

Analyzing the Interaction of Legal–Political Approaches by Scholars as a Novel Strategy for Strengthening International Peace and Security (A Descriptive–Analytical Study)

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This paper examines how the synergistic interaction between international relations and international law contributes to the consolidation of global peace. The central question addressed is how scholars' integration of power-oriented (political) and rule-based (legal) approaches can mitigate implementation gaps in the maintenance of international security. Employing a descriptive–analytical framework and relying on library-based data collection, the study analyzes key legal and political documents, doctrinal writings, and theoretical contributions by leading scholars in both fields. The analysis demonstrates that the separation of legal norms from political realities has frequently resulted in impasses in conflict resolution processes. Nevertheless, interdisciplinary scholarly efforts have generated conceptual frameworks that simultaneously enhance the legitimacy and effectiveness of international institutions. The findings indicate that the integration of legal and political approaches is not merely an academic preference but a strategic necessity. Through the co-creation of a shared scholarly discourse and its indirect influence on state practice, this interdisciplinary synergy functions as a significant catalyst for strengthening international peace and security.

Keywords: *international peace and security, international law, international relations, elite approaches, interdisciplinary interaction.*

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1. Introduction

International peace and security have long been deeply intertwined concepts, oscillating between the twin poles of “power” and “law.” On the one hand, scholars of international relations argue that security is primarily a product of power balancing and political realism (Morgenthau, 1948). On the other hand, international legal scholars maintain that durable peace can emerge only under the authority of the rule of law and consistent compliance with international treaties (Shaw, 2017). However, experiences in the twenty-first

century demonstrate that a one-dimensional approach—whether purely legal or purely political—is insufficient to address the complexity of contemporary international crises. The need for “interaction” between these two approaches becomes evident once a fundamental reality is acknowledged: law without power lacks enforceability, while power without law lacks legitimacy (Henkin, 1979).

Scholars working at the intersection of these fields have proposed innovative strategies, including concepts such as legal diplomacy and neoliberal institutionalism, which have contributed to the mitigation of global tensions.



Nevertheless, the international order in recent decades has confronted a structural challenge: the widening gap between “rules” and “power.” When international law is detached from political realities, it risks degenerating into mere formalism—an empty ritual devoid of practical effect (Koskeniemi, 2005). Conversely, politics unconstrained by legal norms has often been characterized as a return to the “law of the jungle,” a condition that raises serious ethical and strategic concerns (Morgenthau, 1948).

The relationship between international law and international politics has therefore remained one of the most contested theoretical and practical issues in the literature of international relations since the emergence of both disciplines. Law, understood as a system of binding rules and norms, claims to restrain the arbitrary exercise of power by dominant states. Yet the anarchic structure of the international system and the primacy of national interest continuously challenge the autonomy and effectiveness of legal frameworks. This tension reflects a persistent struggle between normative aspirations and political realities within global governance (Henkin, 1979; Waltz, 1979).

This paper adopts a descriptive-analytical methodology to examine the tension—and at times rupture—between legal (rule-based) and political (power-based) conceptions of peace. It proceeds from the central hypothesis that genuinely sustainable peace can be achieved only through deliberate scholarly engagement and sustained interdisciplinary dialogue between legal and political thinkers. Within this framework, two core questions arise. First, how can interaction between legal and political perspectives among scholars lead to more effective models of international peace? Second, under what conditions does such interaction strengthen peace and security, and under what circumstances might it undermine them? Moreover, is it conceptually valid to speak of an “interaction” between legal and political approaches, or must one inevitably be subordinated to the other as either a dependent variable or the dominant explanatory factor in understanding the behavior of international actors (Yousefi Jooybari & Khorshidi, 2018)?

The significance of this inquiry lies in its timely focus on why bridging these two approaches through scholarly agency is vital for global security. The originality of the present study resides not only in its theoretical depth but

also in its analytical emphasis on “interaction” itself, which seeks to narrow the longstanding divide between international law and international relations through the lens of Track II diplomacy.

2. Theoretical Foundations: Tension and Synthesis

Understanding the interaction between international law and international relations requires careful attention to their underlying intellectual traditions. Historically, scholars have attempted to bridge the divide between “what is” (political reality) and “what ought to be” (legal normativity). Within this theoretical context, Track II diplomacy emerges as a practical mechanism for operationalizing such integration. This section examines classical perspectives and explores how contemporary scholarship has sought to connect them.

