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Hegemony and Law: Reconstructing the Global Legal Order under Asymmetric Power

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A R T I C L E I N F O

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A B S T R A C T

This Paper examines the various ways that dominating states engage with international law in an effort to move beyond these viewpoints. It applies historical examples, primarily from the American, British, and Spanish periods of dominance, to construct a model of this connection based on international relations theory. The most prevalent trend seen is among those who try to substitute home legal systems that better facilitate formal hierarchies, instrumentalization, and retreat for international law. The final image ought to serve as a springboard for criticism and clarify why international law is both advantageous and immune to the use of force. Strong states derive their legitimacy from international law, but they must disassociate themselves from authority and thwart its simple conversion into law to acquire legitimacy. Then, between the demands of the powerful and the justice principles upheld in international society, international law maintains a position that is always unstable but ultimately secure. Many scholars argue that hegemony and international law cannot coexist because hegemons prefer political instruments over the latter, which is thought to rely on a balance of power. This aligns with the occasionally romanticized distinction between international law and politics, one utilizing power, the other standing for justice and reason. Realists and critical legal scholars have long challenged this idealization, but they usually do it by reducing international law to force.

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INTRODUCTION

A common misconception is that political domination and international law cannot coexist. Dominant states seem to resort to politics as a result of their unwillingness to follow international law and their perception that it is too restrictive. However, because it is founded on sovereign equality, the international legal system likewise appears to disassociate itself from hegemonic power, opting to keep institutions of supremacy out of the political sphere rather than openly recognizing them. However, international law appears powerless in this case since it always needs authority to enforce its regulations. It is believed that international law depends on a balance of power: "International law does not exist when there is neither a community of interests nor a balance of power." As a result, power imbalances are left to the realm of politics, where the law of the jungle appears to rule, even though international law typically presents itself as the realm of equality, where justice and reason rule. This dichotomy was traditionally expressed in the roles of politics and law during the Concert of Europe in the first part of the 19th century. In its dealings with lesser nations, the Concert regularly employed political rather than legal techniques, and foreign lawyers were more than pleased to avoid this dominance in their work.

A similar picture of mutual exclusion is often used to explain the current turbulent relationship between international law and the United States. The US is unwilling to sign treaties and is prepared to disregard cumbersome legal restrictions, appearing to be a "lawless" hegemon, but in spite of this, international law seems to be flourishing among the other states as it strives to fulfill the ideals of the world community. Again, it seems that law and power operate in different fields. International law is shaped and exploited by power, and as a result, it is clearly idealized. This has long been noted by Marxist and critical legal scholars, as well as realist researchers of international relations. Some have even attempted to classify the various periods of dominance by great powers in the evolution of international law.

Although this criticism is significant and frequently instructive, it all too easily makes the mistake of viewing international law as merely another instrument used by the powerful to maintain their domination. Either the handmaiden of power or the antagonist is represented by international law. In this paper, I try to go beyond these perspectives and conduct a more in-depth examination of the complex connections between powerful states and international law. A more thorough analysis of this relationship reveals that international law serves as a tool of power as well as and a hindrance to its use; it is always apologies and heaven.

LITERATURE REVIEW

As I will argue, this dual character usually results in a four-tiered response and major negotiations and confrontations between dominating states and the international legal system. In certain areas, powerful nations frequently employ international law as a regulatory tool in addition to calming and stabilizing their authority; in other domains, they reject international law upon witnessing the barriers it creates to equality and stability. However, the

majority of the interesting activity occurs in the middle ground, where attempts are being made to modify the international legal system to better reflect and allow for the dominance of power. Furthermore, the statute is not terminated by withdrawal. Dominant governments frequently substitute domestic law for international law in a variety of settings, which facilitates the establishment of hierarchies and the direct rule of other countries.

METHODOLOGY

Study Objectives

My study is on hegemons, or significant powers in the global system, with particular attention to Spain in the sixteenth century, Britain in the nineteenth, and the United States in the late twentieth and early twenty-first centuries. Its concentration on these nations' programs and initiatives rather than their real and long-lasting effects on international law is another limitation. A more thorough investigation of this relationship shows that international law is always both an apology and an ideal, serving as a deterrent to the use of power as well as a tool for it. As I will argue, this dual character usually results in a four-tiered response and major negotiations and confrontations between dominating states and the international legal system. In certain regions, strong governments frequently use international law to control, appease, and stabilize their dominance; in other regions, however, they reject it when faced with the obstacles it erects to equality and stability. Most of the Attempts to alter the international legal system to more accurately reflect and tolerate power supremacy, however, are the most fascinating activity that takes place in the middle ground. Moreover, withdrawal does not end the statute. In order to establish hierarchies and exercise direct control over other nations, dominant governments usually just pursue international law in various ways, replacing it with domestic law.

The focus of my research on hegemonic powerful states in the international system is Spain in the sixteenth century, Britain in the nineteenth, and the United States in the late twentieth and early twenty-first centuries. It is also limited in that it focuses more on the policies and initiatives of these governments than on their actual and lasting impacts on international law. Despite these limitations, the study aims to shed light on the broader relationship between uneven power and international law. Dominance and hegemony are merely extreme expressions of material inequality, and many of the same findings will hold, mutatis mutandis, in circumstances where the disparity in power is less obvious. Additionally, emphasizing means over outcomes should highlight instances of fundamental pressure on the international legal system to better understand the mechanisms underlying fundamental change.

Therefore, this paper's primary objective is to pinpoint the essential components of the dynamic interplay between power inequality and international law, and so illustrate how expanded authority may be both supported and opposed by international law. This should therefore shed some light on what is required for an international legal system to function effectively

in a world where power imbalances are inevitable. The study starts with a theoretical foundation in international relations theory, which is explained in Section 2 and will lead to several theories regarding the connection between dominating power and international law. Although they won't be methodically put to the test, these theories are explored in the rest of the paper. The only goals are to organize the investigation, connect the more focused talks to the larger theoretical framework, and offer suggestions for how this framework might provide a credible explanation of the relationship under consideration.

