The Effects Of International Law On Order

Since the beginning of modern civilizations and states, certain rules have been placed within societies in order to promote coexistence and order in its citizens. Over time, these laws have worked their way into the international system and have been created by sovereign nations to promote order, but are also used as a means of gaining power. Although international law has a relative amount of influence on the decisions of actors within the international stage, international law does not necessarily create, nor imply the existence of international order.

By definition, international law is a “body of rules” that binds states and other agents together within world politics (Bull 127). This body of rules is composed of regulations and imperative propositions that are similar in both content and form, and these propositions and rules have a direct impact on our social reality and behavior. International law is created to maintain power and order between actors within an international system, and to promote the idea of a society with several sovereign states working together to create order and encourage compliance. International laws are not concrete laws but are regarded to and regulated as though they are concrete legislation. Although international law is not always concrete law, it creates a sense of duty and obligation within the citizens of a nation to conform to the rules set in place and therefore can lead to somewhat moderate order and lessens the likelihood of altercations and war. States do not have to have a distinct identity in order to create laws. States also obey certain laws set in to place because of habit. Once laws are created and citizens get into a routine, these laws are less likely to be disobeyed or disregarded. International law is also an attempt to “evoke[s] the picture of an ideal world” and to create peace and order within society (Lang 341). Laws are often based on custom and can represent many of the customs practiced and beliefs held by those who are creating these laws. As more conflicts and issues arise, international law can be expanded in order to help combat these issues. International law has several functions and purposes. Bodies of rules can be created in order to promote coexistence between citizens or several states.

States in power create the laws and use military force, economic power, and other uses of power in order to reinforce their dominance. Smaller states do not have the same amount of power, and therefore will be less likely to challenge a larger power with more resources and influence out of fear of being overpowered and facing harsh consequences. Smaller states were also less willing to disrupt harmony or order because of their disadvantage in terms of power.

Laws that are not followed by their creators may be viewed as less legitimate within powerful states but will still remain respected in smaller states that are governed by larger powers. Smaller states are more likely to conform to unjust laws because they lack the resources and will subsequently have to face the consequences of disobedience if they choose to disobey. Those in power do not have to abide by their own rules because they have the means to combat discrepancies if smaller states attempt to challenge them. Since states are ultimately self-serving units, the more powerful states will always do things that are in their own interests, even if that means ultimately breaking the laws that they previously set in place in order to gain power or profit. Even though it may be unfair that these states are blatantly disregarding the laws they have set in place, smaller states will have to comply to the rules in order to avoid conflict. States may also conform to these laws if there they gain something from the

enforcement of these laws, or if the laws align with the values of the state.

Powerful states within the international system create and enforce rules through mechanisms such as fear. The states that are in power maintain their power through the enforcement of their laws. Creating and enforcing laws can help keep the great powers in power and suppress the smaller powers. International law can force smaller states to remain obedient. However, international law cannot be forced onto the citizens simply through coercion, nor can it be upheld simply by tradition.

The existence of international law cannot prevent states from disregarding laws. Laws can be violated both intentionally and accidentally. Laws are violated frequently, whether or not the violation is deliberate or not. Laws can be broken in protest of corruption, in an attempt to assert power, if the offender is purposefully violating the law in protest or disobeying the law in order to net a material, economic, or other gain, or simply because of a citizens' uncertainty of the guidelines or lack of knowledge of the laws set in place. Conflicting interpretations of a law, or conflicting laws set in place can be detrimental to international order. The powerful can consciously abuse their power by creating corrupt, unjust laws that force citizens under the law to protest or disobey the laws set in place, which will ultimately hinder the state of order. These corrupt, unjust laws can be set in place for personal gain (economic, military, territory), or to gain and maintain relative power. In order to have "eternal order" after a war, the losing nations would have to agree to not disrupt the "status quo", which would force these nations to "submit to eternal domination" and not gain any power after their loss in order to keep up the status quo (Minear 60). There is no way to guarantee complete conformity to any law, legislation, or sovereignty.

International law can have an immensely negative effect on international order. Firstly, there is no real distinction of who is sovereign in the international system, or who is in charge of making laws for several different actors within the system. Since there is no concrete global legislator, it is assumed that the most powerful nations are in charge of creating these laws, making it difficult to have a universal understanding or interpretation of these laws, and therefore difficult to enforce any law set in place and have it followed by every citizens abiding by these laws.

Since international law is not concrete, it cannot be enforced solely through the authority of a government, even if the government uses terror, force, or other punishments or gives incentives to obey. After World War II, the United States decided that the nations defeated during the war should be punished, but they were only allowed to make this decision because of the amount of power that they held in relation to the rest of the globe. There was no directly chosen leader or court in this instance, which made it difficult for the Big Four to come to a conclusion during a conference in 1945 to discuss the aftermath and punishments given to those involved in the crimes of World War II (Minear). During World War II, it was hard to find solutions to issues such as reparations and war crime punishments because the Great Powers could not resolve problems, even though international law existed. International legislation does not provide clear, concise "principles for an international order of public of constitutional law" (Lang). Since international law is not concrete, it becomes extremely arduous to identify leaders and legislators on an international scale. International law does not have the ability to eliminate disagreements between sovereign states, and it cannot resolve diplomatic issues on its own. Since international law cannot eliminate international conflict it is not efficient enough to induce any type of relative global order.

Even though international law affects the actions of the states, it is not substantial or effective enough to generate global harmony on its own. Other regulations must be set in place in order to guarantee harmony because international law cannot be the sole means of governance. International law must contain principles of coexistence and cooperation between states in order to be effective. Laws can be adjusted or created in an effort to fight global issues, however, an expansion of regulations will not strengthen the state. International law alone could not stop countless years of war and conflict, nor can it prohibit the dangerous “intervals of power politics” (Lang).

Since states are ultimately self-serving before anything else, the laws created by powerful states can be corrupt in order to profit. In this case, the state that is being oppressed can protest or declare war against the oppressor, which would disturb any form of order that existed before the conflict. States are actors in a zero-sum game, and will create laws that hinder the success of other states in order to increase their relative power and stifle the power of other nations in the process (Mearsheimer). International institutions are a “set of rules that stipulate the ways in which states should cooperate and compete with each other”, however, states are not required to act within these expectations (Mearsheimer 8). International law cannot directly bring about global order unless other regulations and conditions outside of these laws are followed.

Order only remains intact when the balance of power is distributed fairly between states. International law created by larger powers can be used to oppress and harm smaller states that are somewhat weak and defenseless. Since there is an “intimate connection between the effectiveness of international law and in international society and the functioning of the balance of power”, this balance of power can be easily disrupted (Bull 131). If laws are created with the intent to gain power rather than to contribute to world order and safety, than the balance of power could be compromised, which also comprises the international order. Regard for laws is only upheld when power is issued equally and equitably. A clash can occur between two states when the balance of power is overlapped by the laws set in place, when countries are uncertain whether or not they should help resolve conflicts between other nations, or when war sanctions are questioned.

International law is designed to encourage peace and harmony between states. Although these laws can have some positive impact on world order, the pragmatic impacts are limited. Worldwide legislation is nowhere near substantial enough to create order on its own and can be easily disregarded and disposed of by the people it is meant to control. International is a step towards order, but in no way the most essential part of order because it cannot create order on its own. Since international law is so abstract, it is almost impossible to ensure any type of order. States are ultimately self-serving and will not be able to stifle smaller states if they are abusing their power. International law does not play a vital role in the creation or maintenance of order, nor is it necessary in order to create order in the first place.