2.1. Analysis of Legal and Political Approaches

2.1.1. Classical Approaches

While realists such as Kenneth Waltz emphasize the balance of power and state self-help as the core determinants of international order (Waltz, 1979), legal theorists such as Hans Kelsen locate peace exclusively within a coherent and hierarchical legal system (Kelsen, 1942).

Epistemic Communities: Epistemic communities consist of networks of recognized experts operating within a specific domain of knowledge. In periods of crisis, when policymakers face uncertainty, these scholarly networks provide legal-political “roadmaps” that outline pathways from conflict toward security (Haas, 1992). Through the production of authoritative knowledge, such elites shape understandings of what is considered legitimate action in international affairs. A notable example is the role of expert communities in environmental governance, where scholarly input has contributed to the formulation of legal regimes linking environmental protection to international peace and security.

Neoliberal Institutionalism: Neoliberal institutionalism explains how international organizations function as arenas in which law and politics interact. Institutionalist scholars argue that peace emerges from repeated cooperation within institutional frameworks. From this perspective, legal

rules reduce transaction costs and increase transparency, thereby discouraging policymakers from resorting to force. Institutions thus discipline political power by embedding it within legal constraints. Robert Keohane emphasizes that institutions align actors' expectations through stable rules, making cooperation possible even under conditions of anarchy (Keohane, 1984).

2.1.2. *The Tension Between Approaches*

International Relations Approach: Primacy of Power and Security: Classical international relations theorists—particularly realists—view peace as temporary and contingent upon the balance of power. They argue that the anarchic structure of the international system prevents the absolute supremacy of law. For Waltz, self-help is the organizing principle of international politics, while ethical or legal considerations occupy only a secondary role (Waltz, 1979).

International Law Approach: Primacy of Rules and Order: International legal scholars contend that durable peace depends on the development of treaties and the strengthening of international judicial institutions. Law, in this view, renders state behavior predictable and constrains arbitrary uses of force. Within a strictly legalist framework, Kelsen conceptualizes peace as the direct outcome of a global legal order in which force is permissible solely as a mechanism for enforcing law (Kelsen, 1942).

2.1.3. *Modern Synthesis: An Interdisciplinary (IR/IL) Approach*

Since the 1990s, a new generation of scholars has argued that the separation of international law and international relations constitutes a strategic error. From this perspective, international law is best understood as institutionalized politics. Anne-Marie Slaughter, for example, maintains that explaining why states comply with international law requires simultaneous analysis of domestic power structures and political interests (Slaughter, 2004).

The New Haven School (International Law as a Policy-Oriented Process): Scholars associated with the New Haven School argue that international law is fundamentally a decision-making process responsive to

political values. Rejecting the traditional conception of law as a fixed set of rigid rules, they conceptualize it as an ongoing, goal-oriented process of authoritative decision-making. Within this framework, scholarly elites interpret legal norms in light of prevailing political values so that law serves overarching goals such as human dignity and peace. This approach effectively dissolves the boundary between law and politics, positioning law as a policy instrument for guiding global governance (Lasswell & McDougal, 1992).

Constructivism (The Role of Identity and Elite Ideas): Constructivism represents one of the most influential contemporary approaches in international relations. Constructivist scholars argue that peace and security are shaped less by material power than by shared ideas and norms. Through knowledge production, scholars contribute to redefining state identities—for example, transforming states historically associated with conflict into responsible international actors. As Alexander Wendt famously argued, “anarchy is what states make of it,” meaning that security emerges from collectively held ideas and norms that scholarly elites help institutionalize (Wendt, 1992).

3. Literature Review

This section reviews empirical studies that illustrate the practical implications of the interaction between legal and political approaches.

a) **Empirical Study on International Criminal Law:** Empirical research demonstrates that international criminal institutions operate not only as legal mechanisms but also as political instruments. Studies on international criminal accountability suggest that prosecutions can generate deterrent effects by increasing the political costs of violence. Sikkink's analysis provides statistical evidence showing that the prosecution of political leaders contributes to reducing patterns of structural violence, illustrating the convergence of legal accountability and political constraint (Sikkink, 2011).

b) **Empirical Study on Security Regimes:** Research on disarmament regimes, including nuclear non-proliferation arrangements, indicates that when legal and technical experts design credible verification mechanisms, political trust among states increases and the likelihood of armed conflict decreases. Krasner conceptualizes international regimes as sets of

principles, norms, and rules that structure state behavior in specific issue areas, including security (Krasner, 1983).

