BOOK REVIEW: INTERNATIONAL LAW IN WORLD POLITICS: AN INTRODUCTION BY SHIRLEY V SCOTT

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ABOUT THE AUTHOR

Shirley V Scott is an Australian scholar who works in the field of international law and international relations. The main idea of her book International Law in World Politics: An Introduction is also based on those two areas. She tries to understand international law by correlating it with the politics of international relations and tries to explain in her book how the two operate together.

The title of the book itself explains what it is about. It tries to explain the role and function of international law and States' dependency on it. Scott's approach to this book isn't wholly based on listing legal rules and principles. Though the book introduces how international law operates, Scott does not only list legal rules and principles. She also lets her reader think about who makes use of those rules and the circumstances under which international law develops.

This book does not portray international law as a system that functions on its own. Rather, it explains how international politics, State interests and non-State actors shape legal outcomes.

CONTEXT AND PURPOSE OF THE BOOK

International law is often explained through treaties, customs, international organisations, international court decisions and as a law governing relations between States. Scott doesn't explain it in a technical way; rather, she gives it a different approach. She describes international law rules from the political situation where those rules are actually applied.

The purpose of the book is not just to introduce international law but to explain the relationship between legal rules and the political structure in which those rules exist. The book includes the study of States, intergovernmental organisations, non-State actors, the structure of international

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law and different areas of it, questions relating to the use of force, arms control, human rights, humanitarian law and environmental law in the context of international relations.

The book deals with a basic but important problem: law and politics. Although law and politics are different subjects. Law is associated with rules, courts and legal obligations, whereas politics is associated with power, interests and decision-making. But in international relations, they sometimes overlap. Scott bridges this gap by explaining complex legal concepts in simple legal language. A State may have legal obligations, but it can be affected by political interests.

The book has both advantages and disadvantages for a reader. Although it discusses the different areas of international law, some of them aren't discussed in depth. This book can be understood as an introduction to international law, politics in it and international relations, but some areas and issues have been left unexplained.

SUMMARY OF CORE ARGUMENTS

The core argument of the book is based on the argument that international law and world politics are closely connected. States are important actors because they participate in treaty-making, create international obligations and play a major role in international institutions. Because there is no world government, States must rely on mechanisms like treaties, legal arguments and international institutions.

Scott, through her book, discusses the use and development of international law and what happens when it is applied in actual political situations. She also recognises the growing role of international organisations and non-State actors. International organisations, treaties and legal arguments are also part of it.

The book deals with various areas of international law, including the use of force, arms control, human rights, international humanitarian law and environmental law. It also deals with issues which States find difficult to handle. This can provide practical examples of the relationship between international law and international politics.

Another important part of the book is the legal argument. International actors not only use political arguments but also legal language to support their positions. States do not generally present international disputes only in terms of political interest. Some may argue that their actions are permitted under international law while other States may believe vice versa. This

doesn't mean that international law is useless because politics is important. Instead, Scott shows that law and politics work hand in hand together. Thus, for understanding international law, it is important to understand the political environment in which it is created, interpreted and implemented.

JUSTICE, GLOBAL INEQUALITY AND INTERNATIONAL LAW

Globalisation has made it difficult to treat international problems as completely separate from domestic ones. This includes issues such as human rights and environmental protection. As States become increasingly interconnected, the number of issues requiring international cooperation also increases. Scott's discussion about international law in world politics is relevant here because it shows how States rely on it when they have to deal with more than one country.

Human rights provide another strong connection with Scott's analysis. Customary international law was largely concerned with relations between sovereign States. However, it is not limited to relations between States. It is concerned with individuals and their treatment within States as well. This creates a relationship between international obligations and domestic law.

This can be related to Amartya Sen's ideology. He focuses on what people are actually capable of doing and being, rather than limiting the discussion to the existence of formal rights or resources. This helps evaluate the effect on actual human lives.

The same can be seen with sustainable development and environmental issues. States have to cooperate, negotiate treaties and accept certain international responsibilities, since they cannot always solve these problems through domestic legislation alone.

Global justice makes this discussion more complicated. Not all States are equal; some have different levels of economic and political power. Scott's work can be examined through the concept of global justice.

According to John Rawls' theory of justice, social and political institutions should be considered fairly. His later discussion of the law of peoples provides a basis for thinking about justice at the international level. Upon combining John Rawls' theory of justice with Scott's analysis, an interesting problem emerges. States may be equal in international law, but it may

not always result in equal influence. Scott's analysis recognises the political character of international law, whereas Rawls' theory analyses the fairness of international arrangements.

B. S. Chimni's Third World Approach to International Law is also relevant here. His work deals with the historical and political inequalities behind the international legal system. Chimni argues that international law should also be examined from the experience of Third World States and peoples and in the context of the historical structures within which international law developed.

Scott's book helps the reader understand the function of international law, but it still lacks clarity on how the existing system was shaped by unequal power.

THEORIES OF JUSTICE AND SCOTT'S ANALYSIS

Rawls' theory of justice is concerned with fairness and principles that govern a society and international order. His idea raises a question about whether the rules governing international relations can be justified to those who are subject to them.

Sen's capability approach theory fits with the human rights and development aspects of Scott's work. His capability approach focuses on what people can do and become rather than just analysing their rights. This is useful when thinking about international human rights. A right may exist in a treaty, but it does not automatically mean that a person may enjoy it if socio-economic barriers exist. For example, equality before the law is valuable, but it may not be sufficient if social and economic conditions prevent certain groups from making use of that equality.