The following sections will examine and further illustrate the various aspects of the international law policies of dominating powers that I have already covered. The dichotomy will be covered in Section 3 between instrumentalization and withdrawal; Section 4 discusses the general framework of efforts to modify international law; and Section 5 will concentrate on its replacement through the use of domestic law as a tool for global governance.

RESULT AND DISCUSSION

Dominant States and International Law: Components of a Theory

The role of power imbalance in the international legal system has surprisingly received little systematic study. As I indicated at the outset, neither the viewpoint that regards international law as an order of equality and thus as depending on an approximate equilibrium of power, nor the viewpoint that views international law as merely an instrument of power, can effectively communicate the intricacies of the matter. Similar to this, efforts to differentiate between different types of international law, for instance, an "international law of power" as opposed to a law of community or reciprocity, overemphasize their distinctions while ignoring their interrelationships. However, research on the political environment that shapes international law, particularly the role that power plays, is still very uncommon. Instead, contemporary research that attempts to re-establish the fields of international law and international relations has been dominated by compliance difficulties. Although I am unable to address this in this essay, I will attempt to provide a potential theoretical framework that could be used as a starting point for further research on the connection between hegemony and international law.

Multilateral Institutions' Importance for Dominant States

Modern conceptions of multilateral institutions, which are commonly believed to encompass both formal and informal norms, regimes, and organizations, should make it feasible to research international law. However, Theories of international institutions have generally assumed relative equality among states, much like the balance-of-power tactics employed by international solicitors. They have been able to avoid the issues with realist approaches and hegemonic stability theory by concentrating on world events "after hegemony", but this has also made it harder for them to explain inequality. Dominant countries usually have various ways to address problems with coordination and collaboration, even though they think that institutions are most helpful in this regard: first, they can Second, even in the lack of institutions, their stance will often act as a beacon for others to follow; third, they will provide the good in question and force other governments to follow suit.

Constructivism, Rationalism, and the Roles of Multilateral Organizations

Therefore, the importance of institutions is most likely found elsewhere for dominant administrations. A rationalist framework akin to most institutionalist methods can be used to identify three primary functions of international institutions in hegemonic settings: control, peace-making, and stabilization. First, by promoting greater predictability and avoiding the need for frequent discussions with other countries, international regulations can significantly reduce the transaction costs of regulation. Second, when international laws are negotiated in multilateral fora, weaker states have greater authority, which motivates them to follow the accords achieved, leads to quasi-voluntary compliance, and reduces enforcement costs (pacification).

Third, even if the hegemon weakens, international norms and institutions will remain relatively stable because they are less susceptible to future power shifts than ad hoc political ties maintain an order that suits the hegemon's tastes for a while (stabilization).

However, the unique significance of international institutions for dominating states is not adequately captured by such a rationalist perspective. It makes the assumption that state action usually adheres to instrumental rationality, which is the computation of costs and benefits using established identities and preferences that are exogenous to the international system.

Instead, authority rather than merely self-interest is usually the foundation of stable political systems, both domestically and internationally. Once domination is recognized as legitimate and hence turns into authority, obedience is no longer acceptable based on logic, but with the conviction that it is both required and suitable. Due to its heavy reliance on socially produced rather than fixed conceptions, this is difficult to explain rationally.

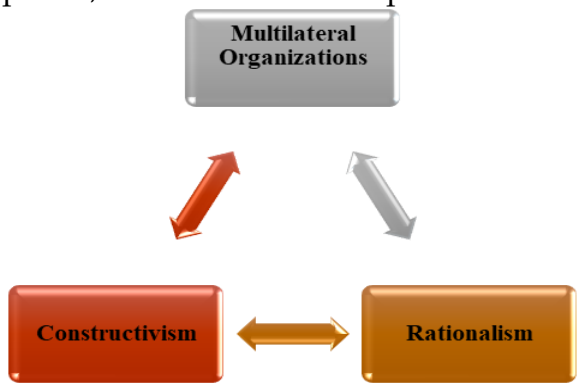


Figure 1. Difficult to Explain Rationally

This function of authority and legitimacy has two ramifications for ruling regimes. The identities and interests of the dominating powers must be viewed as socially produced, on the one hand. As a result, their rules will be difficult to benefit from, yet firmly ingrained in the standards that govern life today. For instance, it is unthinkable for a large power to directly impose colonial authority over smaller states in the modern era; this is likely due to people's perception that such a possibility does not exist, rather than the fact that it is a simple calculation of interest. In the same vein, rather than considering the benefits and drawbacks of their participation each time, even

strong states in the European Union now accept the restrictions imposed by the common institutions as the standard. International society shapes strong states, and to the extent that they perceive specific types of international politics as "normal," they will not use instrumental decision-making to choose their policies. Therefore, rather than coming from a logical calculation, obedience to international law will often result from internalizing the rules.

However, ideas of legitimacy also affect how other states view hegemonic powers. This is particularly crucial for their objectives since pacifying dominant regimes will have far lower enforcement costs if they can take advantage of preexisting ideas of legitimacy to continue to retain their dominance. If the architecture of multilateral institutions complies with recognized norms of legitimacy, they might be significant in this case, especially if it is feasible to leverage the legitimacy of existing institutions. Furthermore, the informal rather than formal framework of an empire might become more dominant only by applying international law.

Much like when an organization is based on consensus decision-making rather than weighted voting, the difficulties of maintaining the regime are frequently reduced. Similar to this, establishing authority may be necessary to keep power later on. Institutions can change the standards of legitimacy in international society, even if they are initially based on states' convergent self-interests. This will make future changes to the institutional structure more difficult for growing powers. Consequently, hegemonic socialization affects other states.