4. Discussion

This section examines the points of tension and convergence between legal formalism and political realism in the context of international security.

4.1. *Analyzing the Tension Between Legal Formalism and Political Realism in International Security*

Evidence suggests that many failures in international peacebuilding stem from neglecting the interaction between law and power. One-dimensional approaches have repeatedly proven inadequate in addressing contemporary global challenges. In recent decades, the widening gap between “rules” and “power” has become a major obstacle to sustainable peace. Treating law and politics as separate domains has generated two problematic dynamics.

Law Without Politics: The Trap of Pure Formalism:

When international law is drafted or interpreted without regard for geopolitical realities and power distributions, it risks devolving into empty formalism. In such circumstances, legal norms remain confined to texts and lack the capacity to influence real-world behavior. Koskeniemi famously argues that international law oscillates between ineffective idealism and apologetic realism, functioning merely as a formal language when disconnected from political will (Koskeniemi, 2005). This dynamic has contributed to structural inefficacy within international legal institutions.

From a legal perspective, the Charter of the United Nations assigns primary responsibility for maintaining international peace and security to the Security Council (United Nations, 1945). However, an overreliance on formal procedures without accounting for shifts in global power relations has often resulted in institutional paralysis. Legal authority without political commitment has thus proven insufficient to ensure enforcement.

Politics Without Law: A Return to the “Law of the Jungle”: Conversely, when political actors disregard legal constraints, the international system risks regressing to a condition in which power alone determines outcomes. Even Morgenthau cautioned that power-driven politics devoid of legal legitimacy is

inherently unstable and ultimately self-defeating (Morgenthau, 1948). In such contexts, security becomes fragile, and systemic disorder intensifies.

The erosion of legal norms through unilateral power politics illustrates how the instrumentalization of law can undermine its peace-building function. When powerful states selectively invoke or ignore legal rules, the credibility of international law diminishes. Franck argues that the legitimacy of international law collapses when a profound gap emerges between normative commitments and the actual conduct of dominant actors, thereby generating systemic instability (Franck, 1990).

4.2. *The Interaction Between International Law and International Relations Scholars*

Track II Diplomacy: Scholars as Knowledge-Based Mediators

While official (Track I) diplomacy frequently stalls because of protocol constraints and direct political pressures, Track II diplomacy—led by elites, academics, and independent researchers—offers a higher degree of flexibility. Precisely because these actors operate outside formal state structures, they are able to propose creative legal-political solutions. University professors and scholars, unconstrained by governmental mandates, engage in sustained dialogue aimed at disentangling complex legal and political deadlocks. This constitutes the core of the elite-driven approach. Within this informal setting, scholars combine political analysis to identify states’ strategic “red lines” with legal reasoning to draft preliminary agreement texts. Many landmark peace processes, including the early stages of the Oslo Accords, originated in such unofficial elite forums. Montville conceptualizes Track II diplomacy as an informal yet strategic process designed to reduce tensions and resolve conflicts through elite dialogue and scholarly analysis (Montville, 1991). During periods of political stalemate, independent scholars thus create alternative channels for conflict resolution grounded in rigorous, non-official discourse.

The Modern Synthesis: Scholars’ Strategic Innovation

At this juncture, the innovative strategy advanced by contemporary scholars becomes particularly significant. Rather than reproducing binary oppositions between law and politics, elites advocate a form of legal-political multilateralism in which law acknowledges evolving

power realities, such as the rise of new global actors, while politics, for its own sustainability, re-anchors itself in shared legal rules and normative frameworks.

4.3. *The Strategic Role of Scholars and Elites in Advancing International Peace and Security*

This section examines how elite-driven strategies are translated into tangible global outcomes.

From Theoretical Concepts to International Norms:

The process commonly referred to as norm emergence or the norm life cycle describes how abstract scholarly ideas, transmitted through legal and diplomatic channels, gradually crystallize into binding international norms. By formulating concepts that possess both legal coherence and political urgency, scholars create pathways toward peace. A prominent example is the doctrine of the Responsibility to Protect (R2P), which was developed by expert commissions to reconcile the tension between state sovereignty and human rights. Evans argues that intellectual elites fundamentally redefined sovereignty not as absolute power but as responsibility, thereby transforming the dominant paradigm of international security (Evans, 2008).