Robert Nozick provides a different understanding of justice. His theory gives emphasis to individual rights and limited interference and can lead to a different understanding of international obligations. When applied to international relations, this can raise concerns about economic freedom, ownership, trade and the distribution of resources. Using Nozick's theory doesn't explain Scott's position, but it shows that the same international legal arrangement may be evaluated differently depending upon the theory of justice being applied.

According to Scott's book, international law recognises rules relating to the use of force, but Gandhi's concept of justice raises questions about violence and whether the use of force is legally permitted. International law mostly focuses on regulating war, instructing States on the

structure of fighting war. But Gandhi's theory of non-violence changes this. It raises the question of why law tries to manage violence instead of solving it in a peaceful manner.

These theories alongside Scott's analysis show that there isn't any single way to understand justice in international law. It is a broader concept. The legal system may provide rules, but the theories raise doubts about whether those rules and institutions are fair.

HUMAN RIGHTS, GENDER AND WOMEN'S RIGHTS

Scott has also discussed human rights and the rights of women in the context of international law. But this area has not been developed as much as the other areas of international law. More attention should be given to feminism in this book. It would have made studying the book from the perspective of gender justice more useful, as women are affected by international politics and legal decisions in various ways.

International human rights law plays a major role in the development of women's rights. The best example of it is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It can influence the State's responsibility towards women by eliminating discrimination against women within an international legal framework.

The Supreme Court judgment in Vishaka v State of Rajasthan is the best example of the interaction between international and domestic law. In this case, the Court referred to CEDAW to enforce fundamental rights guaranteed under Articles 14, 15 and 21 of the Constitution of India while developing guidelines relating to sexual harassment at the workplace. This case shows that international norms have significant influence within domestic laws.

Later, the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 reflected the broader development of legal protection against sexual harassment. Another framework related to domestic development in the field of gender justice is the Protection of Women from Domestic Violence Act 2005.

CRITICAL EVALUATION

The biggest strength of Scott's book is that it does not list treaties and rules. Instead, it lets the reader think about what happens when States and international actors use them. Another advantage of the book is its broad coverage. The reader is introduced to States, international organisations, non-State actors, legal argument and several major branches of international law.

For a student, it gives them a summary of different important areas. This creates a basic foundation for further study.

The book has covered various subjects at an introductory level. However, Scott has left certain theoretical topics unread. The broad nature of the book becomes one of its weaknesses. For a study of any topic in depth, the reader has to rely on other sources.

States are still an important part of international law, but they are not the only actors that matter. There are inequalities between the States. International organisations, corporations, civil society and individuals also influence international development.

One of the issues in this book is the history of international law. Modern international law did not develop in an equal environment. Colonialism had a major impact on the relationship between European and non-European societies.

Chimni's Third World Approaches to International Law (TWAIL) are relevant here. His work encourages the reader to look at international law from the perspective of countries that were historically subjected to colonial rule. However, it doesn't mean that Scott's approach is wrong. Instead, it shows that more emphasis should be given to the discussion.

Another topic included in the book is that of gender, which includes human rights, humanitarian law and feminist legal theory. It provides another way of understanding international law by asking whose experiences are given importance. A discussion on women's rights, gender-based violence and the development of CEDAW would have strengthened the book from the perspective of contemporary law and justice.

It is an introductory book and its purpose is broader. So it can't be said that it lacks clarity and discussion on particular perspectives, but while reading from a critical perspective, it has certain visible gaps that may become noticeable.

COMPARATIVE AND CONTEMPORARY RELEVANCE

The book remains relevant because international law is still closely connected with international politics. Issues such as armed conflicts, human rights, environmental protection and international cooperation are often discussed in context with political interests.

The book is also relevant to India because international law increasingly enters domestic legal discussions. One such example is the case of Vishaka v. State of Rajasthan. The Court referred to international standards while developing domestic safeguards, demonstrating that international norms can influence domestic laws even when the issue is being decided within the Indian legal system.

This is also useful for understanding the relationship between international and domestic law. International human rights norms also influence discussions concerning equality, discrimination and gender justice, although the extent and manner of their domestic application depends upon constitutional and judicial principles. It is easy to treat international law and domestic law as two different subjects in research. But in practice it is much more complicated.

The book also discusses global justice. The equality of States does not create differences in wealth, military power or political influence. Instead, it affects how international rules are negotiated and implemented. The role of non-State actors has increased, and issues such as climate change, global health, technology and multinational corporations have made international relations even more complicated. However, this does not make Scott's analysis outdated. It supports the idea that international law has to be understood in its political context. But contemporary developments also show the need to look beyond States alone.

CONCLUSION

International Law in World Politics: An Introduction is a useful book because it explains international law without treating it separately from politics. It contributes to the study of international law because it places legal rules within the wider reality of world politics.

Its main strength lies in showing the connection between legal rules and the way States and other international actors act. The book is useful for understanding why political interests, State power and international circumstances matter in international law.

The book is an introduction to international law in world politics. Its broad coverage and accessible discussion provide a strong foundation for students who want to understand the relationship between international law and international politics.

The theories of Rawls, Sen, Nozick and Gandhi also show that the existence of international law does not automatically answer the question of justice. A rule may be legally valid while

still raising difficult questions concerning fairness, human capability, individual rights or non-violence.

The book does not provide a complete answer to what international law should become. Instead, it gives the reader a basis from which to ask the harder questions. Its main value is that it encourages the reader to look at international law as something that works within the real world rather than in isolation from it.

By linking this book with the study of law and justice in a globalising world, it does not merely act as an introductory book, but as a useful starting point for examining how law, power and justice interact at the international level.

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