



The Americanization of International Law and the Strategies of the Islamic Republic of Iran

by *Seyed Ghasem Zamani*

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Abstract

This book review examines Seyed Ghasem Zamani's *The Americanization of International Law and the Strategies of the Islamic Republic of Iran*, which critically analyses the growing influence of the United States on the formation, interpretation, and application of international legal norms and institutions. The book is structured in three chapters: the conceptual framework of Americanization; its manifestation across branches of international law—including the use of force, self-defence, targeted killings, dispute settlement, investment law, and the law of the sea; and proposed strategies for Iran to respond to this phenomenon. The central thesis is that contemporary international law is increasingly shaped by U.S. political, military, economic, and cultural preponderance rather than multilateral consensus. This “Americanization” operates through unilateral reinterpretation of fundamental norms (notably Article 51 of the UN Charter), selective treaty ratification, double standards, resistance to international judicial bodies, and the export of U.S. legal practices to international dispute settlement mechanisms. The book draws on case studies including the 2003 Iraq invasion, the targeted killing of General Qasem Soleimani, and U.S. non-ratification of UNCLOS to illustrate how American exceptionalism has reshaped substantive and procedural rules. The final chapter offers counter-strategies: strengthening international legal education, enacting responsive legislation, fostering regional cooperation, utilising international organisations (OIC and Non-Aligned Movement), lodging persistent objections to emerging customary rules, producing alternative legal scholarship, reinforcing judicial institutions, and enhancing Iran's role in the UN Sixth Committee. The book contends that the Americanization of international law challenges the rule-of-law-based character of the international order. While acknowledging some beneficial effects, Zamani insists that concerned States must adopt a multi-layered approach—combining education, diplomacy, legislation, and institution-building—to preserve the universality, diversity, and legitimacy of international law. The review concludes that the work is a timely and valuable contribution, offering both analytical depth and practical relevance for scholars, policymakers, and practitioners.

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1. An Introduction to the Influence of Contemporary Powers on International Law

Is international law truly derived from the domestic legal systems of all members of the international community? Has this legal order not, throughout different historical periods, been shaped by the dominant powers of the day? It is often argued that the foundations of modern international law emerged in Europe following the end of the Thirty Years' War in 1648. In the same vein, the writings of European jurists have long maintained that contemporary international law is essentially of European origin. If one accepts that international law is closely intertwined with international politics and power, then it follows that the approaches adopted by dominant States in any given era will inevitably influence the formation and development of international law.

Indeed, the great powers of successive periods—including Spain, Britain, and, in the last century, the United States—have frequently employed international law as an instrument to pursue their political and strategic objectives. Whenever this instrument has failed to serve their interests adequately, they have often chosen to circumvent or disregard it.¹ This proposition constitutes the central theme of the book authored by Seyed Ghasem Zamani, Professor of International Law at the Faculty of Law and Political Science of Allameh Tabataba'i University.

The book's principal argument, however, goes beyond this general observation. It contends that a contemporary hegemonic power may seek to weaken international legal norms and institutions by emphasizing its own political and military power rather than legal obligations. Such an approach can undermine the coherence of the international community and create uncertainty regarding the adoption of a common rule-of-law-based framework for international relations. Consequently, the author argues that States which do not share the United States' vision of international law should adopt measures to counter what he characterizes as the unilateralism and exceptionalism of the present dominant power.

In line with a number of earlier scholars, Zamani appropriately employs the concept of the “**Americanization of International Law**” to describe the influence of American political thought and culture on international legal norms, institutions, and decision-making processes. As some American scholars critical of their government's approach to international law have observed, today's world is no longer the world that the United States sought to shape in the aftermath of the Second World War under the banner of preserving international peace and security. According to these commentators, the international legal policies and practices adopted by the United States have themselves played a significant role in transforming the international legal order, often contributing to the weakening of international legal norms and institutions rather than their consolidation.²

The book *The Americanization of International Law* was published at a particularly significant moment. Only a few months earlier, Iran had been subjected to military invasion

1 Rahul Mohanty and Prabhash Ranjan, Trump 2.0: A Disruptive Peripeteia for International Law, 21 April 2026, at: <https://www.orfonline.org/research/trump-2-0-a-disruptive-peripeteia-for-international-law>

2 Monica Hakimi and Jacob Katz Cogan, The End of the U.S.-backed International Order and the Future of International Law, *American Journal of International Law*, Vol. 119: 2.

of on two separate occasions within a period of less than nine months: first, during a twelve-day conflict in June 2025, when Israel—acting with the approval of the United States and alongside direct U.S. military strikes against Iran’s nuclear facilities—launched attacks against Iran; and second, in February 2026, when Iran again faced direct invasion of by the United States and Israel during a thirty-nine-day conflict.