The epistemic role of scholars in peace engineering thus represents one of the most advanced dimensions of synergy between international law and international relations: the transformation of academic theory into authoritative international norms. In this capacity, scholars act not merely as observers but as active agents of change.

a) Epistemic Communities and the Production of Legitimacy

Through epistemic communities, scholars provide specialized and authoritative knowledge to policymakers. Haas contends that in situations of international uncertainty, it is these expert networks that enable states to redefine their interests by introducing new conceptual frameworks (Haas, 1992). For example, the concept of human security initially emerged within academic discourse before being incorporated into international policy documents, thereby reshaping legal and political understandings of security (Haas, 1992; Tannenwald, 2007).

b) The Norm Life Cycle and Norm Entrepreneurs

Finnemore and Sikkink develop a model illustrating how theoretical ideas promoted by norm entrepreneurs—often international lawyers or scholars—gain

international traction. Once such ideas are adopted by pioneering states, they enter a phase of diffusion and eventually become consolidated as global norms. The consolidation of international peace depends heavily on this process, through which scientific propositions such as the prohibition of chemical weapons or environmental protection evolve into binding legal conventions (Finnemore & Sikkink, 1998; Sikkink, 2011).

c) Political Jurisprudence and the Role of Doctrine in Judicial Practice

Pursuant to Article 38 of the Statute of the International Court of Justice, “the teachings of the most highly qualified publicists” constitute a subsidiary source of international law. Consequently, theoretical analyses produced by international relations and legal scholars—on issues such as the nature of aggression or the scope of self-defense—directly influence judicial reasoning and rulings that underpin international peace and security (Boyle & Chinkin, 2007; Shaw, 2017).

4.4. *Enhancing the Effectiveness of International Organizations*

This discussion focuses on the interdisciplinary engagement between international law and international relations, a synergy that has become increasingly crucial in recent decades for strengthening the effectiveness of institutions such as the United Nations and the World Trade Organization. Although international organizations are often criticized for bureaucratic inefficiency or political gridlock, scholars from both disciplines function as intellectual partners who play a critical facilitative role.

International Law Scholars: Normative and Structural Architects:

Legal scholars prioritize legitimacy and institutional stability. Their contributions include dynamic interpretations of founding charters that allow organizations to respond to emerging challenges, the development of soft law that may later crystallize into binding norms, and the design of dispute settlement mechanisms that prevent cooperative breakdowns among member states.

International Relations Scholars: Analysts of Power and Process:

International relations scholars focus on political feasibility and practical outcomes. They analyze international regimes to determine when states are willing to delegate sovereignty, predict actor behavior by

examining national interests, and assess whether institutional policies achieve tangible results, such as reducing conflict or enhancing cooperation.

Table 1

Synergy Between Disciplines for Institutional Effectiveness

Research Domain	Primary Focus	Tools for Enhancing Effectiveness
International Law	Legalization and legitimacy	Drafting regulations, judicial oversight, legal-institutional reform
International Relations	Power and distribution of interests	Diplomatic bargaining, coalition-building, cost-benefit analysis

Scholarly strategies have enabled the United Nations to evolve from a primarily political forum into a hybrid legal-executive institution in which international law serves as the common language of diplomacy. The effectiveness of international organizations ultimately depends on bridging rules and power: legal scholars construct normative frameworks that constrain arbitrary authority, while international relations scholars embed these frameworks within political realities, preventing them from becoming abstract or impractical.

Epistemic Communities and Norm Entrepreneurship: Epistemic communities are networks of recognized experts who possess specialized knowledge and a credible claim to policy-relevant

authority. Haas argues that under conditions of uncertainty, policymakers rely on these communities to define national interests and formulate viable policy options (Haas, 1992). Such networks are united not by immediate political interests but by shared causal beliefs and normative commitments.

Norm entrepreneurship refers to the process through which standards of appropriate behavior are promoted and diffused at the international level. Finnemore and Sikkink conceptualize this process through the norm life cycle, consisting of norm emergence, norm cascade, and internalization (Finnemore & Sikkink, 1998). In the initial phase, norm entrepreneurs leverage institutional platforms to persuade states to adopt new norms.