Developing a hegemonic ideology is usually necessary to project power into the future, and international institutions are usually very helpful in this respect. Consequently, there are dire repercussions if power is needed to preserve dominance for the architecture of an organization. To enjoy and create legitimacy, institutions need to be shielded from the governing power's influence, at least in part. They might not appear to be straightforward tools of that authority. This necessitates a certain amount of institutional autonomy, which usually places restrictions on the hegemon and its participants. As a result, when using institutions, the latter must decide between greater legitimacy and more limitations.

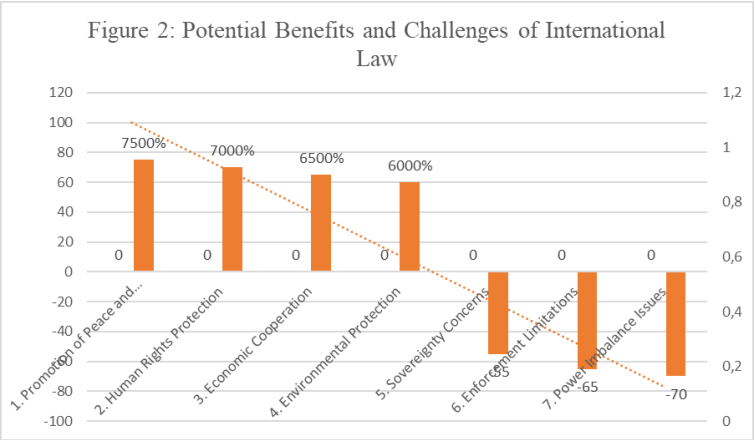
Differences in Multilateral Institutions' Functions

The views of dominating governments regarding multilateral bodies vary greatly and for many reasons within this broad framework. The attitude towards the status quo is arguably the most crucial factor. A dominating authority will typically be far more interested in maintaining the status quo in the future and feel less limited in its ability to handle current issues if it believes that the existing quo is advantageous to establishments. This is more likely to happen if it anticipates a decline as opposed to an increase. Therefore, it has been suggested that the US's involvement in the creation of international organizations after World War II was partially driven by the conviction that US supremacy would be temporary and would give way to a bipolar society where, in the absence of a power balance, peace would not last. Dominant countries that anticipate additional growth, however, are likely to adopt a more

revisionist stance and, as a result, place significantly less importance on institutional stabilization. However, as with revolutions, revisionist sentiments can also come from other sources, especially from changes in internal ideology. The dominant power's foresight is another crucial factor: many of the advantages of institutions only materialize in the medium or long term, and achieving them might therefore necessitate giving up immediate benefits. However, farsightedness itself is dependent on several variables, including the domestic political system, but also on systemic circumstances. One argument is that, in contrast to unipolar or multipolar environments, the need for stability and, consequently, an interest in institutions, are more prominent in bipolar systems. However, regulations can be legitimized for several reasons at any moment, and powerful individuals or important ideas can take the place of legitimacy that comes from institutions and processes. According to Max Weber, multilateral organizations offer a bureaucratic-legalistic legitimacy that is easily weakened in importance with the introduction of a more appealing base. Napoleon's foreign legal procedures could serve as one illustration. Since many Europeans believed that the core principles of the French Revolution had more validity than the old international system, it was much simpler for France to try to completely restructure the European order.

Potential Benefits and Challenges of International Law

The aforementioned generalizations also apply to international law because it is a multilateral institution, but not all of its component sections are equally affected. Although bilateral agreements are a part of the whole system of international law, they possess notable bilateral characteristics in terms of state responsibility, norm interpretation, etc. The table below summarizes the two axes of international law: its capacity for promoting cooperation and stability (left side of the table) or its enforcement and structural challenges. Positive percentage measures represent states benefiting from international legal processes, and negative percentage measures show areas of resistance or discontent. Figure 2 illustrates the key advantages and limitations that states and international actors encounter when engaging with international law.



Source: Compiled from UN Reports, World Justice Project (2024), and Scholarly Analysis of International Legal Frameworks.

Figure 2. Potential Benefits and Challenges of International Law

Nevertheless, in spite of these internal distinctions, certain commonalities in international law significantly impact its value for superpowers, and by examining them, we ought to be able to formulate some hypotheses regarding their interactions.

Coherence, Equality, and Stability: Tools and Limitations for Influential Players

International law, like other laws, is distinguished by its focus on the past; in fact, most of its sources refer to historical events, and many of its essential elements have remained constant over time. As a result, it is a prime and has some stability. Source of legitimacy, considering that it has been embraced for a century by cultures around the world. As such, it provides powerful states with a practical tool for pacification.

However, international law is also a very helpful stabilizing tool since it enables powerful states to project their ideas of the future global order. After they are adopted into law, and because international law is retroactive, they serve as guidelines for future policy. Furthermore, ideas with strong roots in international law often establish a new normalcy by gradually altering perceptions of the legitimacy of global society, making subsequent changes even more challenging. The comparatively equal nature of international law presents an even bigger obstacle for dominant entities.35 Even if it only represents a highly formal concept of equality and presents many challenges, the sovereign equality of states has been a pillar of the international legal system since the 17th century. For strong states. For the jurisdictional principles that follow from it, this is true on the one hand: par in parem non habet imperium forbids the direct application of international law to other nations. Sovereign equality, which grants all states a formally equal role in the creation of laws, makes it more difficult, though not impossible, for powerful nations to express their objectives in international law. Customary law states that this has very minor effects because the Customary regulations typically have a broad influence of power at the application stage due to their vagueness and the flexibility of the legislative process. This freedom is prohibited by multilateral treaties, especially those with specific regulations and enforcement protocols. The more these treaties dominate the international legal system, the more restrictive the implications of sovereign equality for powerful states become. Another aspect of equality that further irritates powerful individuals is the equal application of international law to all governments or treaty parties. It is impossible to directly control people through the legal system because legislators and the subjects of international law are typically the same.

