



## THE INTERDEPENDENCE OF INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

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### **Abstract**

*The interdependence of international relations and international law, both of which were controlled by European metropolises at the beginning of the nineteenth century, were all products of this period. Vattel's view of nations as equal moral individuals was another result of this time period. A byproduct of this time period is the existing global structure, as well as the erroneous understanding of the international system, which holds that it is made up of countries that are formally equal and sovereign in their own right. The interconnected nature of international law and the international relations that were controlled by European metropolises at the beginning of the nineteenth century is the primary topic of this research. This idea, which continues to play a significant role in the development of interpretations of global politics within the domain of international relations, bears with it the colonial heritage of a world that is stratified. With the help of postcolonial studies and recent study in international law, the field of international relations can improve its understanding of the existing order of the global political system by doing historical research.*



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## **Introduction**

Interactions with other academic disciplines including international law, political theory, the history of political thought, and intellectual history ceased to be commonplace during most of the twentieth century. Instead, it has depended on a sequence of founders and watershed moments like 1648, as well as historical traditions (realist, solidarist/pluralist, and liberal). The 'fifty years' divide,' as David Armitage put it, has begun to close in European and British studies, while American IR has stayed far. In order to reclaim a more nuanced view of their own preoccupations that had nothing to do with the shadow boxing they had been forced into in IR arguments over realist or liberal "traditions," IR researchers have looked to individuals who serve as foundational characters in IR origin stories, such as Grotius, Machiavelli, Kant, Hobbes and others. Even outside of the United States, efforts to bridge the gap between International Law and International Relations have been attempted, although the two disciplines are still generally done in separate conversations. From the earliest days of IR as a professional discipline, one may trace its roots back to Hobbes, Grotius, and the early twentieth-century foundations of the field. There are certain commonalities between the fields of international law and international relations, despite their differences, that extend back to the late nineteenth and early twentieth century. (Armitage, 2004) This is shown by aspirations for scientific legitimacy and the use of false histories, as well as the idea that sovereignty is a core notion and that empires are only "incidental to the discipline" and a blindness to their own participation in discriminatory hierarchies and power structures. A lack of critical reflection on one's own past and a tendency toward European-centrism may have hampered recent efforts to bring the disciplines together. Some IR schools, including rational design liberalism in debate with International Law, continue to theorise international relations as taking place between ostensibly equal sovereign entities despite the iconic articulation of Waltzian realism's paradigm being replaced by more recent work. (Armitage, 2012)

International relations (IR) could learn a lot from the changes in international law that have happened during this time. The traditional way of looking at the history of international law has been shaken up a lot by this critical history of international law studies. Martti Koskenniemi, the most prolific and important new historian, called international law "the gentle civilizer of countries" in an earlier paradigm that saw the history of international law as a story of progress toward a more rational and humane global order. This was a unique achievement of European civilization. It was made possible by the Roman tradition that *ius Gentium* and the rule of law applied to everyone. It was also made possible by the diplomatic exchanges of different and relatively small European powers that were forced



by their closeness to each other to come up with ways to tolerate each other and rules for keeping peace and fighting wars. For a long time, international law historians agreed with IR that the existing international order had its origins in the "myth of 1648," but this position has already been widely discredited, even before the recent study frenzy disclosing its debunking. International relations must continue to hold onto the idea that, despite their vastly varied material resources, all sovereign states have an equal place in the international system because it serves to reinforce the belief that there is no common superior in the international system. (Siedentop, 2014) For many academics, such as Tarak Barkawi, the dominance of nation-states as the fundamental unit of international relations is a "astonishing but also constituting absence" across much "disciplinary IR" (across opposing paradigms such as realism, constructivism, and liberalism). According to Barkawi, this assumption is supported by some of the most important (and technically neutral) empirical data sources in IR, particularly Barkawi's and the Militarized Interstate Disputes and Correlates of War databases. Reviving Western European influence also perpetuates the belief that the existing global order is a product of early modern European connections, which subsequently spread outward, culminating in the decolonization of Africa and Asia. Even though this model was used to govern colonies and openly supported the continuation of global racial hierarchies in the late 1800s and early 1900s by international lawyers and international relations scholars, it is still used to explain global politics in IR. Even now, the effects of the imperial history continue to be felt in the economies, military, and political systems of both the former colonised countries and those that have been formerly colonised, as well as in the countless proxy and covert wars that have been waged by the imperial powers. (Barkawi, 2017)

