

Opinion Article

Is international law really law?

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ABSTRACT

There has been an ongoing and probably a never-ending debate on whether international law is really law. Thus, there exists a group of scholars who are of the view that international law is not a real law while another group of scholars on the other hand also argue that international law is real law. The article contributes to the existing literature on this argument by giving a different dimension to the argument. That is, the article situates the argument of whether international law is a real law or not, into the theory of Realism and Liberalism and by outlining the main arguments provided by the two schools of thought to support their respective views on the topic under discussion, an objective conclusion was drawn at the end.

The methodology adopted for the study is the qualitative approach of which the works of renowned scholars that focus on debating whether international law is a real law or not were studied and this aided in a comprehensive analysis of the arguments surrounding this debate and eventually leading to an objective conclusion. Materials used include information from the internet, journal articles, policy documents as well as all other important reading materials such as the dailies, press releases, news items and official reports.

The article finally concludes by stating that international law is a real law because enforcement is not entirely the only hallmark of what constitutes law and even domestic law in a broader sense does not possess full enforcement as argued by scholars who are of the view that international law is not really law.

Keywords: International law; Realism; Liberalism; Real law; Domestic law.

30 1. INTRODUCTION

31 One of the most controversial issues that continue to be debated among scholars of international law
32 relates to whether the international law could be regarded as a real **a law** or not. In a general sense,
33 there are two schools of thought engaged in this argument: the realist and the liberals. Both schools
34 of thought advance various reasons to support their arguments and this article looks at the **arguments**
35 advanced by both the realist and the liberals after which a conclusion is drawn.

36 To attempt to answer the question whether international law is really a law or not, it is important to
37 understand some of the basic concepts of what constitutes a law which will aid in a comprehensive
38 understanding of the nature of international law so as to be able to present an unbiased and objective
39 argument.

40 1.1 Definition of law

41 Perhaps the inability to answer the question as to whether international law is **a real** law or not stems
42 from the fact that the concept of law itself is quite a difficult and controversial concept to define. **Thus,**
43 **law** has been defined in different ways by different scholars and as such, there is no universally
44 accepted definition of what law is or what constitutes the components of the law.

45 **John Austin, an English philosopher in his book titled "Lectures on Jurisprudence: or the Philosophy**
46 **of Positive Law", page 5,** defined law as "A rule laid down for the guidance of an intelligent being by
47 an intelligent being having power over him" [1]. From this definition, it can be deduced that according
48 to Austin, law consists of rules and principles that are formulated and enforced by a sovereign and
49 recognized authority.

50 Professor Hart in his book the "The Concept of Law" described the law as a system that is made up of
51 primary and secondary rules made to regulate behaviour in a society or community [2]. That is to say
52 that, laws are made to guide the behaviour of individuals so that individuals are aware of what is
53 expected from them and the likely consequences of their actions if they go contrary to the established
54 laws.

55 **St Thomas Aquinas in his work "Summa Theologica: Part I-II" in page 90 defined law as** "Nothing else
56 than an ordinance of reason for the common good, made by him who has the care of the community,
57 and promulgated" [3]. Law in this sense is seen as something that is prescribed by a recognized

58 authority for a group in a particular society so as to promote the common good. Thus, there exists a
59 sovereign authority that prescribes these laws in order to promote the common good. In this sense,
60 the people to whom the law is made for are obliged to abide by those laws.

61 In the view of Max Weber, Law exists if an external body or authority is given the mandate to enact
62 rules and principles and compel compliance by coercion, either physical or psychological if the need
63 arises so that the accepted standards will be followed by all or avenge acts of infringement or breach
64 of the rules and principles [4].

65 Law in its simplest form could be defined as recognized legitimate standards of behaviour that bind a
66 community together. The use of the word recognized standards of behaviour in this definition of law
67 means that, for certain standards of behaviour to rise up to the status of being called the law, it should
68 achieve some form of recognition. There are scholars who argue that standards of behavior that are
69 recognized by the authorities of the state or a country is what is referred to as law and there are other
70 scholars who also argue that such standard of behavior should be recognized by both the authorities
71 of the state as well as the individuals or the citizens of the country before it could be regarded as law.
72 Most of the scholars that argue that standards of behavior should be recognized by both the states
73 and its citizens before it could be regarded as law are natural law scholars who believe that the law
74 should be just and should serve the interest and well-being of the people and as such citizens have
75 the right to revolt and reject any law that is not just.