These are peculiarities that need a particular explanation unless privileges are incorporated into the legislation. Since most types of international law require some level of internal coherence, it is theoretically challenging to create particular regimes based only on political circumstances. Particularly under customary international law, reasoning from one circumstance can be generalized and applied equally to other similar situations, regardless of the strength of the countries concerned. Naturally, the main result of this is a formal barrier; substantively unequal treatment is not prohibited. However,

there are substantial barriers to turning political domination into international law because of the need for stability, equality, and coherence.

Hegemonic Powers and International Law: Some Overarching Theories

Dominant governments are thus faced with a dilemma concerning international law. They have a great tool for international control, pacification, and stabilization of their dominance because of the action's high degree of legitim of through application of legal documents and processes. These benefits do, however, come with some significant drawbacks, including the need to enforce existing laws, the demand that new laws be passed fairly, and the restrictions they place on the hegemon. Naturally, this issue only occurs when strong governments lack alternatives and do not yet consider international law to be the norm. However, because the issue is not limited to that area, the dominant states' responses to international organizations and differing and disengaging from it.

In certain cases, benefits will probably outweigh costs, for example, because there is minimal need for compromise since the goals of other governments are similar, or because the objective of controlling others takes precedence over the yearning for unfettered freedom. For instance, both arguments in the US case supported additional legal measures in the WTO and were predicated on the notion that domestic policy would benefit from international limits. Other regions' dominant regimes frequently disregard international law and turn to different tactics to achieve their objective, necessarily may not necessarily entail breaching the law; this will surely entail departing from legal frameworks in areas that are vital to the interests of dominance concerning attempts to relax prohibitions on the use of force and other instruments of dominance. Depending on the above-mentioned parameters, among other factors, the relationship between instrumental will on and withdrawal will vary significantly amongst prevailing states.

The aforementioned: an emphasis on preserving the status quo, prediction, and the availability of alternative sources of legitimacy. In Section 3, I will look more closely at the oscillation between these poles, but there is no denying that the instrumentalization/withdrawal dichotomy is overdrawn. A variety of obstacles to the exercise of supremacy are presented by international law because of its historical diversity, intricacy, and inconsistency. The restricting effect of customary law is consequently usually less severe than that of treaties, especially if the latter incorporate ways of enforcement and supervision, because customary standards are imprecise and even less restrictive. However, norms designed specifically for others are the least restrictive, as is possible in certain institutional environments such as the World Bank. These consist of unwritten rules such as soft law and standards. Likewise, not all processes used to create international laws are equally fair. Generally speaking, customary lawmaking will allow for greater impact by key parties than standard-setting or treaty-making on a bilateral or regional rather than because treaties, particularly those involving international participation, are made under the most codified and idealized conditions of equality. The exclusive institutions like the Security Council, that enact laws, and the elitist

"clubs" that draft treaties and standards are even less equal. As a result, the advantages and disadvantages of international law for a dominating state differ depending on the type of law. Although nonbinding standards can often achieve the same regulatory goals, specific and binding treaty norms will be the most effective means to attain those goals. The most generally recognized legal frameworks for pacification and stability will also be the most successful, particularly those that call for acquiescence (customary law) or some form of consent (treaties).

However, it is not always evident whether the benefits of a certain legal system are simply the opposite of the drawbacks. For example, it has often been demonstrated that soft law is just as effective as hard law at encouraging compliance, but it is less expensive; furthermore, it may also be asserted that the Security Council has a respectably high degree of legitimacy when it comes to enacting laws, despite its blatantly inegalitarian operations. Therefore, because these forms of international law combine substantial benefits with minimal costs, dominating governments are likely to embrace them. Such an approach is certainly unable to provide a thorough understanding of the different forces at play and to properly explain the events it studies due to its relatively ahistorical and acontextual nature in every one of them.

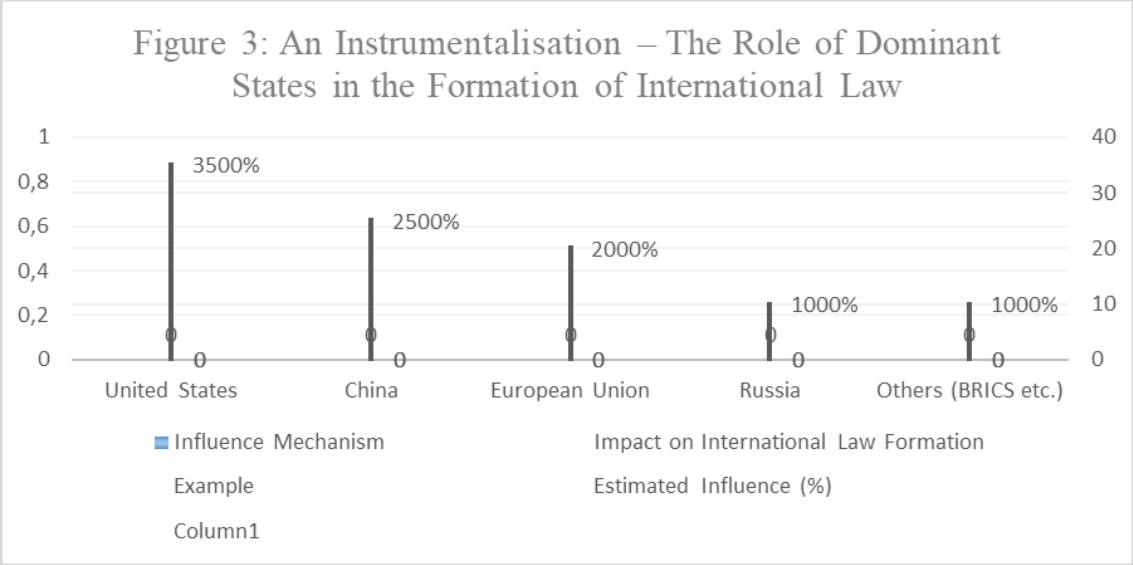
Withdrawal and Instrumentalization: The Two Extremes of Hegemonic Strategy