### **Concept of International Law**

Nations' contacts and transactions with each other, as well as their ties with states and persons and international organisations, are governed by international law. When it comes to international law, public international law focuses solely on rights issues between citizens and subjects of other countries. However, private international law focuses on conflicts between private parties, rather than international organisations. These disagreements are the result of events that affect a wide range of countries. In the last few years, the lines between public international law and private international law have become less clear. There are a lot of important international issues that have to do with private international law, and these issues often also have to do with public international law. Customary law and conventional law are the two main sources of international law. Customary international law is made when governments keep following the same set of rules over and over again. This is done out of a sense of legal responsibility. It was recently formalised in the Vienna Convention on Treaty Law. An international convention can take



any form that the parties to it agree upon, and this is why it is called "conventional international law." These parties, on the other hand, are not allowed to defy international law. In the past, international law focused primarily on the interests of individual countries. Individuals and non-state international organisations are increasingly being subjected to international legislation as well. Like contract law in the United States, international agreements establish a legal framework for its participants. Customary law and international agreements, like those made by the UN, have the same legal standing. If private or public groups agree, they can give one of the sources more weight than the others. Ideas that are the same in every country's legal system could be used as a supplement to international legal doctrine. International law cannot be used in every situation. When international law applies, big ideas might be used to decide what to do. (Cornell, 2022)

### **Concept of International Relations**

International relations is the study and practise of a lot of different things. From a global point of view, these include human rights and global poverty, the environment, the economy, globalisation, security, and ethics. The fact that the world's economies are so connected, that peace and security are under attack like never before, and that everyone cares about human rights and protecting the environment show how complicated international relations are in the twenty-first century. Global politics needs research from many different fields that can predict and solve public policy problems. As an example, some institutions may focus their international studies on the psychological and social-psychological motivations that drive foreign policymakers, while others may focus on the institutional processes that contribute to the goals and actions of governments. It is ultimately up to the organization's goals and objectives to determine which area of foreign relations it will prioritise. Despite the fact that our more linked world has given international relations a new relevance, the notion itself is far from novel. Historically, international relations began with the signing of treaties between states. Even though international relations are a part of political science, they are also their own field of study. As our global civilization grows and changes, it won't be long before we find new and interesting ways to bring our complicated world together. Topics like alliance politics, diplomacy and arms control are typical examples of traditional aspects of international relations that are concerned with maintaining world peace and prosperity. However, contemporary international relations studies cover themes such as international political economy, refugee and migration difficulties as well as human rights. Based on substantial facts, theories are used to examine international relations. Basically, theories of international relations are an attempt to explain how the international system works. (IREDU, 2022)



## **Concept of Interdependence of Bentham**

Bentham's theory of international relations and international law offer a fascinating but ultimately fruitless alternative. Only Jeremy Bentham's political theory in the early nineteenth century may have been more influential internationally than Vattel's, from Latin America and Haiti to India and the Middle East. Following the Seven Years' War and the American Revolutionary War in the 1780s, he argued that liberation of all colonies was the most vital condition for global peace. Unlike Vattel, Bentham saw the international sphere as a site of empires, imperial aspirations, and bloodshed, which he saw as the biggest threats to global peace at the time. Colonial expansion dominates world politics in his early writings on international law. (Beck, 2018) Colonization, according to Bentham, is a "war against mankind" and a "race of vulgar hunger." He claimed that colonialism was the root cause of modern-day warfare. He mentioned the War of Jenkins' Ear in the 1740s and the Seven Years' War as examples of "extreme stupidity, the lunacy of war" by destroying British territory from "North America to the East Indies," according to him. Bentham believed that a world governed by empires was condemned to perpetual strife. Because of their novelty and remoteness from Europe, Bentham saw colonies as a major source of instability and aggressiveness. His purpose for seeking to define international law was to reduce ambiguity and thereby avoid war. He said that codes of conduct would help to reduce the amount of crimes against international peace perpetrated by sovereigns who are unsure or in good faith about their obligations to one another. Empire posed the greatest threat to world trade and collaboration. When considering the imperial nature of major world powers, Bentham was able to see and make explicit what Vattel may have left unclear, namely that a legal system based on reciprocity and equality among independent states should require these states to give up their empires and form the territorially compact political communities that Vattel had hypothesised.

