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BOOK REVIEW ON “IMPERIALISM, SOVEREIGNTY, AND MAKING OF INTERNATIONAL LAW 2005” BY ANTHONY ANGHIE

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In ‘Imperialism, Sovereignty, and the Making of International Law (2005)’, the Author Anthony Anghie provides criticism regarding the inception of International Law and its impact in International Relations and Sovereignty. The author is a firm advocate for how the very nature of Imperialism is embedded within the very nature of international law, and he believes that Colonialism is far from over and in fact there exists a new form of Colonialism known as ‘Neo-Colonialism’ even in the twenty-first century. To support his argument the Author utilizes various approaches like Historical, Jurisprudential-Philosophical, and Political approach analysing them in various time periods. Anthony investigates how colonialism and imperialism have transformed the global legal system where international law and sovereignty were a result of colonialism and imperialism. The book seeks to understand the relation that exists between the realms of International Law and modern-day imperialism by analysing various periods of time and fundamental events that have shaped modern day international law and tries to shed light on confrontation that was of a colonial nature that took place between Non-European and European Societies as opposed to trying make sense of the development of sovereignty through the lens of how the European Statehood had progressed.

The concept of ‘Civilizing Mission’ was brought to light by the author where Imperial forces led to the creation of legal norms that justified conquest, domination and exploitation. Making use of important historical moments like the European colonialization of the Americas, Anghie shows that International Law was the major reasons for justifying colonial expansion and sheds light on how the legal concept of sovereignty was made use of to hide the power imbalances between the

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Indigenous people and the European colonizers. For instance, the 'Doctrine of Discovery' justifies the acts of the colonizers over foreign territories which was important in establishing the Indigenous people as subjects of international law instead of viewing them as legal actors that were equal in nature.

It was also this period of colonization that the 'Civilized and the Un-civilized' dichotomy was established by the colonisers who believed that the Indigenous people were savages or heathens that were incapable of governing themselves which is why the Author believed that the legal concept of 'Positivism' legitimised conquest and the dis-possession of the native people. He goes further on to say how the creation of the 'Mandate System' and the ideas of 'Good Governance' in post-colonial times was also just a disguise with its true motives being to exert more control on the post-colonial states. Angie linked the promotion of good governance to the legacy of colonialism and argues that it is a mere mechanism through which International Systems like the 'International Monetary Fund' impose their norms and policies on the post-colonial states.

It was rather a 'Neo-Imperialistic' tool made use of by the International Organisations to exert more control. The author believes that these colonised states not only exploited and robbed the colonised states but also left them in a state of massive debt so even if these states had been given 'independence and sovereignty', it was not in a true sense, because in order to have sustainable development in their own country they had to rely on these International Institutions once again repeating that cycle of Neo-Colonialism. And to ensure that these colonized stay in that perpetual debt the colonised counties employed mechanisms like 'Unfair contracts' and 'Unequal bargaining powers.

He goes further on to say that in post-colonial times countries like the United States of America justified their pre-emptive warfare and intervention on the grounds of human rights violations and self-defence and blatantly refusing to accept the fact that they violated international customary laws. His arguments thus help other legal scholars in understanding how there exists an inherent power dynamic in the very nature of international law.

Some critics opine that Anghie lays a lot of importance to the idea of Imperial Continuity but does not consider the power of post-colonial agency and how some post-colonial states have made use of international law and have resisted domination and have asserted Sovereignty². And there exists a simplifying of diverse nature of legal traditions and historical contingencies in the Author's work due to focussing more on the imperial roots of Inter-national law, his work does not provide a guidance for the reformation of international law and there is a lack of enforceable solutions, though he provides how International Legal theory has been dormant to the colonial enterprise and helps in understanding the roots of the colonial framework of International law but his work does not necessarily provide for how to create a more equitable legal order³.

The book excels in identifying problems but does not give solid solutions to combat the very inequalities it has been addressing. Anghie seems to provide for a criticism for International law and global governance that is mostly Euro-Centric in nature but does not take into account the fact how some Non-European traditions, customs and practices could have contributed in the re-shaping of the field but authors like B.S Chimni have given more importance to indigenous and alternative legal mechanisms as the origins of International law⁴ and due to the Anghie focusing overtly on European influences it ignores the contribution of Non-European contributions to International law.

'Imperialism, Sovereignty, and the Making of International Law' remains as a cornerstone in understanding the history and function of international law examining the inter-sections of history, law and power where Anghie encourages Legal Scholars to investigate the discipline with a more post-colonial approach. Not only is this piece of literature key in understanding the 'Third World Approaches to International Law' where it can serve as a foundational text, it is also so valuable in understanding how legal concepts like colonialism and imperialism exist in the very fabric of International law and how that has led to the creation of a power dynamic between the developed

² Pahuja, S. (2011). *Decolonising International Law: Development, Economic Growth and the Politics of Universality*. Cambridge University Press.

³ Koskenniemi, M. (2006). "The Gentle Civilizer of Nations and the Brutal History of International Law." *Leiden Journal of International Law*, 19(1),

⁴ Chimni, B. S. (2007). "Third World Approaches to International Law: A Manifesto." *International Community Law Review*, 8(1), 3-27

and under-developed states and the fact that Neo-Colonialism exists and is far from being extinct and the notion that developing nations have attained sovereignty and are made to appear as equals with the Western nations is far from reality and in fact a monumental lie.