Table 2

Comparative Roles of Key Actors

Concept	Primary Actor	Source of Influence	Ultimate Goal
Epistemic Communities	Experts and scholars	Technical knowledge and expertise	Reducing ambiguity in policymaking
Norm Entrepreneurship	Norm entrepreneurs / institutions	Moral authority and persuasion	Transforming actors' behavior and identity

Academic elites, operating through epistemic communities, translate abstract ideas into binding legal rules. A notable illustration is the Responsibility to Protect doctrine, which originated in elite scholarly research and was subsequently institutionalized within international legal and political frameworks (Evans, 2008).

4.5. *The Specialized Role of International Lawyers in Peacemaking*

This section examines the proactive role of international lawyers as independent engineers of international order, peace, and security. International lawyers are not merely

interpreters of legal texts; they provide political ideas with implementable legal frameworks and mechanisms of enforcement. While international relations scholars focus on the nature and sources of power, international lawyers concentrate on disciplining power and transforming it into stable legal order. Their contributions can be analyzed across several key dimensions.

Rationalization of Power: This concept, rooted in Max Weber's thought, refers to the process through which power shifts from traditional forms (charismatic or hereditary) toward legal-rational structures. In this model, authority no longer resides in the ruler as an

individual but in law and administrative structures (bureaucracy). Rationalization entails replacing values, customs, and emotions with formal rules, calculability, and efficiency in governance. Weber argued that in modern societies, authority is predominantly legal-rational; that is, obedience is directed not toward persons but toward laws and procedures rationally established (Weber, 1978).

This rationalization process gives rise to bureaucracy, a mechanism that exercises power through specialization,

clear hierarchies, and impersonal rules in order to maximize efficiency. In a later reinterpretation, Michel Foucault located the rationalization of power not only in bureaucracy but also in “technologies of power.” He contended that modern power uses knowledge and science (e.g., psychology and medicine) to manage and control citizens’ bodies and minds in a rationalized manner (Foucault, 1977).

Table 3

Comparative Traditional vs. Rational Power

Feature	Traditional Power	Rational (Modern) Power
Source of legitimacy	Ancient customs and traditions	Codified laws and social contracts
Mode of implementation	Personal loyalty to the ruler	Administrative hierarchy and expertise
Objective	Preservation of the existing order	Efficiency, predictability, and control

By transforming states’ political will into legal texts, international lawyers convert raw power into binding commitments. This translation raises the reputational and strategic costs of violating peace for states seeking to preserve international credibility. Henkin observed that nearly all states comply with international law most of the time because legal experts have successfully framed compliance as integral to national interest (Henkin, 1979). This insight aligns closely with the logic of epistemic communities: experts within these networks function as intellectual architects of rationalized power.

Creation of Judicial and Quasi-Judicial Institutions:

The establishment of judicial (courts) and quasi-judicial bodies—such as arbitration tribunals, dispute settlement panels, and specialized commissions—represents a mature form of power rationalization: a process in which raw authority is channeled into procedural rules and legal norms to foster predictability and order. Such institutions emerge in response to the growing complexity of modern governance and the demand for expert-driven conflict resolution. Their core

purpose is the judicialization of politics—namely, transferring sensitive decision-making from overtly political arenas to institutional layers characterized by technical expertise and claims of impartiality.

a) Rationale and Function of Quasi-Judicial Bodies:

These entities typically offer greater flexibility than formal courts and rely heavily on technical specialization. This is where epistemic communities become operational: members of such bodies are often experts who decide on the basis of professional standards and specialized knowledge. Shapiro argues that courts must function as neutral third parties to maintain legitimacy, even while they operate as mechanisms for implementing broader policy goals (Shapiro, 1981).

b) Differences in Nature and Jurisdiction:

Whereas judicial institutions interpret and apply general legal norms, quasi-judicial bodies (e.g., audit courts or disciplinary councils) operate within limited and specialized mandates and typically employ faster, lower-cost procedures (Stone Sweet, 2000).

Table 4

Comparative Judicial vs. Quasi-Judicial Institutions

Criterion	Judicial Institutions	Quasi-Judicial Institutions
Independence	Fully independent from the executive branch	Often embedded within or linked to the executive
Procedural formality	Highly rigid and ceremonial	Flexible, emphasizing speed and efficiency
Composition	Professional judges	Mix of judges and technical experts
Outcome	Final, binding judgments	Administrative decisions or appealable rulings

Without sustained scholarly engagement by legal experts, peace would remain a fragile political arrangement rather than an enforceable normative order. The establishment of institutions such as the International Court of Justice reflects the conviction that political disputes should be resolved through legal channels. Shaw emphasizes that doctrinal development and jurisprudential reasoning have transformed abstract notions of peace into concrete, adjudicable rules (Shaw, 2017).