Even though Bentham dismissed Vattel's theory as "old-womanish and tautological," by the time he returned to the notion of codifying international law in the late 1820s, it had evolved closer to Vattel's than Bentham had anticipated. While he disagreed with certain of Vattel's views on international law, Bentham expressed his agreement with others in letters to lawyer and former colonial judge Jabez Henry. (Beck, 2018) A book or code, he hoped, would result from his actions. All states have to regard each other as equals and vow respect for their governments, religious beliefs as well as their cultures. The basic objective of each state is not only to maintain international harmony. As for Bentham, he only included "all civilised nations," which at the time meant "almost all Christian countries," according to international law. Both Vattel's and his own ideas about universalism before this changed a lot. Bentham's hopes for the code had also decreased by a lot. He had given up on the idea that he could put his desire to be emperor above everything else. He first



talked about the "Good that it can't do, which is to stop a Sovereign who wants to conquer from trying to do so," while talking about the "Usefulness of a body of international law." So as to avoid "stirring up hostile feelings and anti-social affections," a primary purpose of the law would be to remove ambiguity regarding the rights and responsibilities of the various states. (Speich, 2013) Bentham's initial plan for world peace, the liberation of all colonies, was completely abandoned as a result of this increased humility.

Bentham, on the other hand, made a complete 180 degree turn on international law and imperial power. For him, giving up on his childhood dream of creating an international legal system based on Christian values meant accepting that the world's most powerful nations would be vast global empires free to act however they wanted within their own territories, even if they broke international law in the process. Because of his employment in colonial administration, he sought out the aid of an expert in international law. Bentham's reasons can be hard to pin down, and it's difficult to explain how he changed from the 1780s to the 1820s. Because of the change in imperial realms from settler colonies in the Americas to India and other nonwhite people in the late 1820s, this may have been a contributing factor. To be clear, Bentham pushed for freedom for all colonies, not only those dominated by European settlers, including India, in his earlier writings. We can't say that Bentham's ideas didn't change because of a larger shift in European thought at the time. This is something we can see in the change from Vattel's original text to Chitty's 1830s edition. (Koremenos, 2003) When we think of an international community, we start with a universalist view of a moral society protected by political sovereignty and able to live its life together. For now, Europe's global community of equal nations is limited. States are seen both as legal equals and as global empires that rule over large areas and lots of people. From this point of view, international law only covers the relationships between European countries. It doesn't know how to judge those countries as empires, make them answer to the law, or see the world order as a hierarchy. (Neff, 2014)

### **Concept of Interdependence of Vattel**

In the 17th and 18th centuries, Europe developed an idea of the international. For historians and political writers, this was a pivotal time in the development of the concept of Europe as a 'states-system,' one that could stand on its own and be studied independently of the activities of individual nations and leaders. During the eighteenth century, however, European governments had an ideological view of themselves as non-imperial in contrast to despotic Asian regimes, which were believed to be imperial by nature. Throughout the eighteenth and nineteenth centuries, it was commonly argued that Europe alone had produced a corpus of legal theory controlling reciprocal interactions between nations that should be authoritative worldwide and that they were thus justified in imposing it on



others. This argument gathered traction and ultimately won the upper hand. Such an approach sought a variety of candidates for Europe's most important characteristics, such as a Christian emphasis on personal freedom and a respect for the law as a legacy of Rome, as well as a diverse geography that resulted in multiple states that were forced to collaborate due to their relative equality.