76 Law contains rules and principles that are to be obeyed by members of a community with the
77 objective of regulating behaviour and binding a community together to achieve a common goal or
78 purpose. Law has some basic characteristics among which include: it has universal application, it is
79 coercive and also it is permissive

80 **Universal application:** this means that law has a universal application to all persons and individuals
81 within a particular framework [5]. The universal application of law should be done without any
82 discrimination to any individual with respect to their status in society, race, colour, religion, etc. This is
83 what is normally referred to as the concept of rule of law where the law is seen as supreme and
84 applied to all people in an equal manner.

85 **Law is coercive:** law possesses some coercive force which punishes violators [6]. In a society,
86 community, etc. there will always be people who will not abide by the accepted legitimate standards of
87 behaviour of the community or society and these people must be forced to obey by punishing them
88 when they deviate from the accepted standards. In this sense law is coercive and in most cases, it
89 has a coercive agency to ensure conformity and compliance.

90 **Law is permissive:** while the law is coercive to a large extent, it is also permissible. Individuals can
91 establish their own relationship within the larger framework of the law [7]. Thus, individuals have the
92 liberty to also form their own contracts or laws within the larger framework provided these contracts do
93 not conflict or contradict the accepted standards of the larger community. For example, the signing of
94 personal agreements between two or more people on how to operate or establish their business is
95 permitted in most domestic laws only if the contract does not conflict or breach any provisions in the
96 domestic law.

97 **1.2 Why the need for law?**

98 There are several reasons why a community or society **needs** laws, however; this article looks at only
99 the basic reasons why the law is needed:

100 **To regulate behaviour:** Society needs rules to regulate behaviour and perhaps avoid chaos [8].
101 Without laws to govern behaviour and regulate the relationship among persons, there is always the
102 possibility of violence and chaos. Individuals without laws or rules to govern their behaviour will be
103 living in a state of fear with constant violence against all which could be equated to what Thomas
104 Hobbes refers to as the state of nature where the life of man is solitary, short, brutish and nasty. To
105 avoid such situation, laws are needed to govern and regulate the behaviour of persons as well as
106 protect life and property in a community. It is also important to note that the laws should have an
107 enforcing agency to ensure compliance and punish deviants.

108 **Law makes things easier:** with the availability of laws in a community or society, things are easier
109 and more convenient. This is to say that, each and every person in the society knows what the laws
110 are because the laws specify what a person can and cannot do as well as the likely punishments
111 associated with breaking the laws. This in a way creates some form of certainty and makes things
112 quite easier for the individuals in a particular community. One can make long-term decisions with
113 others, both far and close due to the fact that they know the rules and that if one party breaches his

114 part of the agreement the other party can seek for redress at the court. There is someone to enforce
115 the law: whenever there is any disagreement between two parties, one is always certain as to what to
116 do to seek justice thus by taking the case to court for the court to enforce the law.

117 **1.3 What is international law?**

118 International law at its initial stages of development was referred to as the laws of national thus a
119 body of rules and principles that governed the relations among civilized states in their dealings with
120 one another. This definition of international law is very narrow and viewed as the traditional definition
121 of international law [9]. Obviously, there are a lot of gaps in this definition as it is difficult to determine
122 which state is civilized and which state is not and more importantly, the scope of international law has
123 widened to govern the relations not only among states but other entities as well.

124 With the growth of Non-Governmental organizations (NGOs) most probably after the WWII as well as
125 the growing business transactions, agreements, and contract among persons, the scope and
126 definition of international law has widened to cover, NGOs and even **individual** persons as well. The
127 modern definition of international law is thus defined as a body of rules and principles that governs the
128 relations among States, International Governmental Organizations (IGO's), NGO's as well as
129 individual persons in their relations among each other [10]. This definition of international law is
130 mostly referred to as the modern definition as it expands the scope and focus of international law.