Linking Knowledge, Norms, and Rationalized Power:

The rationalization of power in modern societies has produced a framework in which the legitimacy of political action increasingly depends on specialized knowledge and rational procedures. Within this context, epistemic communities—bearers of technical expertise—operate as catalysts within bureaucratic systems. By offering analytically grounded interpretations of complex issues, they provide direction to political authority. These communities not only reduce ambiguity in policymaking but often function as norm entrepreneurs, diffusing and internalizing new standards of behavior at the international level. In effect, modern rationalized power relies on knowledge produced by epistemic communities to reproduce preferred norms through legal and institutional mechanisms (Finnemore & Sikkink, 1998; Haas, 1992). In the Iranian legal system, examples include the Administrative Justice Court as a judicial-administrative body, and institutions such as the Competition Council or labor dispute resolution boards as quasi-judicial mechanisms. The establishment of bodies such as tax dispute resolution panels or municipal commissions also illustrates the deliberate construction of quasi-judicial frameworks aimed at managing conflicts through technical expertise. These institutions blend technical specialists with state representatives in order to shift decision-making away from purely discretionary political arenas and toward rational, predictable, standards-based procedures.

- **Administrative Justice Court:** As a judicial-administrative authority, it oversees the legality and

rationality of bureaucratic decision-making and provides a mechanism for constraining administrative abuse of power.

- **Competition Council:** As a quasi-judicial body, it provides a forum in which expert communities—including economists and legal scholars—seek to institutionalize norms of market order and fair competition within the economic governance structure (Ansari, 2015). The presence of technical experts in such panels reflects the ascendancy of specialized knowledge over bare authority in modern dispute resolution.

The Codification of *Jus ad Bellum* and *Jus in Bello* by International Lawyers:

This section identifies the intersection of epistemic communities (legal scholars) and the rationalization of power in its most extreme manifestation: war. International lawyers, operating as a cohesive epistemic community, have played a pivotal role in translating ethical constraints into binding legal rules. Their efforts have crystallized in two primary domains:

- a) ***Jus ad Bellum* (The Right to Resort to Force):** This body of law addresses the legality of resorting to force. Through the Charter of the United Nations—particularly Article 2(4) and Article 51—international legal architects sought to rationalize state military power, restricting lawful force to self-defense or actions authorized by the Security Council (Shaw, 2017; United Nations, 1945). By elaborating legal thresholds such as “armed attack,” they aim to prevent powerful states from adopting arbitrary or self-serving interpretations (Shaw, 2017).

- b) ***Jus in Bello* (The Law Governing the Conduct of Hostilities):** International Humanitarian Law focuses on limiting the means and methods of warfare. The legal work of specialized humanitarian experts in identifying and systematizing customary rules illustrates norm entrepreneurship in practice (Henckaerts & Doswald-Beck, 2005). Foundational principles include the principle of distinction between civilians and combatants, proportionality, and military necessity (Sassòli, 2019).

Table 5

The Role of International Lawyers in Peace and Security

Type of Law	Primary Focus	Role of the Epistemic Community (Lawyers)
<i>Jus ad bellum</i>	Why does war begin?	Establishing legal criteria for the lawful initiation of war
<i>Jus in bello</i>	How is war conducted?	Imposing humanitarian constraints on weapons and tactics

By constructing rules that impose limits even amid active hostilities, international lawyers help prevent the collapse of human security and preserve the possibility of a return to peace. In this sense, legal codification functions as the rational disciplining of hard power: even on the battlefield, coercive force is required—at least normatively—to conform to pre-established legal patterns.

The linkage between *jus ad bellum* and international criminal accountability represents a further evolution of power rationalization: law moves beyond text and becomes institutional enforcement.

Enforcement Mechanism: The International Criminal Court (ICC): The establishment of the ICC under the Rome Statute in 1998 represents a significant institutionalization of legal epistemic communities' efforts to combat impunity. As an independent judicial body, the ICC exercises jurisdiction over core crimes linked to grave violations associated with both the resort to force and conduct in war, including genocide, crimes against humanity, war crimes, and the crime of aggression (Cassese, 2013; Schabas, 2017).