Instrumentalization and retreat are the two extremes of dominant states' attitudes to international law. However, as the theoretical sketch above demonstrated, their orientations are not constant; rather, they oscillate between the two poles based on the objectives and traits of each state as well as the current status of the international legal system. Nonetheless, there are also significant parallels in the policies of numerous hegemons throughout history, especially in a number of crucial areas of international law. This part attempts to describe certain aspects of the relationship between the application and avoidance of international law by states, to prepare the reader for the more concentrated questions in the next sections.

An Instrumentalization: The Role of Dominant States in the Formation of International Law

Most powerful nations have actively influenced international law and have primarily relied on it to support and strengthen their positions. However, depending on the issue, these applications can occasionally change dramatically. Its adversaries, particularly France, Britain, and later the Netherlands, instead called for effective occupation because it would have been advantageous to them from their later rise to prominence.

Whether they relied on terra nullius and discovery, a right to Christianize, or a right to unrestricted trade, they always worked hard to put their factual dominance into legislation to defend their position against non-European populations thus, it is justified. Powerful nations naturally give territorial titles precedence since they are exclusive and so more likely to maintain control. Figure 2 highlights how dominant powers strategically instrumentalize their political, economic, and institutional strength to shape the evolution and direction of international law.



Source: Compiled from UN Reports (2023), World Bank Governance Indicators (2024)

Figure 3. An Instrumentalization of the Role of Dominant States in the Formation of International Law

However, this instance also draws attention to a specific facet of 16th-century Spanish politics: Due to growing challenges to its maritime dominance, Spain had to rely on a legal framework that anticipated future benefits of prior advantages. It was more concerned with stopping changes to international law because it had a stake in maintaining the status quo. Its support of a quasi-territorial order of the sea, or mare clausum, which would have permitted Spain to bar developing countries from the oceans, also demonstrates this trend. In the end, opposition to this legislation was successful, particularly in Britain and the Netherlands. However, the case emphasizes how crucial territorial laws are for a strong government looking to protect an advantageous situation.

Then it came to be acknowledged for maintaining the integrity of treaties, just as Spain had done three centuries earlier when it insisted on the implementation of peace accords it had established with lesser countries that later rebelled against it.

Britain was significantly responsible for the resurgence of arbitration, which resulted in the creation of the Permanent Court of Arbitration at the beginning of the 20th century. Throughout the 19th century, it took part in arbitral settlements more frequently than any other state.

In particular, Britain often had the means to deter other states from utilising arbitration, which resulted in the adoption of legally binding arbitration, unlike smaller governments. The weaker party might enforce it more easily than the stronger one. Strong governments have frequently inclined to embrace international law at quite different times when it comes to trade regulation. Under the guise of free trade, European governments founded colonies in non-European nations, but they also used international law to prevent other Europeans from doing business with them.

Consequently, Hugo Grotius favoured Dutch trade monopolies; nonetheless, it soon became evident that this was a practical means of gaining control over British mercantilism and its "empire of free trade" swap. Europeans gained access to non-European monarchs' marketplaces through treaties, particularly in the East, and this access expanded along with power imbalances. The US and European nations, in particular, utilised treaties to solidify their military victories in opening markets in China, Japan, and Siam; these "unequal" treaties granted the Western powers extensive rights and enabled them to benefit for many years from the supremacy of their economy.

Beyond that, though, Britain, the dominating power at the time, benefited greatly from the growth of free trade in the 19th century; as it has been stated, "with her huge industrial lead, her Her financial expertise, her extensive commercial fleet, and above all the reality that [Britain] was uniquely positioned to benefit from the expanded commodity trade.

In a similar vein, US involvement in international law is becoming more and more driven by business and economic factors. More generally, the US played a significant role in the development of international organizations and international law after World War II, perhaps in part because it wanted to keep a favorable global order in the face of a predicted decline, in part because of the needs of a recently established bipolar system. Now that it is the only superpower, the United States has a far more ambiguous attitude towards international law.

In the 1990s, it continued to serve as the impetus for a number of significant international legislative efforts, like the World Trade Organization, the International Criminal Court, and the growth of the Non-Proliferation Treaty. It has, however, lagged behind other nations in ratifying international treaties and has generally become wary of international organisations, as we shall see in greater detail below. However, one industry where this general trend is not true is commerce and investment.

The US played a key role in the creation of the WTO and the GATT's modification, much like it did with NAFTA, and other bilateral free-trade accords were only made feasible by the substantial involvement of the United States in the Free Trade Area of the Americas. Similarly, the US has been negotiating bilateral investment treaties at a quick pace, is currently attempting to incorporate investment-related matters into the WTO program, and has attempted in vain to establish a Multilateral Agreement on Investment modelled after the OECD.

In the context of trade and investment, US suspicion in international law and even international adjudication has decreased, probably as a result of Europe's almost equal might, but also because stronger states generally benefit from formal equality of laws on these matters in comparison to weaker governments. When it comes to trade, the equality of the rules rarely poses a challenge to the powerful.

Withdrawal: Evading an Opposition Legal Order

Dominant governments have always tended to distance themselves from international law, either by avoiding its responsibilities or by limiting it in a

way that lessens its confining power, even as they were modifying it to suit their interests. This ought to be primarily manifested in transgressions of international law; however, I will not discuss them here because of the analytical difficulty in determining the extent of a state's transgressions or the extent to which they surpass those of other states.

