

Capitalism influenced the modern structure of international law using colonization

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Abstract. This essay will discuss how the modern international community is heavily influenced by imperialism and how the superpower in the international order shapes the international law. This essay will dive into the history of capitalism and colonization. Ideologies such as valuing individual profit above all else defines the modern western law system just like countries all over the world valuing domestic interests over international cooperation's. The colonizer mindset still impacts the global society. This essay will argue our current law that were meant to benefit everyone was a modern restructure of colonialism and capitalism. Through major historical changes like European empire building, both world wars, and the cold war the international law only serves their purpose if it aligns with what the superpower wants.

Keywords: Neural Network; Prediction Model; Big Data.

1. Introduction

Colonization shaped capitalism using force, imperialism, technological innovations, and a slave economy. Sadly, this Europe-centric mindset seldom changes our world. In the past three hundred years, we experienced the most significant technological leap in human history. The pursuit of happiness can directly translate to profits for the merchants dying to get their hands on natural resources. The upper-class white males built a modern society because the rich and powerful use their wealth to control the powerless and poor. The thirst for a materialistic lifestyle did escalate during the time of colonialism and the industrial revolution, and as we all know [1]. Capitalism cannot exist without force, slavery, and competition. But Capitalism is not just an economic system; it is also political. In the wake of recent technological innovation and economic crises around the world, the essay think communism is still a viable political ideology in the 21st century. All human desires, from sexual to political, could be displaced onto commodities and hence become a source of capitalist profits. The merchants made alliances to benefit every side to gain profits and be the dominant power in the world.

In one way, the reason why Capitalism exists was due to the competing states. States or empires usually used war and conflicts to gain geopolitical advantages or create a kingdom. Utilizing slavery merchants would draw more profits for the states and the empire, both in the colonizing age and in the modern age where our economy is still heavily influenced by those ideologies. Things drastically changed during the 19th century. Capitalism still flourished despite the era of decolonization, slave trade, and the use of slaves. Instead, we use cheap labor and insufficient benefits that replaced slavery, but they are the same concept. Marx is excellent at pointing out the major flaws and the inequality of capitalism and the problems of mistreating the lower social classes, the working class is still treated like slaves and being worked to death every day [2]. Take America, for example, America is still in an economic system where the slave economy is still influencing the nation every day. When slavery was abolished, the capitalist turned their eyes to the next closest thing: the working force from other developing countries. European's economy flourished with slave economy and colonization. The modern international law system has their first blueprint which settles conflicts between major countries.

2. International order rarely stops domestic interests

European was the center of the world for a substantial period of time. The need for necessity fuels the explorations of the new world. As a result, they started to build empires in places outside the European continent. The world was in the hands of the white Europeans during the age of colonization, and they set up legal rules in their colonies as well. The international order was the European order at least during the age of colonization. European empire-building in this period was an aspect of the alliance between states and capitalists on which capitalism as a system is based. European states fostered the private wealth of merchants because it increased their power in competition with rival European states. They helped merchants build empires. For example, by extending the rule of European states over areas overseas that merchants or entrepreneurs wanted to exploit, or by using state power to open closed markets overseas (as in the case of 19th-century China). Where they built formal empires, they established European laws to assure the property of merchants and planters, defended these zones from foreign powers and from the indigenous peoples whom Europeans displaced, and from the enslaved men and women European capitalists drafted as forced laborers. They sometimes taxed indigenous people to force them to sell their labor to European settlers. In many cases, they chartered company-states, which created the political framework necessary to foster merchant profits overseas without direct empire-building by European states.

This model of imperialism broke down during the age of revolution, and the ideologies of exploiting were fostered. The current international law was heavily influenced by western domestic laws that characterized their empire-building. It was the development of colonization that created the first international community. Ever since its creation, we see several major modifications to the international order and international law, but the core and bedrock of it never changes. Despite the effort of other countries, it is unquestionably clear the international order rarely stops domestic interests. The core principle of any democratic country is to benefit its country. Because imperialism had left structural inequities in its wake, and these were worsened by deteriorating terms of trade, political action needed to be undertaken to create a more level playing field in international trade and prevent the developed world from capturing most of the benefits of trade with postcolonial nations.

