

Name

Institution

Course

Instructor

Date

### Compare and contrast liberal and realist views of international law

International relations that exist between various countries depend on internal laws guiding various countries. Countries depend on each other for various services such as labor supply, trade among other factors. The relationship between these countries addresses various needs that these countries must have. However, historians and other analysts believe that the needs that one country seeks to fulfill should not act in a manner, which intends to imprison its free will (Simpson, 2004: 14). This view led to creation of international law which provides a framework that guide international relationship. International relations theories address various concerns of countries. This paper intends to compare and contrast realist and liberalist views of international law.

Political realists argue in favor of their nation in terms of its security, social reconstructions, and moral concern while political liberalists argue in favor of international cooperation (Claude & Weston, 2006:122). Security concern is a factor that affects national interests and international interests. It is apparent that political stability of a nation depends on the security measures in place. An instant of insecurity drag political gains and economic endeavors of a country. However, debate on security drags both realists and liberalists into

explaining their views to international laws. Realists believe that a state has to strive to achieve state security through all possible means (Claude & Weston, 2006:126). For instance, during the 9/11 bombing realists gave their response to international terrorism by arguing that the state should refocus on probable sources of its insecurity and that the state should handle non-state actors who are violent as proxies for national interest (Portmann, 2010:70). In this view, high state organs believed that non-state sponsors had a role in creating the infamous attack. In response to the attack, the realists focused their security actions to states they perceived as rogues i.e. nations that supported the actions of the insurgent groups (Portmann, 2010:69). Realists felt the threat posed by these countries and decided to wage war on terrorism in these countries. This justified the move made by United States to wage war on Iraq and Afghanistan.

Liberalist contrasts the realist view of international law by favoring the interest of non-state actors (D'Aspremont, 2011:6). It is evident that liberals endow non-state players with agency and autonomy. For instance, liberals believe that distribution of power does not only remain at state level, but also embeds it to entities such as NGO and international institutions (D'Aspremont, 2011:12). Liberals have taken a centre stage role in advocating for independent groups as forces that need recognition in the international politics. At the international scene, liberals argue that power is a multidimensional tool in which emphasis should be on soft power in addition to economic and military power. This argument makes the liberalist support international activities in contrasts to the interests of the realists. The use of soft power intends to eliminate conflicts, which drag international politics. For instance, the adoption of dialogue as a means of seeking a lasting solution to conflicts is a manifestation of using soft power in brokering interest of various countries.

In the international politics, recognition of political realism is a concept of interest vested in terms of power (Neack, 2003:77). The motive behind each state behavior is power, which is either military power or potential power (assets). The means used by states to seek power vary because some states are weak while others are strong. However, power change from time to time. For instance, French military power dominated continent Europe in the early 1800s, but shifted in 1814 following the defeat of French military (Neack, 2003:78). Largely, realist perspective looks at state as monolithic institution, which relate with other nations in a state of anarchic system, which has an international operation, whereas liberals assumptions focus at the relationship that exists within the concept of the state as society. These two contrasting views tend to explain the move made by realist in advocating for power at state level at the expense of the international level.

Liberal view to international laws argues that state acts as an agent of group or individual interests (Shimko, 2009:68). This notion means that international law to make the state to be its subject, but individuals or groups, which the state represents. In this sense, the state can act by solving international conflict through cooperation and talks, which aim at resolving the underlying dispute. For instance, the role of United Nations envoy in striking a peace deal between warring sides Israel and Palestine focus at international interest over national interest. Striking international peace using international laws contrasts the realist view of putting national interest first. However, the international law does not contrast the interest of a state. Many conflicts that countries face hang on the individual interest that these countries have concerning an issue. Notably, international treaties that countries sign depend on the liberal view to international law since it anchors the coexistence between the conflict states (Shimko, 2009:68).

The approach it takes in handling such matters recognizes that warring states as individuals with the international sphere.

Realists argue that a state is a unitary actor, which strives towards achieving its own national interests (Starr, 2000:6). In this sense, international law seeks to impinge or contradict the interest of the state. In contrast, liberals argue that international law address and respect rights of international community. For instance, Cold War is a clear manifestation of dominance of power (Claude & Weston, 2006:126). In this case, the two superpowers made it clear that international law was against national interest and that it constraint the power of a nation to act. Arguably, it is imperative that nations crave for power and control over world economy. Realization of this dream is only true when respective countries take the initiative of using their powers to achieve their set priorities. Liberals perspective asserts that international law creates a forum in which states can iron out their self-centered interests while focusing on the protection of human rights. For example, intervention made by Security Council in favor of Kuwait during Iraq invasion, and NATO operation in Kosovo intended to bring a lasting peace among the warring sides (Shimko, 2009:77).

Realists argue that application of international laws to states cannot occur in its abstract international formulation, but they application must observe the interests of the state (Biersteker, 2007:225). In contrast, liberals argue that application of international law in its form seek to create a peaceful environment where respect for human rights takes to the centre stage. This argument leads to principal factors behind the domestic politics as opposed to the international law. In liberalists view, individual political interest should not override international principles (Biersteker, J. T. 2007:228). However, moral principals of humanity advocated by the non-state actors in the international sphere should influence politics of the state. Arguably, these

contradiction views have often led to conflict of interest among various states. For example, political tensions experienced between United States and United Soviet State Republic focused on how to build power at the expense of the international law. Each state focused on building its own power while ignoring international policies, which guide international interests. It is apparent that at this state national politics plays a decisive role in fueling or quelling conflicts. National politics does not recognize international politics because the two conflicts. Realists believe that shunning national politics at the expense of international politics is practically unachievable (Benvenisti & Hirsch, 2004:125).