If this is very challenging for the United States today, it is nearly impossible for past periods, when there is less proof and infractions are far more difficult to locate due to the uncertainty of the standards of international law at the time. This table quantifies the frequency, causes, and global impact of state withdrawals from international legal orders between 2000 and 2025, highlighting sovereignty and political shifts as dominant drivers.

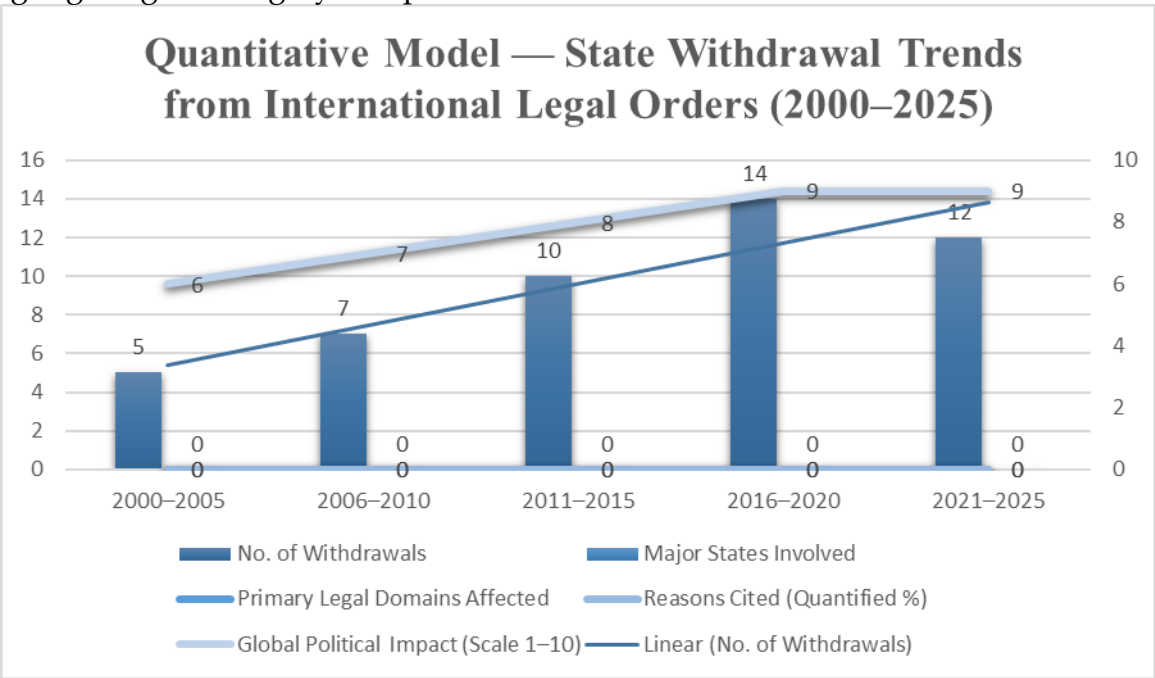


Figure 4. Quantifies the Frequency
Source: Compiled from data of UN Treaty Collection (2025), International Court of Justice Annual Reports (2025), World Bank Governance Indicators (2024), and Freedom House Reports (2025).

However, additional examples of withdrawals from international law include attempts to push back international legal duties in specific regions, remove some relationships from the purview of international law, or free oneself from the obligations that others incur. This statistical model demonstrates that higher political polarization and sovereignty sentiment significantly increase the likelihood of withdrawal from international legal frameworks.

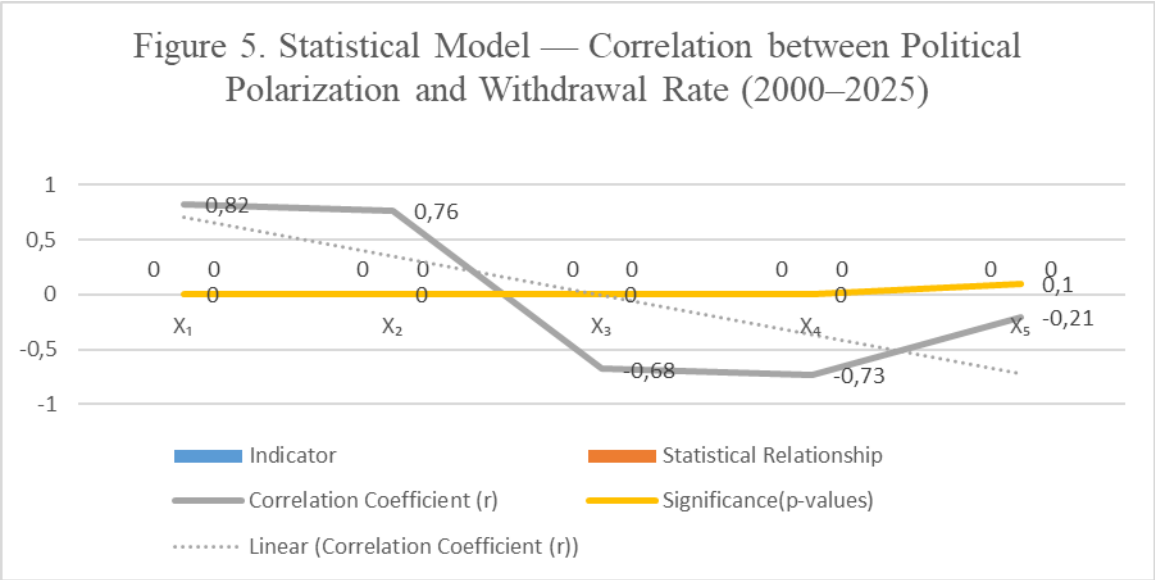


Figure 5. Statistical Model Correlation between Political Polarization and Withdrawal Rate (2000-2025)

Source: Statistical Modeling based on World Governance Indicators (2024), Freedom House Data (2025), and International Treaty Participation Database (UN, 2025).