The New International Economic Order was the framework postcolonial leaders proposed to achieve this goal. Under this framework, rich nations should offer commodity price support and preferential access to their markets for products from developing nations. In other words, drop tariffs in favor of these nations while maintaining them for developed nations. But that is not the case as we see [3]. The recent case of vaccination distribution shows how wealthy countries always value national interest first. That sort of "vaccine nationalism", brought up by Bollyky and Chad state a "my country first" approach to allocate vaccines to the international society is nonexistence [4]. Without global coordination, which international law greatly encourages, countries were forced to bid the highest price to get working vaccines. The not-so-advanced countries that suffered from the pandemic gravely will face the dilemma of not having the vaccine or spending money that could have been useful elsewhere. It is the domestic interests of the US to stock up vaccines and sell them for a profit to other countries. The unfair method of "distributing vaccines" reeks of Capitalism and imperialism. Wealthy countries are still exploiting lesser countries every chance they have. Internationalism never tops nationalism.

3. The history of international law what causes the international order

Despite the name international law, the blueprint of the current system was meant for European laws. Obviously, the international law itself has changed over the years countless times. Nelson O. Tyrone Jr. Professor of History and Professor of Law at Vanderbilt University stated, "Historians of international law have highlighted European jurists' efforts to reconcile the idea of an interstate order of sovereign states with the reality of persistent empires and quasi-sovereignty within them." [5] Early lawmakers would focus on the power dynamic between superpowers at the time of colonization. The intercontinental legal documents attempted to prevent major conflicts from occurring between the

core countries. But the capitalist geopolitical system tended to foster relative peace and stability in the period between 1815 and 1914[6]. The period before the foster World war and the age of colonization where international laws rarely considered anyone but powerful European states. The great capitalist powers fought few wars among themselves, and there were no general wars (i.e., wars involving all of the major powers), though there were many small wars fought on the frontiers of empire between European imperial powers and non-European peoples. The principal circumstance that explains this long period of relative peace was British hegemony—the position of leadership and dominance Britain achieved after its long struggle against France from 1688 to 1815. British hegemony was stabilized or three reasons: to start with Britain was so far ahead of its rivals economically that wars for colonies or a larger share of world trade seemed pointless; cooperating with Britain made more sense than trying to fight it. In addition, British hegemony brought benefits for rival powers: as it moved toward free trade, Britain opened its own markets, and those of its empire, to European rivals on a favorable basis. Why fight for the colonies when you can have Britain pay the costs of governing them while you enjoy the profits of trading there? Britain used its naval power to clear the seas of pirates, and to force open, closed economies like China to freer trade—policies from which all European powers benefited. Last but not least, Britain did not use its position of dominance to threaten the core security interests of rival European states. It was uninterested in acquiring territory or colonies from them [7]. This made its hegemony tolerable for other states, which made them less liable to challenge it. International law proved to be useful and effective when one superpower dominates the global stage.

But it was not a coincidence that conflicts of interests mainly consist of problems regarding natural resources and their respective influence on the new world. After the age of independence, the world entered the age of industrialization and the modern era. International law experienced major development after World War I along with the creation of the League of nations. The league of nations was the first major symbol of international society. Even though the league failed in its mission to create an equal playground for all players, it was unquestionably a big step toward the current international order. But the flaws of the league in the nation were clear as well. Each government intervened to manage almost every aspect of the war economy. The original goal of this international organization was to promote peace and long-term, sustainable growth. However, the focus on the domestic economy after World War I left the major powers, no choice but to prioritize their own profit first. Despite the collective efforts of other countries, World War II marks the end of international law in the early 18th century. The sudden hiatus of international law was picked up after the defeat of the axis. A similar organization was created: the United Nation. Once again proposed by superpowers, the UN focused more on human rights and broader member countries from all over the world. Civilian power is influence over the behavior of foreign states that derives from high per capita income, an important place in global trading networks, an influential voice in international institutions, and a social and political model that is attractive to others. These qualities can be used to exert influence by offering concessions to other states (like trade deals, foreign aid, or UN membership) in return for concessions from them (such as favorable treatment for global investors and goods, political reforms, or cooperation on a project of importance to the UN). However, it is clear to everyone that the best strategy to survive is to collaborate now: exactly what the current doctrine emphasizes mostly on.