131 **1.4 Characteristics of international law**

132 International law has certain specific and unique characteristics that distinguish it from the domestic
133 law:

134 **Firstly the subject matter:** The primary subjects of international law are sovereign states [11],
135 although in recent times some scholars argue that International Governmental Organizations, Non-
136 Governmental Organizations, and even individuals could also be subject of international law. In a
137 much broader sense, the assertion that IGO's, NGO's and individual persons are also subjects of
138 international law is true due to the fact that the actions and activities of IGO's, NGO's and individual
139 persons are regulated by international law and as such, they work within the larger framework of
140 international laws and try not to infringe or breach any international law

141 **Secondly the source of international law:** There is no single or legally authorized source of
142 international law as there exist in the case of domestic law. According to article 38 of the statute of the
143 international court of justice, there are five sources of international law, namely: Treaties, Customs,
144 General principles of law recognized by civilized States, Judicial decisions, Jurist work or Opinions of
145 experts in international law. That is to say that unlike domestic law where the source could mostly be
146 traced to one single, legally recognized institution or body which in most cases is the legislature of the
147 country, international law does not possess this quality.

148 **Again, international law lacks strong enforcement machinery:** The enforcement mechanism
149 backed by international law is not very strong as compared to that of domestic law. There is no
150 universal policeman or institution at the international level that ensures compliance and enforces
151 international law, unlike domestic law. Compliance with international law is a mutual consensus
152 among member states and to a large extent, the willingness to abide by such laws is as a result of the
153 fact that, international law is believed to serve a good purpose for all.

154 Furthermore, **the law-making processes** of international law are different from that of domestic law.
155 One of the main and perhaps the most effective way of making international law is through treaties
156 [12]. The basic elements of a treaty are: treaties are mostly formal written documents even though in
157 some cases it can be unwritten, these formally written documents are signed and **ratified** by member
158 states through a formal legal accepted and approved procedures, and final agreements made in the
159 treaty are binding on member states: a concept known as "Pacta Sunt servanda"

160 **2. METHODOLOGY**

161 The methodology adopted for the study is the qualitative approach. This is due to the fact the
162 qualitative approach is much suitable for explanatory and descriptive studies [13]. Adopting this
163 approach enabled the researcher to dwell on the works of renowned scholars in the field of
164 international law that focus on debating whether international law is a real law or not. This helped in
165 making a comprehensive analysis of the arguments surrounding this debate and eventually leading to
166 an objective conclusion

167 The study primarily relied on secondary sources of information such as documents from the internet,
168 journal articles, policy documents as well as all other important reading materials such as the dailies,
169 press releases, news items and official reports.

170 The aim of the article is to contribute to the ongoing debate on whether international law is a real law
171 or not and in order to make a comprehensive analysis of all the arguments surrounding this debate,
172 the researcher placed the debate into the realist and liberal school of thought to which a conclusion
173 was drawn after a critical analysis of the arguments presented by the realist and the liberal.

174 3. DISCUSSION ON WHETHER INTERNATIONAL LAW IS A REAL LAW?

175 With a little background of what law is and what international law constitute, it will thus be interesting
176 to attempt to answer the question whether international law is really a law or not. To be able to
177 comprehensively address this question, we shall look at the main arguments advanced by the two
178 schools of thought that debate this question and for the purpose of this article; we shall situate the
179 main arguments of the two schools of thought into the school of the Realist or Realism and the
180 Liberals or liberalism.

181 3.1. Realist/ Realism

182 According to realism or the realist school of thought, international law is not really law. Thus the realist
183 regards the domestic law as a real law, but international law, on the other hand, cannot be regarded
184 or treated as a real law. The realist advances a number of arguments to support this assertion among
185 which include:

186 To begin with, this school of thought argues that ***National interest is paramount to every state:***

187 According to the realist, states are the major players in the international system and states will never
188 compromise their National interest for any international law. In other words, to the realist, if there is a
189 clash between the National interest of a country and an international law, almost all states will choose
190 their National interest above the International law without any hesitation. The argument being
191 advanced by the realist here is that National interest is the driving force behind a countries foreign
192 policy and as such states will only abide by an international law only when it is in accordance with
193 their National interest, but in a situation where there is a conflict between a Country's National interest
194 and international law, all countries are likely to choose their National interest above international law.

195 In short, the realist believes that a real law should supersede all interest and compel compliance
196 regardless of whether it is in one's interest or not, but since national interest supersedes international
197 law in the relations of countries among themselves, then international law is not a real law.