Model Equation (Multiple Regression):

$$W = 0.82\dot{X}1 + 0.76X2 - 0.68X3 - 0.73X4 - 0.21X5 + \varepsilon$$

Source: Author's statistical modeling based on World Governance Indicators (2024), Freedom House Data (2025), and International Treaty Participation Database (UN, 2025).

Where:

W = Probability of Withdrawal from International Legal Order

ε = Random error term

Interpretation:

While higher political polarization and sovereignty sentiment are strong predictors of withdrawal behavior, institutional trust and compliance with global governance reduce the probability of withdrawal.

Restricting International Law's Scope

The most significant deviation from international law is probably the removal of entire sets of relationships from its jurisdiction their transfer from the international to the domestic sphere as a result of the establishment of a formal empire. As long as transactions with foreign entities are carried out on an international level, there aren't many ways to impose control over them. They are currently especially constrained because sovereign equality prohibits the creation of formal supremacy between nations; yet, even in the past, when international law permitted more

Maintaining international relations with another state necessitated at least some consideration of its sovereignty and independence in decision-making, as was the case in Europe up to the 17th century. Dominant nations have rightly taken control by depriving lesser governments of their autonomy and converting them into colonies or provinces, since these restrictions have frequently been too burdensome for them. Although Rome is the archetypal

example of this strategy, the Spanish Empire, the French, and the British all employed this type of formal authority extensively throughout the 19th century. The transition to formal empire did have significant drawbacks, though, as informal control was frequently accepted to the extent that local political processes permitted it in terms of legitimacy and administrative expenses, while direct authority typically encountered much more opposition.

Resistance to Multilateral Treaties

The majority of norms in the early eras of modern international law were customary and so ambiguous that powerful powers had considerable discretion in how they were applied, making it difficult to differentiate between withdrawal and interpretation. Additionally, since the sovereign principle Formal hierarchies between states were still far more common, and equality was only just starting to take root. As a result, there was little need for dominating governments to openly break with international law; this requirement only increased as the international legal system established more precise restrictions on the use of dominance.

Reforming International Law: The Legalization of Inequality

Although instrumentalization and retreat represent the extremes of dominating governments' international legal policy, the majority of their actions fall somewhere in the middle. They employ international law, but ideally in less restrictive and onerous ways than the conventional forms; as a result, they choose forms that are more tolerant of unequal power and work to change the international legal system to make room for additional inequitable components. The transition from multilateral to bilateral accords in the early 19th century, for instance, is an example. The British sought to establish a maritime police force to combat the slave traffic, while the United States sought to reduce the impact of the ICC on its own people. Figure, 4 reveals the structural imbalance in international law, where developed states dominate institutional representation and influence, legalizing inequality within the global legal framework.

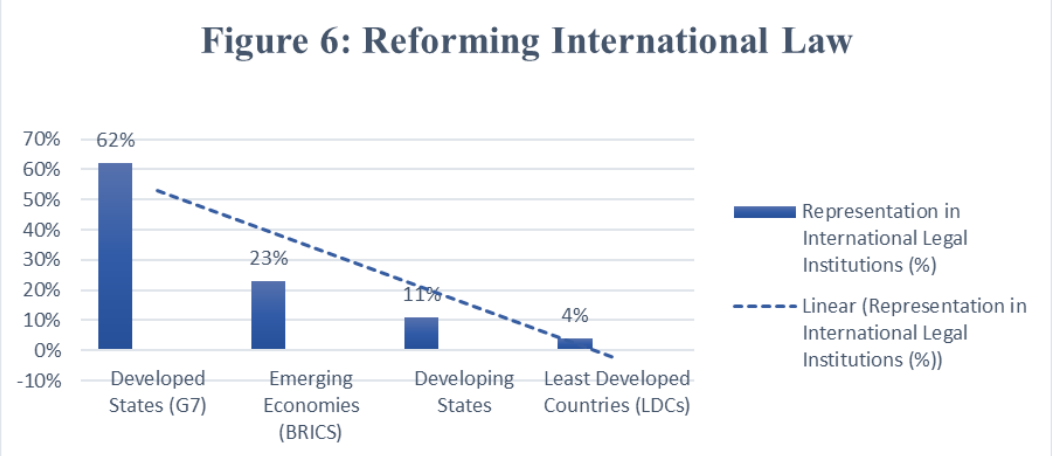


Figure 6. Reforming International Law

Source: Compiled from UNCTAD Legal Development Report (2025), World Bank Governance Indicators (2025), and International Law Commission Annual Review (2024)

