans law, foregrounding how cultural

traditions, historical experiences, and normative worldviews shape state practice and regional legal preferences. Robin Churchill's chapter on Western Europe (Ch. 2) traces the influence of Roman law, Enlightenment rationalism, and liberal internationalism, showing how the region's historical embrace of codified legal systems and universalist legal norms underpinned its leadership in drafting UNCLOS and promoting multilateral maritime governance. Stanislaw Michal Pawlak's chapter on Eastern Europe (Ch. 3) focuses on the legacy of socialist legal traditions and the unique post-Soviet transformations that continue to inform Eastern European engagement with maritime boundary delimitation, fisheries agreements, and environmental norms. Alexander S. Skaridov, in his chapter on Russia (Ch. 4), emphasizes the Eurasian state's strategic view of maritime space, rooted in geopolitical realism and a historically defensive legal posture, particularly in relation to Arctic claims and control over internal waters. Seokwoo Lee's chapter on East Asia (Ch. 5) explores how Confucian ideals of harmony, hierarchy, and relational governance inform regional preferences for negotiation over adjudication, and for incremental, consen-

sus-based solutions over rigid legal formalism, particularly in the South China Sea context. Aniruddha Rajput's chapter on South Asia (Ch. 6) highlights the region's hybrid legal culture, shaped by colonial codification, postcolonial assertions of sovereignty, and a strong moral-religious worldview, especially in relation to resource entitlement and equitable access to the seas. Tafadzwa Pasipanodya's chapter on Africa (Ch. 7) foregrounds the normative importance of communal ownership, intergenerational stewardship, and the epistemic authority of customary law and traditional ecological knowledge in African contributions to the common heritage of mankind and technology transfer regimes under UNCLOS. María Teresa Infante's chapter on South America (Ch. 8) examines the region's deep-rooted engagement with the *mare clausum* tradition, regional solidarity mechanisms, and coastal state control over marine resources, notably through the Santiago Declaration and its long-standing resistance to high seas fishing incursions. James Kraska's chapter on North America (Ch. 9) contrasts the United States' exceptionalist and often unilateral approach to oceans law with Canada's more multilateral, environmentalist stance, reflecting differing

historical and constitutional traditions on maritime jurisdiction. Finally, Karen N. Scott's chapter on Oceania (Ch. 10) emphasizes the legal and cultural particularities of small island states, where indigenous cosmologies, customary marine tenure systems, and existential climate vulnerability have shaped a distinct legal voice in global negotiations, especially on sea-level rise and the legal status of maritime zones. Together, these chapters illustrate how the international law of the sea, far from being a neutral or purely technical legal field, is embedded in a dense web of cultural values and regional worldviews that continue to shape its interpretation, contestation, and evolution.

However, the book is not without limitations. First, while the regional framework allows for impressive depth within each cultural zone – enabling authors to explore historical, philosophical, and legal continuities in a focused manner – it occasionally sacrifices attention to the complex web of cross-cultural interactions that have significantly shaped the evolution of the law of the sea. Processes such as colonialism, decolonization, migration, religious expansion, transregional trade, and institutional borrowing have profoundly influenced how legal concepts and maritime practices have

travelled, adapted, and been contested across civilizational boundaries. For example, the influence of European legal doctrines on postcolonial legal systems in Africa, South Asia, and Latin America is acknowledged in several chapters, yet a more systematic analysis of legal hybridity or norm diffusion across regions – especially through global institutions like the International Maritime Organization or UNCLOS bodies – remains underdeveloped. The book would have benefitted from an integrative chapter or interstitial commentary tracing these global circulations and their legal-cultural consequences, especially given its core commitment to normativity shaped by history and culture. Second, the absence of an explicit chapter on Islamic or Arab legal traditions is a conspicuous gap. Given the long-standing maritime jurisprudence in classical Islamic law (*fiqh*), particularly the legal treatment of navigation, piracy, and commercial obligations in the Mediterranean and Indian Ocean, as well as the current role of Arab states in UNCLOS implementation, strait passage regimes, and seabed negotiations, this omission leaves a major legal-cultural tradition underrepresented. The Introduction does acknowledge this absence and justifies it on pragmatic grounds

– namely, the need to balance analytical focus with thematic coherence – but the decision nonetheless reflects a broader tension in comparative legal scholarship: how to remain inclusive without diluting specificity. Moreover, in a volume that so clearly foregrounds the Global South and cultural pluralism, the absence of the Islamic legal tradition – arguably one of the most influential and historically global non-Western legal systems – risks reinforcing a distorted map of normative influence. A chapter engaging with Arab or Islamic perspectives could have enriched the book's ambition of tracing civilizational contributions to maritime law and provided a critical bridge between Asia, Africa, and Europe in terms of shared historical maritime zones, such as the Red Sea and Persian Gulf.

What ultimately makes this volume an essential contribution to international legal scholarship is its normative ambition. Rather than viewing international law as a system primarily grounded in sovereign consent, doctrinal coherence, or economic rationality, it challenges these conceptions and instead presents maritime legal norms as cultural artifacts deeply embedded in the histories, identities, and worldviews of the civilizations that produced them. This refram-

ing has far-reaching implications for theory and practice alike. For scholars, it requires re-examining legal normativity through the lens of comparative civilizational jurisprudence. For judges and arbitrators, it poses the interpretive challenge of incorporating cultural pluralism into legal reasoning without descending into relativism. For treaty negotiators and policymakers, it encourages greater awareness of the underlying normative assumptions of seemingly universal concepts such as 'equity', 'freedom of the seas', or 'common heritage'.

In the concluding chapter (Ch. 11), Kraska and Ryou-Elison revisit this theme with clarity and prescriptive force. They synthesise the comparative insights of the preceding regional analyses and propose a 'transcultural toolkit' for navigating the growing complexity of normative pluralism in ocean governance. This toolkit encompasses methods for facilitating dialogue across legal cultures and incorporates customary and indigenous knowledge systems into international processes. It also develops shared interpretive principles that accommodate universal aspirations and regional particularities. Significantly, the authors connect this approach to pertinent contemporary issues

in the law of the sea, including the governance of the blue economy, the legal framework for biodiversity beyond national jurisdiction (BBNJ) and the regulatory structure for seabed mining under the International Seabed Authority. These domains, which straddle the frontiers of environmental law, technology, and equity, are especially susceptible to normative conflict and conceptual divergence. The editors argue that a transcultural approach, which recognises the historical depth and cultural variability of legal meaning, is essential for creating regimes that are legally robust, politically legitimate and ethically responsive.

Rather than proposing a grand theory of cultural determinism, this volume promotes a more nuanced understanding of legal pluralism. It views culture as dynamic and capable of transformation, rather than static or essentialist. By doing so, *Cultural Influences on the Law of the Sea* establishes itself at the forefront of international legal theory. It offers a critique of existing global governance frameworks and a constructive path forward that considers the moral and epistemological diversity of the international community. As global challenges intensify and legal regimes become increasingly contested,

this volume provides a timely and intellectually rigorous basis for reconsidering how oceans law can evolve to become more inclusive, culturally aware and normatively coherent.

In short, *Cultural Influences on the Law of the Sea* is a significant academic achievement which transforms our understanding of the subject. It will be invaluable to scholars, diplomats, and practitioners interested in the legal framework governing the world's oceans.