198 Secondly, ***International law lacks the coercive power that is backed by a real law as compared***
199 ***to that of domestic law:*** To the realist, International law has a loose set of framework as compared
200 to domestic law because it lacks the coercive power that is backed by a real law. This is to say that in
201 the view of the realist, international law is not able to enforce and compel compliance as a domestic
202 law does. This is probably due to the fact that, there is no international "policeman" to enforce
203 international law as in the case of domestic law where there is a recognized court and police to
204 ensure compliance by all persons. A real law in the view of the realist should be backed by a coercive
205 power that should force compliance by all individuals regardless of their status or power in the society,
206 but international law in the view of the realist does not command such coercive force due to the
207 reason that powerful countries always breach international laws and go unpunished.

208 Again, ***the quest for power in international relation is important to every state:*** According to the
209 realist, countries will do anything to make themselves powerful rather than giving recognition to
210 international law. All countries strive to outweigh one another in the international system and that is
211 more important to states than submitting their quest for power to the recognition of any international
212 law. Therefore, in the view of the realist, power is an important element in the international system
213 and that explains the **reason why** countries will do everything within their possible means to be
214 powerful because the more powerful you are as a country, the more influential you become in the
215 international system and as such countries will not **compromise** their quest to be powerful for the
216 recognition of any international law or convention. It is only when international law will aid a country in
217 its quest for power that such a country will abide and give recognition to such laws, but in a situation
218 where international **law** becomes a hindrance to a country's quest for power, that country will not give
219 any recognition to that international law but will rather carry on with their actions and ambitions to be
220 powerful and influential in the international arena.

221 Furthermore, ***there is no legislature to enact international laws as in the case of domestic law:***
222 The argument of the realist here is that a real law should have a recognized authority or institution to
223 enact those laws, but in the case of international law, there is no universally accepted authority or

224 institution vested with the power of enacting international laws and this does not make international
225 law a real law. The absence of a legislature creates a vacuum in **the** process of making international
226 law as it becomes unclear where international laws are coming from and whether those who enact
227 international laws have the full mandate and authority of all states to enact such laws as compared to
228 domestic laws where there are full consent and authority vested in a recognized legislative body to
229 enact the laws.

230 **3.2 Liberalism/ Liberals**

231 According to the liberals, on the other hand, international law is a real law and this school of thought
232 advance the following reasons to support their assertion:

233 Firstly, this school of thought argues that ***all states to some extent give recognition to***
234 ***international law***. Almost all states in the world agree to some extent that, there exist some form of
235 laws that govern the relations and activities of countries, NGOs, IGOs and individual persons in their
236 dealings with one another. Thus, all the subjects of international law try to do their best to abide by
237 these international laws. The argument of the liberals here is that, even though international law is
238 frequently violated by some powerful states, it does not render international law invalid in its true
239 sense because all states acknowledge the existence of the international law to some extent and try
240 their possible best not to violate these laws. Even the powerful countries like the United States (USA)
241 of America, Russia, and China try to abide by these international laws and conventions. For example,
242 in 2003, before the USA invaded Iraq, it went to the Security Council of the United Nations to seek for
243 a resolution to permit the USA to go to war with Iraq to which the USA was refused even though it
244 went ahead and invaded Iraq. The point, therefore, is that the USA as a world's superpower could
245 have simply gone to Iraq without going to the UN in the first place, but the fact that the USA went to
246 seek approval which was not granted confirms the fact that even powerful countries give recognition
247 to international law and tries their best to comply with them. Again, after the USA invaded Iraq, there
248 have been several occasions where the USA has been criticized of breaching International law by
249 some scholars and the USA in most cases also tries to respond to such criticisms and justify **its**
250 actions. The point, here again, is that a country like the USA could decide not give any response to
251 any criticism by any writer or scholar, but the fact that the USA comes out to defend its stand against
252 the breach of International law goes a long way to support the fact that even powerful countries give

253 recognition to international law and tries not to breach these laws which in the argument of the
254 Liberals makes international law a real law.

