***Chasapis Tassinis, Orfeas*: A Theory of International Organizations in Public International Law.** Cambridge Studies in International and Comparative Law. Cambridge UK: Cambridge University Press 2025. ISBN 978-1-009-373951 (hardback). xii, 276 pp. £100.00

With this book, Orfeas Chasapis Tassinis follows the brilliant intuition of observing the current legal debates on international organisations' (IOs) nature by widening the perspective and create a theory of "institutional genealogy", whereby both states and international organisations emerge from the same capacity of organised communities of human beings to self-describe.[1] His stated aims are two: first, discussing whether and why IOs can be thought of as legally distinct from their members; second, discussing the content of IOs international legal personality.[2] However, he goes well beyond this preliminary intention, touching on the roots of the theoretical foundations of legal subjectivity, revising the legal concept of individuals, states and private actors, as much as IOs.

His argument unfolds in three main stages. Chapters 1-4 set up the problem and critique existing theories, showing the limits of viewing IOs either as mere treaties or as autonomous subjects and exposing flawed assumptions about states. Chapters 5-7 develop the theoretical core through philosophical analysis, culminating in the idea of 'institutional genealogy'. Chapters 8-9 then apply this framework to doctrinal issues, especially legal personality and customary international law, demonstrating how it clarifies IOs' legal status and functions.

This is a rigorously drafted and intelligent book, and only a careful reading can do it justice. Stressing the limits of a book review and encouraging to read the full volume, I will only focus on two themes that I find particularly interesting. First, I will comment on Chasapis Tassinis's idea of 'institutional genealogy'. Then, I will comment on his account of the relationship of IOs with customary international law.

I. Institutional Genealogy

The central contribution of the book lies in its proposal of 'institutional genealogy' as a theoretical framework for understanding IOs. At its core, this concept rejects the entrenched dichotomy that has long structured the field: the idea that IOs must be either reducible to their member states (the 'con-

1 Orfeas Chasapis Tassinis, *A Theory of International Organizations in Public International Law* (Cambridge University Press 2025), 1.

2 Chasapis Tassinis (n. 1).

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tractual' or functionalist view) or fully autonomous subjects akin to states (the 'subjective' or 'constitutional' view). Instead of asking whether IOs are more like states or more like treaties, Chasapis Tassinis reframes the inquiry altogether by asking the question: 'when, if ever, can we talk of a corporate entity that is not merely the aggregate of its members?'.[3] The key move is to treat both states and international organisations as manifestations of a deeper phenomenon: the capacity of organised communities to constitute themselves through acts of collective self-description. The groundbreaking core argument is that 'there is no innate difference between international organisations and states'.[4] In this sense, neither states nor IOs are ontologically prior; both are products of the same underlying process. This insight allows the author to dissolve the hierarchical relationship that often underpins doctrinal analysis, where states are seen as primary subjects and IOs as derivative or secondary actors, and to replace it with a horizontal framework grounded in shared institutional origins.

To reach this conclusion, the book undertakes a sophisticated philosophical detour in Chapter 5. Drawing on debates about corporate existence, personal identity, and non-causal dependence, it challenges reductionist accounts that attempt to explain collective entities purely in terms of their members.[5] The critique is particularly effective in exposing how much of international legal theory relies on an anthropomorphic conception of the state and treating it as if it were analogous to a natural person. This assumption, the author argues, distorts our understanding of both states and IOs, leading to false dichotomies and conceptual dead ends.[6] By contrast, institutional genealogy emphasises that collective entities are not reducible to their components, and their existence is grounded in practices of recognition, description, and organisation that give rise to forms of 'public authority'.[7]

By shifting the focus from comparison (IOs vs states) to continuity (shared institutional origins), the book opens new avenues for analysing familiar problems. For instance, questions about the 'distinct will' of IOs are reframed as issues of institutional practice rather than ontological status. Similarly, the problem of whether IOs possess legal personality vis-à-vis non-members is no longer tied to their supposed similarity to states, but to the ways in which their authority is constituted and recognised. At the same time, the ambition of the theory raises questions about its operationalisation. While the concept of institutional genealogy is intellectually compelling, its

3 Chasapis Tassinis (n. 1), 12.
4 Chasapis Tassinis (n. 1), 13.
5 Chasapis Tassinis (n. 1), 116.
6 Chasapis Tassinis (n. 1), 92.
7 Chasapis Tassinis (n. 1), 185.