While other sections of the world were doomed to suffer under vast despotic empires, Montesquieu asserted that Europe alone was comprised of a variety of moderate countries, each characterised by the rule of law inside and mutual respect between their boundaries. The Frenchman's representation of despotism in the East was an antidote to Montesquieu's ideal for the European democratic order. According to him, tyrannical administrations are intrinsically undemocratic since their component constituents lack links of mutual tolerance, restraint, resistance, and negotiation. Montesquieu stated that a ball thrown against another ball should have the same effect in a despotic state as the known tyrant's will. The agreement is inflexible and cannot be altered, amended, or negotiated. Nothing comparable or superior can be provided. This antipolitical aspect of despotism, according to Montesquieu, rendered such regimes incapable of engaging other states on the basis of reciprocity, as was typical of European diplomacy and the law of nations. When it came to interstate relations, despotic governments lacked the ability to cohabit with other equal and autonomous states because of their conquest-based system of interstate relations. Instead of cultivating rigidity and contempt among the ruling class as a dictatorship does, he asserted that monarchs foster mutual respect and tolerance among their nobility via the institution of a regal court culture. Due to their close proximity, Europe's moderate governments had to acknowledge, negotiate, and come to terms with one another as a community of essentially equal countries, even if they also participated in war and commercial exploitation. Early on in the European obsession, Montesquieu posited that Asian despotisms were unable of viewing outsiders as anything other than barbarians. The Chinese, in particular, were viewed as particularly antagonistic to Westerners, a fear that ironically and unselfconsciously grew in tandem with the rise of the civilized-savage dichotomy in European international relations theory. In his dissertation on European politics, Montesquieu maintained that European states were anti-imperialist, the safeguard of freedom, and capable of tamping down their antagonism through the law of nations and diplomacy. In addition, he thought that European governments were fundamentally anti-imperialist, although this was not always the case. (Montesquieu, 1748)

The law of nations was a fundamental debate in which scholars established Europe's claim to have universal values. One of the main issues in this debate is whether or not global politics should be integrated into a historically European system based on the idea that there should be a universal order that encompasses everyone (the rule of nations) (the law

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of nations as European public law). International law was dominated by European governments and public law at the start of this century. As Jeremy Bentham created the term "international" in the early 1780s, a number of significant events occurred around the beginning of the nineteenth century. For the first time, biographies of the topic were being compiled. As Edward Keene has shown, the current obsession with the Peace of Westphalia as the foundation of the international order also originated in this counter-revolutionary ideological era. Vattel and Bentham were both significant players in the creation of contemporary international philosophy at the start of the nineteenth century. Vattel's view places a high value on natural law, whereas Bentham's utilitarian approach is hostile to naturalism. These are only a few examples of the many distinctions that may be found between their perspectives. I'm particularly interested in how they understood the international legal system, its actors, and the role of empires in their depictions of it. (Koremenos, 2003)

Vattel's portrayal of governments or countries – he used the terms interchangeably – as moral individuals was perhaps his most important contribution to international thinking. Statehood is a community in which each member is ethically obligated to work together for the betterment of both themselves and their community. It is said that a sovereign prince is as powerful and independent as the greatest king, just as a dwarf and a giant are both men. This classic comparison illustrates a world where all nations are treated as legal equals, no matter how big or little they are. (Nossal, 2012) It's enticing in many ways to imagine diverse groups enjoying legal equality and the opportunity to hash out their differences amongst themselves without interference from outsiders. Vattel was cited by early readers like Edmund Burke to argue that Britain had violated international law by crushing Indian polities and expropriating Jewish merchants during the American Revolution, demonstrating its vital potential as a basis for treating other peoples properly. Vattel. As in the case of the first Opium War, British opponents cited Vattel to argue for China's equality under international law. While advocating the legal equality of newly decolonized governments of Europe, C.H. Alexandrowicz recognised in Vattel a principled approach to law that foreshadowed the Eurocentric positivism of the 19th century. Because European major powers were hierarchical global empires with European metropolises rather than national and territorially bound, it is not to say that Vattel did not believe in an international community of equal sovereign nations as a goal despite the fact that Europe's major powers were highly differentiated hierarchical global empires. The Vattelian conception of the international system has been adopted by IR as an empirical schema in this manner.