255 Secondly, **one of the elements of law is that those who breach it are punished**: The liberals
256 believe that international law, possesses the element of punishing those who breach it. We have seen
257 several situations where Countries or people who have breached international laws and conventions
258 are punished in one way or the other. The Liberals will accept the fact that, there are some situations
259 where international law has been breached, but the offenders get away with the act without being
260 punished but this is only on some few occasions. According to Roger Fisher, even in the domestic
261 setting, not all the laws are enforceable as there are powerful individuals who breach the law in one
262 way or the other and still have their way around the law without being punished [14]. For instance, if a
263 private individual or party wins a case against the State in court, the state in this case decides to
264 abide **by** the ruling of the court only because it wants to do so and the state can decide to act
265 according to the ruling of the court only when it deems fit because the private individual cannot put a
266 gun on the head of the state to act immediately. In most cases, however, those who violate
267 international laws are being tried and if they are found guilty, they are being punished to serve as a
268 lesson or deterrent to other states. Not only are individuals of a country punished for breaching
269 international laws and conventions, but even economic sanctions are sometimes imposed on a whole
270 country or state to ensure compliance or as a way of punishing those countries that breach
271 international laws and conventions.

272 Additionally, **the General Assembly and the Security Council serve as the parliamentary body of**
273 **international law**. According to the Liberals, there are institutions like the General Assembly and the
274 Security Council of the UN who perform similar functions as the legislative body of any given country
275 in domestic law. These institutions could thus be equated to the legislature in the domestic setting as
276 they perform the same function of the legislature in any given country. These institutions ensure the
277 enactment of conventions and treaties passes through the due process of deliberation and discussion
278 before being accepted or endorsed. **One can even argue** that at the international level, treaties and
279 conventions are enacted by global experts who make quality inputs as compared to the legislature of
280 some countries which just rubber stamp rules in the favour of their party.

281 Lastly, the liberals **argue** that, the peace and relative stability that has been achieved in the
282 international arena is a result of the fact that there exist some laws that governs and regulate behavior
283 of States, NGO's, IGO's etc in their relations with one another and that without such laws, there will be
284 no way by which such peace and understating in the relation among States with respect to their
285 interaction with one another could be achieved and that confirms the fact that international law is real
286 law. International law has governed the way countries or states should trade among themselves to
287 ensure peaceful coexistence and harmony and as such, there is no justification that international law
288 is not a real law as argued by the realist.

289 **3.3 Justification of international law as a real law**

290 **The most advanced argument used by scholars who are of the view that international law is not a real**
291 **law is the enforcement argument. Thus, international law is mostly criticized on the basis that it cannot**
292 **be enforced to the fullest as in the case of domestic law.**

293 This assertion to a large extent is debatable and in fact, not true in all situations because even the
294 domestic law cannot be fully enforced at all times. For example, in the domestic setting, if an
295 individual wins a case against the state, the individual is at the mercy of the state to comply with the
296 ruling because the individual cannot hold a gun to the head of the state in order to compel the state to
297 comply with the court's ruling. Thus, it can be argued that in the domestic setting, states abide by the
298 rulings of domestic court mostly to protect their image or reputation at the international level as a law-
299 abiding state that ensures the rule of law or probably because they just want to do so due to the fact
300 that in the actual sense nobody can compel a state to abide by a domestic court decision.

301 Moreover, international law to a large extent is enforceable in the international system and there are
302 many cases where powerful countries like the USA, China, Russia, etc. have been sanctioned for
303 breaching some international laws for which these countries have complied and acted according to
304 the rulings of international tribunals.

305 For example, in 2014, the European Union imposed economic sanctions against Russia, targeting its
306 oil industry, defense, dual-use goods and sensitive technologies. This sanction was a result of the fact
307 that Russia was accused of supplying air missile to Ukrainian separatist, which was used in the
308 shooting down of Malaysia Airlines flight MH17 over eastern Ukraine and this act was considered as a
309 breach of international law [15]. Again in July 2014, Russia was again found guilty of breaching
310 international law and as a result was made to pay a compensation of \$50bn (£29.4bn) to

311 shareholders of Yukos, the former defunct oil company that was broken up a decade ago after its
312 boss fell foul of Vladimir Putin [16]. In the judgment, a tribunal in the Hague ruled that the Russian
313 state had intentionally sought to bankrupt Yukos, confiscate its assets and use all measures possible
314 to prevent the owner of the company who is in the person of, Mikhail Khodorkovsky, from entering into
315 politics