Role of Lawyers:: By defining with precision what constitutes an international crime, legal experts place military and political power under judicial scrutiny. This process reflects an advanced stage of rationalization: even senior political leaders are, in principle, subject to codified legal norms (Schabas, 2017).

Lawyers as Engineers of Peace: This powerful metaphor captures the proactive and constructive role of epistemic communities in disciplining power. It conceptualizes peace not as an accidental absence of war or a vague moral aspiration, but as a deliberately constructed edifice built through legal precision, technical design, and institutional architecture.

If political power functions as the engine of international relations, international lawyers operate as the system's engineers, designing channels and structures to redirect that power toward cooperation. From this perspective, peace is understood not as a temporary political

condition but as an ongoing legal process. Moving beyond the role of mere interpreters of law, international lawyers emerge as social engineers responsible for designing the architecture of sustainable peace by translating fragmented political wills into procedural rules and structural commitments.

a) Designing Conflict Prevention Mechanisms and Architectures of Security: Lawyers engineer peace by drafting disarmament treaties and establishing mechanisms for the peaceful settlement of disputes, as reflected in Article 33 of the Charter of the United Nations (United Nations, 1945). By rendering state behavior more predictable, they increase the costs associated with breaching peace. Kelsen argued that peace is durable only when secured through a comprehensive legal order enforced by compulsory judicial mechanisms (Kelsen, 1942). Through arms control agreements, boundary treaties, and dispute resolution protocols, lawyers lay the legal foundations of peace. By translating ambiguous political concepts into precise legal obligations, they reduce the risks of misunderstanding and friction (Kelsen, 1944). In *Peace through Law*, Kelsen maintained that peace cannot be sustained through political goodwill alone but requires legal organization and a mandatory international judiciary.

b) Institution-Building and International Social Engineering in Post-Conflict Contexts: Lawyers also contribute to rebuilding war-torn societies by designing transitional justice mechanisms and truth commissions. These frameworks recalibrate the relationship between power, justice, and society in order to prevent renewed violence (Stahn, 2007). At this stage, quasi-judicial bodies for reparations and accountability anchor peace within legal structures. By establishing international organizations, lawyers engage in social engineering at the global level. Through charters and procedural rules, they habituate states to repeated cooperation, a dynamic that liberal theory associates with higher exit costs from peaceful orders. Franck argues that the legitimacy of

legal rules encourages voluntary compliance by states, forming the normative foundation of a just and stable peace (Franck, 1990).

Table 6

Legal Tools for Engineering Peace

Stage of Peace	Legal Engineering Tool	Primary Objective
Prevention	Multilateral treaties and legal regimes	Building predictability and trust
Crisis management	Legal mediation and arbitration	Preventing escalation into armed conflict
Reconstruction	International criminal courts and transitional justice	Restoring social bonds and the rule of law

International lawyers, by rationalizing power, transform political will into legal commitments and increase the costs of violating peace (Henkin, 1979). In drafting these legal instruments, they engage in the rational

disciplining of hard power, ensuring that even during armed conflict, power operates within predefined normative boundaries.

Table 7

Comparative Data Analysis

Comparative Dimension	Legal Approach (International Law)	Political Approach (International Relations)	Point of Interaction (Elite Strategy)
Unit of analysis	Rules and treaties	Power and national interests	International institutions
Enforcement mechanism	Courts and criminal accountability	Balance of power and sanctions	Legal legitimacy combined with political pressure
Ultimate goal	Global justice	National security	Sustainable peace and rule-based order

5. Empirical Examination: Challenges and Tensions

Having outlined innovative strategies and Track II diplomacy in the preceding sections, a critical question arises: if these approaches exist, why does the contemporary international system—particularly within institutions such as the United Nations Security Council—remain so conflict-ridden? Empirical evidence bridging theory and practice demonstrates that current deadlocks stem precisely from the neglect of the legal-political interaction advocated in this study. The crises of the twenty-first century constitute salient empirical manifestations of these enduring tensions and contradictions.

5.1. *The UN Security Council and the Deadlock Between Formalism and Realism*

The United Nations Security Council provides a central empirical site for observing the collision between legal formalism and political reality. It represents one of the clearest cases in which international law risks devolving into formalism while politics approaches a logic of unrestrained power. This dynamic is evident in the

Council's responses to recent crises in regions such as the Middle East and Eastern Europe. The repeated inability of the Council to act decisively illustrates the practical consequences of treating law and power as disconnected domains. When the veto—a legal instrument embedded in the Charter—is deployed primarily to advance national interests, international law becomes immobilized, revealing the limits of formal legal authority in the absence of political consensus (Franck, 1990; Koskeniemi, 2005).