Liberalists argue in favor of policy interdependence while realists argue that each state should observe its own independent policies. According to the argument of the liberalists, it is apparent that interdependence among countries is inevitable. The essence of interdependence is to foster cooperation and respect for human rights (Reus-Smit, C. 2003:7) The formation of international bodies such as the United Nation, International Human Rights Watch, and International Community of Jurists among other organization work to illustrate the importance of interdependence among countries (Reus-Smit, 2003:78). Recognition of the role of non-state actors in influencing the national politics is an idea that realists do not accept (Jackson & Sorensen, 2007:6). For instance, the question whether United State should join International Criminal Court has met criticism which argue on the basis of realists perspective to international law. United States has refused to join the body arguing that the principles of the International Criminal Court would undermine its constitution (Nolte & Byers, 2003:62). In addition, it argues that the interest served by the International body conflict with the interests in its constitution. This is the probable reason why United States is not a member of the Rome Statue.

Arguably, the pillars that led to the recognition of international law are the prime figures that guide the American constitution (Nolte & Byers, 2003:66). However, United States has shown a great contribution in respecting and upholding principles that root for respect of human rights. For instance, American fight against terrorism does not only border on national interest, but operates beyond the international borders. It is apparent from this argument that factors that interfere with national interest affect international interest, thus the move made by Americans to pursue terrorist breeding ground is not a show of power, but a move that aims at protecting international laws (Cassimatis, 2007:66). Evidently, terrorist activities do not protect the interest of both international law and state law. In this case, both realists and liberals agree that the motive behind terrorism does not respect human rights.

Biersteker, & Social Science Research Council. (2007:67) contends that liberalists and realists views to international law agree that morality must apply in the international sphere. It is apparent that a state is self-seeking, and would enact policies in favor of what it gains. However, this argument does not make the state to reject moral objectives in the international scenery. This implies that the state has the ability of accessing the motive of the international law and integrates it in state politics. Historians have observed that the world would be a terrible place when national government do not exists (Hammer, 2007:122). War, conflict, strife and other similar element of non-observance of law would be common. It is arguable that in the same view as rooted for by liberalists, the world has to constitute an international body, which checks the excesses of the national operation (Guzman, 2008:68). In addition, the body has to act and punish states or countries which violet the code that guide the international sphere. This forms the ground for the international law, which has acted to promote international interest over national interest. In this case, a state acts as an individual, which makes part of a larger state. For

instance, sanctions enacted by United Nations Security Council intend to instill discipline to countries, which do not comply with the international law (Cassimatis, 2007:62). The Security Council usually debate upon an underlying factor by considering national interest and interests at the international scenery. For example, sanction against Iran seeks to tame its national interest, which seems to contract the international interest (Withana, 2008:126). When the national interests negate international laws, it is apparent some conflicts are likely to occur. It is apparent that its national interest does not respect the interest of other nations.

In conclusion, realists and liberals view to international law tend to contrast with the realists arguing that international laws would undermine the interest of a state whereas liberalists arguing that international laws serve to create a monitoring body that aim at controlling the excesses of states. Power struggle seems to form the centre of interest that guide the international politics. A state being a unitary actor to tend wage power through all means possible. This explains the essence of conflict that exists among countries. However, realists and liberalists believe that a state cannot act without a set of morals in which liberalists believe that principles that lead to national laws should act as a guide towards observing international laws. It is apparent that international interventions focus on liberalists principles in seeking to bring a lasting peace.

## Biography

- Benvenisti, E. & Hirsch, M. 2004. *The Impact of International Law on International Cooperation: Theoretical Perspectives*. Cambridge: Cambridge University Press.
- Biersteker, J. T. & Social Science Research Council. 2007. *International law and international relations: bridging theory and practice*. London: Taylor & Francis.
- Biersteker, J. T. 2007. *International law and international relations: bridging theory and practice*. New York: Taylor & Francis.
- Cassimatis, A. 2007. *Human rights related trade measures under international law: the legality of trade measures imposed in response to violations of human rights obligations under general international law*. Leiden: Martinus Nijhoff Publishers.
- Claude, P. R. & Weston, H. B. 2006. *Human rights in the world community: issues and action*. Pennsylvania : University of Pennsylvania Press.
- D'Aspremont, J. 2011. *Formalism and the Sources of International Law: A Theory of the Ascertainment of Legal Rules*. Oxford: Oxford University Press.
- Guzman, A. 2008. *How International Law Works: A Rational Choice Theory*. Oxford: Oxford University Press.
- Hammer, M. L. 2007. *A Foucauldian approach to international law: descriptive thoughts for normative issues*. Farnham: Ashgate Publishing, Ltd.
- Jackson, H. R. & Sorensen, G. 2007. *Introduction to international relations: theories and approaches*. Oxford: Oxford University Press.

- Neack, L. 2003. *The new foreign policy: U.S. and comparative foreign policy in the 21st century*. Maryland: Rowman & Littlefield.
- Nolte, G. & Byers, M. 2003. *United States Hegemony and the Foundations of International Law*. Cambridge: Cambridge University Press.
- Portmann, R. 2010. *Legal Personality in International Law*. Cambridge: Cambridge University Press.
- Reus-Smit, C. 2003. *The Politics of International Law*. Cambridge: Cambridge University Press.
- Shimko, K. 2009. *International Relations: Perspectives and Controversies*. New York: Cengage Learning.
- Simpson, J. G. 2004. *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order*. Cambridge: Cambridge University Press.
- Starr, H. 2000. *Anarchy, Order and Integration: How to Manage Interdependence*. Michigan: University of Michigan Press.
- Withana, R. 2008. *Power, politics, law: international law and state behaviour during international crises*. Boston: BRILL.