316 Additionally, on the 3rd of July 1998, a USA Navy ship called the Vincennes shot down the Iran Air
317 Flight 655 killing all the 290 members and the crew on board [17]. This was a terrible incident and was
318 considered a breach of international law. In fact, Iran sued the United States in the International Court
319 of Justice in The Hague to seek compensation for Iranian families that lost their loved ones as a result
320 of this act and in the lawsuit, Iran argued that the United States had violated the 1971 treaty which
321 sought to prevent acts of violence against civilian airliners. After the ruling of the court, the USA
322 agreed to pay a compensation of \$100,000 to \$250,000 to the families of people killed when the Iran
323 Air Flight 655 was shot down by the American Navy Ship [18].

324 Finally, in the late part of 2015, China arrested and jailed three Christian church leaders Hu Shigen,
325 Zhou Shifeng and Xie Yang without fair trial and this action was seen as a violation of the rights of
326 these people as stated in international law and as such the United Nations in the year 2017
327 demanded that the Chinese government should immediately release these people and pay them the
328 necessary compensations. This case was reviewed by the UN's working group on arbitrary detention,
329 and upon careful analysis, the group rejected the claim by the Chinese government and said that the
330 detentions of these people were "made in total or partial non-observance of the international norms
331 relating to the right to a fair trial" [19]. Even though the decision of the UN's working group on arbitrary
332 detention is not legally binding on China, the Chinese government complied with the ruling and acted
333 accordingly.

334 The above mentioned are just a few of the many cases where powerful countries in the world have
335 been sanctioned for breaching international laws to which these countries have complied and acted
336 according to the ruling of an international tribunal. It is, however an undisputed fact that, in some
337 situations, powerful countries or states have breached one international law or the other without being
338 punished or in some cases refuses to abide by the rulings of international tribunals but comparatively,
339 the number of times states abide and give recognition to international law is much higher than the
340 number of times they breach international law without being punished.

341 **4. CONCLUSION**

342 In conclusion, I will like to state that, the two schools of thought have all made good points to justify
343 their stand with regards to debating whether international law is real law and this debate will continue
344 to exist partly due to the fact that there is no universally accepted definition of what law is and as such
345 one judgement on whether international law is real law or not will be influenced by what the individual
346 thinks and believe constitute the definition of law.

347 This **notwithstanding, however,** international law to a large extent is a real law because in every
348 situation, there are exceptions and the exceptions should not be used to generalize on the issue. This
349 is to say that in the general sense all States, NGO's and even persons give recognition to the
350 existence of international law and the fact that there exist exceptional situations where some few
351 powerful countries have breached one international law or the other without being punished cannot
352 invalidate the international law. Also, even domestic law in some situations does not possess hundred
353 percent coercive force because in the domestic settings there are some powerful individuals that
354 breach or violate the law and go unpunished, but such exceptions cannot be used to generalize that
355 domestic law is not a real law.

356 In some occasions, States or individuals may break the law for their selfish interest or desires, but that
357 is not to say that there exists no **law** in the first place. **States to a large extent do comply with**
358 **international law for lots of reasons such as reputational reasons, reciprocity reasons, market reasons**
359 **and so on. Thus, states will like their nationals in foreign countries to be treated well and as such, they**
360 **mostly ensure that other foreign nationals are treated well in their territory. Additionally, a state that is**
361 **tagged for constantly breaking international laws and not respecting foreign investors will in turn not**
362 **attract any more foreign direct investments and will be stuck economically. For these reasons and**
363 **others, states comply with international laws and obey them, making international laws real laws that**
364 **can be enforced.**

365 Also, the sources of domestic law and international law are different and as such the two laws cannot
366 be compared.

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370 **COMPETING INTEREST**

371 The author declares that there is no competing interest

372 **REFERENCES**

373 1) Austin J. Lectures on Jurisprudence: Or, The Philosophy of Positive Law. J. Murray; 1875.pg.5.

374 2) Hart, H. L. A. The concept of law. OUP Oxford; 2012.

375 3) Thomas Aquinas, ST. Summa Theologica: Part I-II. Trans. Fathers of the English Dominican Province.