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abstraction may make it difficult to translate into clear doctrinal criteria. The author is aware of this challenge and seeks to address it in the later chapters, but a reader may remain unconvinced that the theory provides sufficiently determinate answers in all cases. This is perhaps an inevitable trade-off in a work that aims to reshape the foundations of the field rather than merely refine existing categories. Nevertheless, the theoretical payoff is substantial. By uncovering the shared roots of states and IOs, the book not only resolves longstanding conceptual tensions but also invites a broader rethinking of international law as a system of institutionalised public authority. In doing so, it positions itself within, yet also beyond, existing debates on functionalism and constitutionalism, offering a genuinely original contribution to the theory of international organisations.

However, despite the compelling argument from a philosophical standpoint, I believe that the argument does not entirely align with the relationship between institutional genealogy and legal formalism. I agree on the importance of understanding IOs as emerging from the same capacity of organised communities of human beings to self-describe, but legal formalism also plays a role. IOs are established by a limited number of pre-existing legal subjects (states and IOs) using a treaty or another instrument governed by international law.[8] Individuals cannot create IOs in their own names, so that only certain organised communities have this capacity. This factual element cannot be ignored, because it sets up the relationship between international and institutional legal orders. This is also what distinguishes IOs from private actors, such as corporation. Institutional genealogy can also be applied to corporate actors that are not subjects of international law, such as multinational corporations, or armed groups. Are they the expression of the same capacity to self-describe as organised communities, and, if this is the case, why don't they enjoy international legal personality? I fail to understand whether institutional genealogy applies to all corporate actors created by individuals, even if they are treated differently by international law. The conceptual risk that I recognise under 'institutional genealogy' is to reach a level of theoretical abstraction that is not compatible with current international law, which draws clear distinctions between governmental and non-governmental institutions, but also between states and IOs.

I recognise the fundamental value of considering all institutions as deriving from the capacity of organised communities to organise themselves, but I am not sure whether this can change that international law treats these different

8 See, for instance, the definition adopted by the International Law Commission, International Law Commission, Draft Articles on the Responsibility of International Organizations, with Commentaries, ILCYB 2011, Vol. II, Part Two, 40.

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communities differently. For IOs, the difference lies in the fact that these institutions are created with a source of international law by pre-existing states or IOs. Or, under institutional genealogy, can IOs be created without member states or IOs? Can any human community create IOs? If not, is there a rule of international law saying which communities have this outstanding power? The social fact that creates states is not necessarily the same social fact that creates IOs, or other corporate actors. Indeed, if IOs do not need to be recognised by third states because their existence is rooted in a community's capacity to self-describe through institutions, also multinational corporations could share the same capacity, making subjectivity under international law irrelevant. I fail to understand how institutional genealogy would bypass the importance of identifying a rule of incorporation under international law, a rule that would be able to distinguish between IOs, enjoying international legal personality, and other corporate actors that do not enjoy legal personality under international law. The characteristic of representing a form of 'public authority' might not be clear enough to distinguish between the varieties of corporate entities. For instance, how does this theory distinguish between IOs and organs in common between two or more states? They are both expression of public authority created by national organised communities, but the latter are not independent subjects of international law, simply because the organised community did not want to create IOs.

The capacity of a community to organise itself in an institutional form (either as a state, an IO, a multinational corporation, a non-governmental organisation, or an armed group) is compatible with the existence of a formal rule of incorporation that recognises an institution as a subject of international law. Even institutional genealogy has to rely on a rule of incorporation to distinguish between different corporate actors. The author also relies on a legal mechanism, even if covering all corporate actors and not exclusively IOs, contending that 'international law should be theorised to possess a single norm that just refers back to the capacity of certain types of communities to organise in a manner that they see fit.[9] Is this not a rule of incorporation, also specifying which types of communities have the outstanding power to create IOs? Perhaps, I have the need to better understand what is a community that enjoys the power to self-recognise as a corporate actor and how this power can be transposed into international law. The definition of IOs provided by Chasapis Tassinis refers to 'national communities', and might be the 'national', rather than the 'community' that grants the capacity to self-describe as an IO.[10]

9 Chasapis Tassinis (n. 1), 197.
10 Chasapis Tassinis (n. 1), 229.

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II. Customary International Law and International Organisations

The second contribution of the book that most attracts my curiosity lies in its treatment of customary international law (CIL) and the role of international organisations in its formation and application. This is an area of persistent uncertainty in international law, where doctrinal positions often oscillate between treating IOs as mere fora for state practice and recognising them as independent contributors and subject to all customary norms binding states.[11] Chasapis Tassinis deals with this very important topic also in a recent article, carefully discussed by Christiane Ahlborn.[12] He approaches this problem through the lens of institutional genealogy, and rather than asking whether IOs are 'subjects' capable of creating or being bound by custom in the same way as states, the book reframes the issue in terms of the forms of public authority exercised by these institutions.[13] On this account, the capacity to contribute to custom formation and being subject to customary norms is the same for states and IOs, based on the same capacity of organised communities of human beings to self-describe.