5.2. *The Tension Between Peace and Justice*

One of the most profound dilemmas confronting scholars and practitioners concerns the tension between political reconciliation aimed at ending conflict and criminal justice intended to punish perpetrators. Bassiouni identifies this peace-justice paradox as a core challenge in post-conflict governance (Bassiouni, 1996). This dilemma forces policymakers and legal experts to confront the question of justice at what cost. An emerging scholarly consensus suggests that peace

without justice amounts to little more than a temporary ceasefire.

A contemporary illustration is the Joint Comprehensive Plan of Action (JCPOA), which demonstrates how sustained collaboration among legal, technical, and political experts can stabilize a complex security environment for a significant period.

a) The Logic of Peace:: Advocates of this view—often associated with realist reasoning—argue that ending violence may require foregoing criminal prosecution. Instruments such as general amnesties are defended on the grounds that insisting on accountability may prolong conflict, as parties fearing prosecution refuse to disarm.

b) The Logic of Justice:: By contrast, legal epistemic communities and institutions such as the International Criminal Court maintain that peace without justice is inherently fragile. They argue that failure to punish perpetrators creates incentives for future violence. From this perspective, the rationalization of power is complete only when no actor remains above the law. Bass contends that criminal trials individualize guilt and thereby reduce cycles of collective revenge, making peace more durable (Bass, 2000).

5.3. *Challenges to Scholarly Convergence in Institutional Effectiveness*

Despite its strategic promise, collaboration between international law and international relations scholars faces substantial obstacles. One major barrier is the ontological divide between the two disciplines: legal scholarship emphasizes normative prescriptions, whereas international relations analysis focuses on empirical power realities (Reus-Smit, 2004). This divergence often results in conflicting policy advice for international organizations.

Furthermore, in the post-Cold War period, international institutions have become increasingly politicized. Critics argue that international law is frequently instrumentalized by powerful states to advance strategic interests, thereby undermining its normative authority (Goldsmith & Posner, 2005). In response, legal scholars emphasize that without robust legal frameworks, international organizations risk devolving into arenas of power competition and losing their functional effectiveness altogether. Koh argues that compliance with international law ultimately depends on the internalization of legal norms within domestic political

systems, without which institutional authority cannot be sustained (Koh, 1997).

6. Conclusion

This study demonstrates that treating law and politics as binary opposites in international affairs has generated persistent deadlocks that impose substantial costs on global peace and security. Interaction between scholarly approaches in these two fields is not an academic luxury but a strategic necessity for moving beyond fragile ceasefires toward sustainable peace. The analysis of elite-driven strategies highlights several key findings.

First, political power produces stable security only when it is embedded within a legal framework. In the absence of binding rules, peace amounts to little more than a temporary silence of guns. Second, interdisciplinary engagement between legal and political scholars creates a common diplomatic language, transforming abstract legal principles into practical instruments usable in negotiation and conflict management. Third, this interaction has facilitated a paradigm shift from state-centric to human-centric conceptions of security. By linking national security to human security and human rights, scholarly elites have redefined peace not merely as the absence of war, but as a condition grounded in justice, development, and social stability.

7. Proposed Strategic Model

To strengthen international peace, this paper proposes replacing pure realpolitik with a model of rule-based diplomacy. Under this framework, scholarly elites function as advisory components of decision-making processes, drafting legal frameworks that are firmly grounded in political realities and therefore capable of effective implementation.

The legal approach emphasizes treaties, international courts, and the rule of law as the foundation of order. The political approach, rooted in international relations, focuses on balance of power, diplomacy, and realism. Their synthesis produces integrated interdisciplinary perspectives that bridge normative aspiration and political feasibility.

This research confirms that the integration of legal and political approaches is not optional but essential for global security. The proposed strategy therefore includes establishing joint international relations and

international law think tanks to anticipate emerging crises, strengthening scientific diplomacy as a first line of defense prior to military escalation, and leveraging elite arbitration mechanisms in emerging domains of conflict, particularly cybersecurity and environmental disputes.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

The authors report no conflict of interest.

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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