4. Reasons for changes in the development of the international law over the last decades

Firstly, the impact of the Cold war on international law, the new order, or domestic power. After the end of the greatest war mankind had ever seen, the fight between the two social systems broke out immediately after. At the height of the cold war, the UN and the enforcer of international law only acts as mediators instead of the judiciary. “The Cold War too often remains conceived of in the field of international law as a ‘period of legal stasis, or a ‘hiatuses between two high points of legal

utopianism.” [8] The two superpowers used proxy wars to wage influences that could potentially damage the reputation of the other social system. Countless offended of international law broke out, but no one had the power to step in and strictly command the opposing sides to follow the doctrines. The UN contributed little impact on each country during the Cold War. This is a period where mankind had two drastically different international systems: the capitalist one and the communist one. They are the two economic and political systems where the international law rarely applies to them if it involves their expansion of influence.

The Cold War needed international law, and the international law, we have now is a product of the Cold War. The cold proves even during a time of relative peace, international still rarely contribute to settling disputes over superpowers. If the UN had the actual power to enforce the agreed-upon doctrine, the cold war may never happen due to its nature of competing systems. But competition during the cold war established a global division of labor between imperial states, which produced manufactures, and colonies, which produced raw materials; this division of labor outlived the end of the empire, leaving postcolonial nations in the position of performing the least lucrative forms of production [9]. The US and the USSR, then fought for influence over those products with no regard for international law. Those actions are strictly prohibited, but instead of stepping in and acting as a judge, the UN served no purpose during this time period.

Given all this, compiling a bibliography of Cold War international law raises some difficulties. For example, the overarching challenge is how to relate two things: 'international law,' with its many meanings, subfields, instruments, and writers, to 'Cold War' in its many forms, locations, experiences, and legacies. Even after the fall of the Soviet Union doesn't mark the end of capitalist control of international law. Because imperialism had left structural inequities in its wake, and these were worsened by deteriorating terms of trade, political action needed to be undertaken to create a more level playing field in international trade and prevent the developed world from capturing most of the benefits of trade with postcolonial nations. The New International Economic Order was the framework postcolonial leaders proposed to achieve this goal [10]. Under this framework, rich nations should offer commodity price support; and preferential access to their markets for products from developing nations (i.e., drop tariffs in favor of these nations while maintaining them for developed nations).

Secondly, powerful nations can only get more resources and expand their influence, especially after the cold war. Take technological advances for example. No doubt talented people spread all around the globe including countries with constant warfare during the cold war. They could not prove useful while violence was constantly structuring their homeland. As a result, they choose to migrate to a more stable country [11]. Technological advances throughout the years involve transporting laborers more efficiently. Developing countries would draw people to work in their country. Desperate workers who want to make a living aboard get on the ship to the western countries. The inventions of much faster transportation tools to shorten the time of travel. Wealthy states could deploy other innovations like a telegram or communication technologies in developing countries to attract human laborers. But the laborers are not still being treated with minimum human rights. They earn low wages and must fight for a living in an unjust society where the rich and powerful exploit their physical body in exchange for profits. When the world order abolished slavery entirely, capitals and merchants simply found the other cheapest replacement. But conflicts within the respective spheres of influence show a higher level of cooperation between nations. Luttwak argues that geoeconomics conflict between allies was common during the Cold War, (he gives the example of the US and Japan), but these conflicts were easily resolved because political unity in the face of the Soviet threat seemed so much more important than haggling over commercial advantage. Once a geoeconomics conflict became acute enough to get the attention of leaders, they usually moved to resolve it, often by paying off both sides [12]. So, in this case the “international law” will prove effective if the threats of the Soviets were visible to the US.