On the question of formation, the book argues that IOs can, in principle, contribute to the development of customary international law, not differing from the International Law Commission's approach.[14] However, this contribution is not automatic and cannot be understood simply by analogy to state practice. Instead, it depends on the specific institutional capacities and functions of the organisation in question.[15] The practices of IOs may constitute relevant practice where they reflect the exercise of public authority and are accompanied by a sense of legal obligation. This approach rejects the idea that IOs are merely passive arenas for state interaction but also resists the temptation to treat all IO conduct as equivalent to state practice. It is a matter of fact, depending on the relevance of the norm in question for the activity of the organisation. By grounding the analysis in institutional context, the book

11 Kristina Daugirdas, 'How and Why International Law Binds International Organizations', Harv. Int'l. L. J. 57 (2016), 325-381.

12 Orfeas Chasapis Tassinis, 'Statehood and International Organization: Rethinking Their Conceptual Relationship with Reference to Customary International Law', EJIL 36 (2025) 621-656; Christiane Ahlborn, 'Statehood and International Organization: Rethinking Their Conceptual Relationship with Reference to Customary International Law – A Reply to Orfeas Chasapis Tassinis', EJIL 2026, chag010, https://doi.org/10.1093/ejil/chag010.

13 Chasapis Tassinis (n. 1), 216.

14 ILC, Draft Conclusions on Identification of Customary International Law, with commentaries, ILCYB 2018, Vol. II, Part Two.

15 Chasapis Tassinis (n. 1), 224.

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provides a more differentiated framework that can accommodate the diversity of IOs and their activities.

On the question of applicability, the book contends that the same customary norms that apply to states also apply to IOs.[16] However, not all customary norms are relevant for IOs. The author calls for a proper analysis of the content and scope of specific customary norms. Instead of asking whether IOs are bound by custom in general, the inquiry focuses on whether particular norms are applicable to the types of activities carried out by IOs, given their institutional nature.[17] This is particularly significant in areas such as human rights and immunities, where the actions of IOs have far-reaching consequences but their legal obligations remain contested. By emphasising the need for a norm-specific analysis, the book encourages a more rigorous and context-sensitive approach, moving beyond broad generalisations.

What makes this part of the book especially valuable is its ability to connect high-level theory with concrete doctrinal debates. The discussion of customary international law is not an abstract add-on, but a testing ground for the broader theoretical framework. It demonstrates how institutional genealogy can generate practical insights and help resolve real legal questions. At the same time, the approach may leave some issues open. My criticism is similar to what I already mentioned in the previous section, lying in the capacity of institutional genealogy to distinguish between different institutions, beyond states and IOs. Under this theory, are multinational corporations able to contribute and be subject to customary law? Why do individuals require the development of a different body of customary norms, such as international criminal law? All in all, my questions again concern the interaction between institutional genealogy and legal formalism. It might be that international law developed independently from the capacity of organised communities of human beings to self-describe, developing categories of norms for each subject, considering their peculiarities. For instance, states are subject to the customary international human rights norm of the right to life and individuals are subject to the customary international criminal norm of manslaughter. The same value is protected differently. Other corporate actors, such as multinational companies, are not subject to any norm of customary international law. I do not find convincing that IOs are bound by the same customary norms that bind states by virtue of an institutional genealogy shared with all corporate actors. To prove this point, a formal rule of international law should still be identified.

16 Chasapis Tassinis (n. 1), 227.
17 Chasapis Tassinis (n. 1), 241.

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III. Conclusion

Chasapis Tassinis's book is an ambitious and intellectually rigorous attempt to rethink the foundations of IOs. By proposing the concept of institutional genealogy, it offers a powerful critique of entrenched dichotomies and invites scholars to reconsider the relationship between states and IOs beyond hierarchical or reductionist frameworks. The strength of the book lies in its ability to combine philosophical depth with doctrinal relevance, shedding new light on complex issues such as legal personality and the role of IOs in customary international law.

At the same time, the review has highlighted some open questions, particularly concerning the interaction between institutional genealogy and legal formalism. While the theory convincingly explains the shared origins of collective entities, it is less clear how it accommodates the formal rules through which international law distinguishes between different actors and assigns legal personality. In this respect, a rule of incorporation could still be relevant and compatible with institutional genealogy. Despite these reservations, the work represents a significant contribution to the field. It challenges scholars to revisit fundamental assumptions and provides a fertile ground for future debate on IOs' nature and function.

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