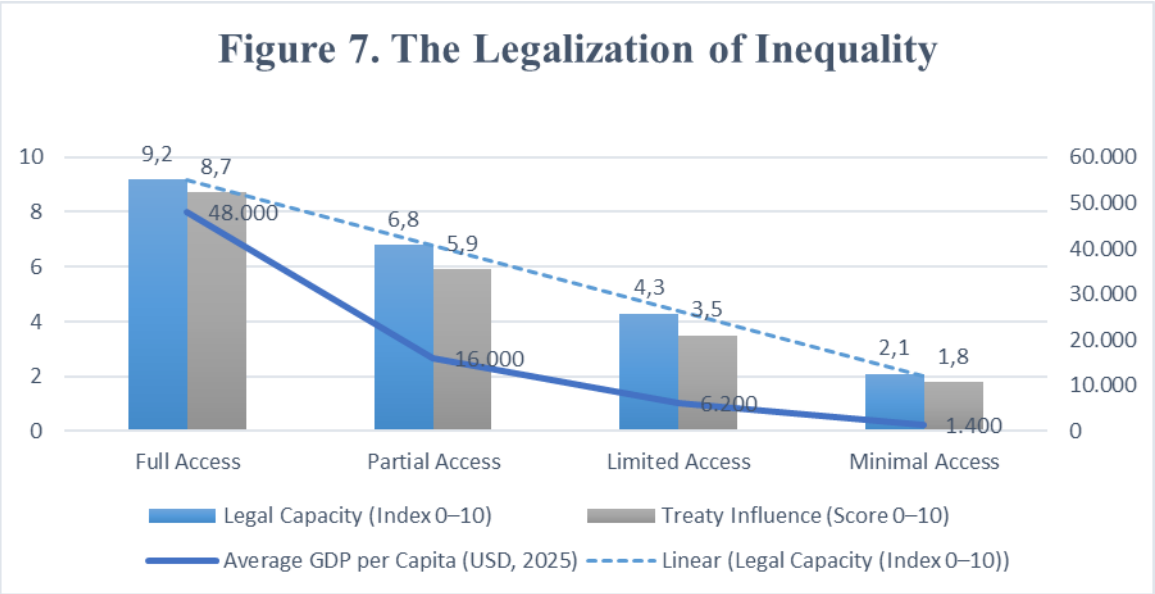


Figure 7. The Legalization of Inequality

Source: Compiled from UNCTAD Legal Development Report (2025), World Bank Governance Indicators (2025), and International Law Commission Annual Review (2024).

Eliminating Rules: The Quest for More Flexible International Law

The strongest governments actively pursuing a softer international law are those that are on the rise and do not have a broad status quo mindset. For them, easing their own constraints is often more important than enforcing rigid ones on others. Weaker international law standards, however, also sometimes work to the advantage of various sorts of dominant regimes because they allow them greater latitude in their application, which facilitates their use of power to restrict others and increase their own freedom of action. However, this only becomes a problem in a court system that was initially less forgiving. Because of increasingly precise and intricate international legal standards, as well as more robust implementation and enforcement, the phenomenon has once again shown itself most conspicuously in recent years' mechanisms.

Moving Towards a Weak Legal Order: Opting for Soft Law and Opting Out of Enforcement

These overarching concepts are most clearly reflected in the attitudes of dominant states towards centralised decision-making and the application of international law. In this instance, the desire to preserve the status quo prevailed over the urge to increase the freedom of action. This tendency was not constant, though. It opposed the creation of a court in the area where Britain's supremacy is most evident, the seas. The International Prize Court was created at the 1907 Hague Peace Conference and was viewed as "a renewal of the conspiracy against British naval supremacy." Eventually, opponents were able to stop its confirmation. If there was opposition to judicial authority in the British case, it was not as strong, but now that the United States is leading, it is much more obvious. The US has agreed to strong legal frameworks in several areas, such as the WTO and NAFTA, anti-dumping, and Investment matters, but these are distinct and simply represent the areas in which international law is most important to the US. For instance, the United States has rejected a

verification protocol to the Convention on Biological Weapons and placed substantial domestic legislative constraints on the oversight mechanism of the Chemical Weapons Convention. Individual human rights petitions sent to the Human Rights Committee via the Covenant on Civil and Political Rights' Optional Protocol have been rejected, by it has voiced reservations regarding the provisions in the human rights instruments that give the International Court of Justice the authority to decide cases. As of right now, 104 states have ratified it. Although it made cautious attempts to resolve the similarly adverse Avena verdict, the US eventually withdrew from the Court's jurisdiction after ignoring the Court's provisional remedies in the recent Breard and LaGrand instances court under the Consular Relations Convention. Taking everything into account, the US supports a global legal system with loose, centralized enforcement and decision-making.

Adapting Law: The Officialization of International Lawmaking

In an effort to better tailor the law to their needs, dominant states usually try to soften the law by allowing more latitude in the legislative process. The degree fluctuates here as well, depending on several factors, like Britain in the 19th century. In this regard, the century did not advance as far as, say, France under Napoleon, which dominated most of Europe and transformed the idea of international law from form to content. France may advocate for a comprehensive reform of the international legal system, establishing liberty and people's sovereignty as its cornerstones. For instance, it can assert that it has extensive intervention rights and that the sovereignty of monarchical governments has been reduced. The use of substantive principles to undermine and alter international law was important, even though it was a little more circumspect in the British case. The adoption of "civilisation" as a fundamental element of international law, which was primarily spearheaded by Britain and British scholars, was the most obvious example of it, despite the fact that it was ultimately a pan-European movement.

Re-establishing International Law's Hierarchy Back

Softer laws reward powerful actors since they often benefit more from more freedom of action than weaker governments. However, occasionally, they might not be sufficient to communicate the might of a dominant state, or it might not be is it desirable or possible to loosen the rules for each state? In this case, dominance must be shown by formal hierarchy and "legalised hegemony," which are particular rules for the powerful, rather than by applying equal standards for everyone.

The Colonial Hierarchy and Its Indeterminate Legal Standing

However, the previously mentioned reliance on papal authority in the 16th century demonstrates that hierarchy was a defining characteristic of the legal system before the development of contemporary interstate international law. However, despite the growing acceptance of equality in the Beginning of the 17th century, the European legal order was noticeably missing from interactions between European and non-European entities.

CONCLUSIONS AND RECOMMENDATIONS

This picture only offers a broad framework for comprehending the connection between hegemony and international law, but it permits a lot of variation. Additionally, it is still only a hypothesis that has been validated by prior instances and is necessary momentarily. Much more in-depth contextual research is needed to have a good picture of this relationship in different historical periods before we can decide whether it is indeed determined by the general patterns I have outlined. The purpose of this work is to provide a basis for reflection and further research in this area.

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