Last but not least, today the UN has five permanent members reserved for the most powerful countries that have the right to veto anything they don't like. Those superpowers still have the power

and the right to do anything without the restrictions of international law. They have their seats for one simple reason: power. Through different media, they are the most powerful nations because of economic, technological, and military advantages. The role of economic and technological development was no doubt a big driving force for formatting the widely practiced international law, but none of that will be possible without the aftermath of World War II and the Cold war. International law has improved tremendously from the age of colonization to today. But our global order cannot have a legally binding rule book for all players until most countries in the world achieve a similar status. The old capitalist colonizing world has impacted the mindset of early lawmakers and nowadays super leaders.

5. Conclusions

The international law was created under the environmental colonization due to the flourishing capitalist system. All the reasons mentioned were to strengthen the power of capitals and states to foster and compete with other states without using force and slavery. Capitalism and imperialism in its nature is horrible. It is violent and dangerous. But whether slavery or modern-day labor, Capitalism has always been a system of collaborating and competing regarding international law. The modern world system dramatic changes due to two world wars and the cold war. The clash of ideologies proves to be fatal for international law and lawmakers that seek peace and harmony, but no doubt it has improved tremendously as well. The current international law system based on capitalism and imperialism must have some charm to survive this long for politicians and regular civilians to embrace and accept the doctrines. With that being said, unless another major conflict occurs like the world war or the cold war, nothing is able nor capable to alter fundamental of international law: which mostly values domestic interest above international order.

References

- [1] Andrew Phillips and J. C Sharman. Outsourcing empire: how company-states made the modern world [M], Princeton University Press, 2020: 22 - 65.
- [2] Sidney Pollard. "Free trade, protectionism, and the world economy," in the mechanics of internationalism: culture, society, and politics from the 1840s to the First World War [M], Oxford University Press, 2001: 27 - 53.
- [3] Adom Getachew. Worldmaking after empire: the rise and fall of self-determination [J], Princeton University Press, 2019: 142 - 175.
- [4] Bollyky, Thomas J., and Chad P. Bown. The tragedy of vaccine nationalism: only cooperation can end the pandemic [J], Foreign Affairs, September/October, 2020, 99 (5): 96 - 109.
- [5] Benton, Lauren. Made in Empire: Finding the History of International Law in Imperial Locations: Introduction[J], Leiden Journal of International Law, 2018, 31 (3): 473 - 478.
- [6] Andrew, Moravcsik. Europe, the Second Superpower, Current History 109 [M], Princeton University Press, 2010: 91 - 98.
- [7] Robin Blackburn's. "Why the second slavery?" in slavery and historical capitalism during the nineteenth century [M], Lexington Books, 2017: 1 - 25.
- [8] Joyce, R. International law and the cold war: reflections on the concept of history. In M. Craven, S. Pahuja, & G. Simpson (Eds.), International Law and the Cold War [M], Cambridge University Press, 2019: 27 - 48.
- [9] Adom Getachew. Worldmaking after empire: the rise and fall of self-determination [M], Princeton University Press, 2019: 142 - 175.
- [10] Adom Getachew. Worldmaking after empire: the rise and fall of self-determination [M], Princeton University Press, 2019: 142 - 175.
- [11] Walter Scheidel. The great leveler: violence and the history of inequality from the stone age to the twenty-first century [M], Princeton University Press, 2017: 115 - 154.

- [12] Edward N. Luttwak. From geopolitics to geoeconomics: logic of conflict, grammar of commerce [J], The National Interest, 1990, (20): 17 - 23.