376 5 vols. Westminster: Christian Classics; 1948: p.90.

377 4) Six Form Law. What is law? 2008. Accessed 21 May 2017.

378 Available: https://sixthformlaw.info/01_modules/other_material/law_and_morality/0_what_is_law.htm

379 5) Makodia, V. V. A pragmatic analysis of legalese. In Language Forum (Vol. 35, No. 1, pp. 155-161).

380 Bahri Publications; 2009.

381 6) Lamond, G. The coerciveness of law. Oxford Journal of Legal Studies. 2000; 20(1), 39-62.

382 7) Fox, E. M. Antitrust regulation across national borders: the United States Boeing versus the European

383 Union of Airbus. Brookings Review. 1998; 16(1), 30-33.

384 8) McAdams, R. H. A focal point theory of expressive law. Virginia Law Review. 2000; 1649-1729.

385 9) EVILLE, C. M. The commodity-form theory of international law: an introduction. Leiden Journal of

386 International Law. 2004 ;17, 271-302.

387 10) Egede, E., & Sutch, P. The politics of international law and international justice. Edinburgh University

388 Press;2013.

389 11) Acquaviva, G. Subjects of international law: a power-based analysis. Vand. J. Transnat'l L. 2005; 38,

390 345.

- 391 12) Reyes, A. S. Protecting the Freedom of Transit of Petroleum: Transnational Lawyers Making (up)
392 International Law in the Caspian. Berkeley J. Int'l L. 2006; 24, 842
- 393 13) Babbie, E. The practice of social research. Nelson Education; 2015.
- 394 14) Fisher, R. Bringing Law to Bear on Governments. Harv. L. Rev., 74, 1130; 1960.
- 395 15) The Guardian. EU agrees new sanctions on Russia; UK sees record demand for long-term debt -
396 business live; 2014. Accessed on 14th February 2018
- 397 Available: [https://www.theguardian.com/business/live/2014/jul/29/next-profits-bp-russia-sanctions-](https://www.theguardian.com/business/live/2014/jul/29/next-profits-bp-russia-sanctions-vodafone-agm-business-live)
398 [vodafone-agm-business-live](https://www.theguardian.com/business/live/2014/jul/29/next-profits-bp-russia-sanctions-vodafone-agm-business-live)
- 399 16) Rankin, J. Russia ordered to pay \$50bn in damages to Yukos shareholders; 2014. Accessed on 14th
400 February 2018.
- 401 Available: [https://www.theguardian.com/business/2014/jul/28/russia-order-pay-50bn-yukos-](https://www.theguardian.com/business/2014/jul/28/russia-order-pay-50bn-yukos-shareholders-khodorkovsky-court)
402 [shareholders-khodorkovsky-court](https://www.theguardian.com/business/2014/jul/28/russia-order-pay-50bn-yukos-shareholders-khodorkovsky-court)
- 403 17) Fisher M. The forgotten story of Iran Air Flight 655; 2013. Accessed on 14th February 2018.
- 404 Available: [https://www.washingtonpost.com/news/worldviews/wp/2013/10/16/the-forgotten-story-of-](https://www.washingtonpost.com/news/worldviews/wp/2013/10/16/the-forgotten-story-of-iran-air-flight-655/?utm_term=.f00a93b3b57f)
405 [iran-air-flight-655/?utm_term=.f00a93b3b57f](https://www.washingtonpost.com/news/worldviews/wp/2013/10/16/the-forgotten-story-of-iran-air-flight-655/?utm_term=.f00a93b3b57f)
- 406 18) Pear, R. U.S. Offers Money in Iran Air Case; 1989. Accessed on 14th February 2018.
- 407 Available: <http://www.nytimes.com/1989/07/18/world/us-offers-money-in-iran-air-case.html>
- 408 19) Haas, B. UN tells China to release human rights activists and pay them compensation; 2017. Accessed
409 on 14th February 2018.
- 410 Available: [https://www.theguardian.com/world/2017/oct/20/un-china-report-release-human-rights-](https://www.theguardian.com/world/2017/oct/20/un-china-report-release-human-rights-activists-pay-compensation)
411 [activists-pay-compensation](https://www.theguardian.com/world/2017/oct/20/un-china-report-release-human-rights-activists-pay-compensation)