It is also uncommon for antiwar literature to reference Vattel in their opposition to measures to remove China from the law of nations, in order to protest what they perceived

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as the British abuse of their authority and their own violation of the law. The emperor's anti-opium campaign was implemented in Canton by Commissioner Lin Zexu, who requested the translation of many paragraphs from Vattel regarding trade bans, governmental authority to seize contraband, and war authority upon his arrival in March 1839. Vattel's notion that nations are free to create and amend their commercial policies was perfectly in line with Lin's declaration of opium smuggling later that year. Chinese officials released the translated portions in a compilation of European ideas. As a result of this debate, the most authoritative European legal authority was considered antiquated by Europeans. On the other hand, China relied on that authority. At the beginning of the 1860s, an American missionary named W.A.P. Martin used Henry Wheaton's 1836 book *Elements of International Law* to translate a book about international law into Chinese. Wheaton insisted that the law of nations was not universal, and Martin chose Wheaton because of this. International law had always and now is confined to civilised and Christian Europeans or those of European ancestry, according to Wheaton's reasoning in the post-first Opium War version. Wheaton stated this point even more forcefully in this edition. (Barkawi, 2017) So, during the Opium War, Vattel's idea of a universal order was not taken seriously as an authority, and China and other non-European states were seen as candidates for joining the European order instead of as presumed members of a universal order. Vattel's legacy says that the European order was made up of equal, independent nation-states, not global empires. At the end of the 1800s, the most important people in international law thought that it should be seen as a "historically unique system" that had been created in early modern Europe and was constantly changing to meet the "increasing needs of a developing civilization." (Speich, 2013) To fill the vacuum left by the absence of Vattel's work, they focused on enlarging the worldwide community, laying down the prerequisites for entry and defining the legal status of those civilizations they deemed unsuitable. Because Vattel rejected universalism in the 1800s, his model stayed as a misleading way to describe things, but his normative theory of sovereign equality lost its main point. So, Vattel left a mixed legacy for international philosophy in the 20th century. (Nossal, 2012)

## **Conclusion**

This idea of a world centred on nation states is not easy to discover in the language of Vattel's conceptual model despite its ostensible egalitarianism. We must first acknowledge imperial and quasiimperial inequities if we are to respond to them effectively. Disparities in income and military power aren't the only factors that contribute to inequality. When we look at empire via an imperial lens, we may see that the boundaries between domestic and foreign politics are not as clear as they appear to be. It's hard to separate settlers' colonialism and enslavement from other, more visibly 'international,' aspects of the

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European imperial effort. Anthony Anghie claims that the idea of "civilization," rather than race, plays a key role in the formation of international law. These inclinations to racialization trace all the way back to the seventeenth century in Europe. Constraints on sovereign prerogatives imposed on post-colonial countries by the League of Nations' "burdened" membership have been a recurring feature of the international experience for non-white countries. There have been several Black Atlantic thinkers and politicians during the course of the 20th century who have emphasised the interconnectedness of domestic and international forms of racism and social hierarchy (W.E.B. Du Bois; Franz Fanon; Marcus Garvey; Kwame Nkrumah; Julius Nyrere). Those thinkers, like Bentham's early followers, were aware of the ways in which imperialism fuels conflict and violence across the world. According to Du Bois, the First World War was viewed as an unusual and seemingly incomprehensible outbreak of irrational violence by many Europeans in 1917. This isn't the end of the world war, he said, but rather the beginning, as long as "the despising and plundering of darker peoples stays enthroned even in the minds of those who scream peace." Disciplines based on "organised politics of forgetting" and "a purposeful amnesia" on race, even though recent scholarship like that by Robert Vitalis and John Hobson has established the extent to which race theory was important to international thinking, remain peripheral to the mainstream. Since international law has played an important role in creating and justifying hierarchy, it is an important resource for conceptualising and critically engaging with the subject of international hierarchy, as I've argued here. In addition, international law has traditionally served as a framework for debate and critique. International law has been less embraced in academic studies than normative obligations, even if they are not recognised in academic studies, when it comes to international law. The difficulty may be solved, though, if there are restrictions on historical interpretation. Some contextualists were concerned that historical scholarship was compromised by presentism because historians' questions are invariably shaped by the concerns of their own time, but it is now clear that a scholar's ability to do justice to the distinctive intellectual worlds of past moments is greatly enhanced when they are aware of their own contemporary political and conceptual 'problem-space.' Empirical and theoretical IR work may benefit from an increased openness to accept normative commitments in addition to this historical self-awareness.



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