The legal justifications advanced by the United States for these two operations, as reflected in its letters to the Security Council, suggest that the title of Zamani’s book aptly captures the phenomenon of the “Americanization of international law,” particularly as manifested through claims of American exceptionalism in the international legal sphere. Viewed in this context, the book’s central argument appears especially relevant and compelling, making it an even more engaging and timely contribution to contemporary debates on international law.

2. Overview of the Book

The book under review is the product of a research project commissioned by Allameh Tabataba’i University in 2019 and subsequently published by the university’s press in 2025. Consisting of 225 pages, the work is organized into three chapters: The Americanization of International Law; The Americanization of the Branches of International Law; and The Americanization of International Law and the Strategy of the Islamic Republic of Iran.

In the first chapter, across four sections, the author examines the concept of the Americanization of international law, the mechanisms by which influence is exerted on international law, the reasons for the United States’ influence on contemporary international law, and the phenomenon of American exceptionalism in the international legal order.

After tracing the historical origins of the debate, particularly the notion of “American international law,” which emerged in the mid-nineteenth century to describe the distinctive approach of the American continent to international law, the author defines the concept of Americanization as follows: “*Simply put, the Americanization of international law means that the unique characteristics of the United States legal system come to dominate the international legal order*” (p. 10).

The author then identifies the principal channels through which influence may be exercised over international law and explains the factors underlying the United States’ influence on the contemporary international legal system. These factors include political influence and diplomatic power, economic and financial strength, military capability, cultural influence, and linguistic dominance. According to the author, these elements, combined with other distinctive features of the United States—such as its geographical position, social conditions, perceived national characteristics, territorial size, and abundant natural resources—have contributed to a self-perception of the United States as a “new world.” On this basis, the State has developed a sense of exceptionalism vis-à-vis other states and regions of the world (p. 29).

The author argues that this exceptionalism manifests itself in three principal ways. First, the United States often participates actively in the negotiation and drafting of international treaties while subsequently declining to ratify them domestically, as illustrated by its approach to the Covenant of the League of Nations and the Rome Statute of the International

Criminal Court. Second, it applies double standards when evaluating the conduct of allies and adversaries, a tendency exemplified by differing approaches toward the nuclear capabilities of Israel and North Korea. Third, it frequently resists the jurisdiction of international and regional human rights bodies empowered to assess its conduct, as reflected, for example, in its non-ratification of the American Convention on Human Rights.

According to the author, this combination of practices is highly unusual among democratic States. In his view, it is unprecedented for a democratic country to simultaneously pursue policies consistent with these three characteristics and claim leadership of the international legal order (p. 30).

In the first part of the second chapter, the author provides a detailed examination of the United States' approach to specific areas of the law of armed conflict, including the use of force and self-defense, counterterrorism, and targeted killings. In this section, after outlining the fundamental principles governing the use of force and the right of self-defense under international law, the author turns to the distinctly American interpretation of self-defense.

The author's analysis of anticipatory self-defense focuses primarily on the United States' military interventions in Afghanistan and Iraq. According to the author, although the legal arguments advanced to justify the use of force against the Taliban regime in Afghanistan following the events of 2001 may be acceptable to some extent, the 2003 invasion of Iraq cannot be similarly justified. In his view, the claims that the Iraqi government under Saddam Hussein possessed weapons of mass destruction and might provide them to terrorist groups, together with attempts to reinterpret Article 51 of the United Nations Charter to encompass anticipatory self-defense, lacked a valid legal foundation.

The author argues that much of the contemporary legal discourse surrounding anticipatory and preventive self-defense emerged as a consequence of the United States' military actions in Afghanistan and Iraq. As he observes, "*The United States appears to claim a form of exceptionalism with respect to Article 51 of the Charter and the inherent right of self-defense, as if it possesses the authority to define and determine the rules and foundations of the right of self-defense itself*" (p. 47).

The book further contends that the political and military influence exercised by the United States over certain NATO allies contributed significantly to their support for military operations in Afghanistan and Iraq. According to the author, the combination of U.S. military action and the simultaneous development of supporting legal arguments by a number of American international law scholars facilitated the broader acceptance of the doctrine of anticipatory self-defense among some States. In this way, concepts that had previously occupied a contested position within international legal discourse acquired greater prominence and influence in State practice through the political and strategic leadership of the United States.

A similar pattern of limited acceptance by a number of States can be observed with respect to President George W. Bush's "war on terror" doctrine following the attacks of 11 September 2001. The adoption of numerous resolutions by the United Nations Security Council and General Assembly condemning terrorism and emphasizing the need to respond

through all available means provided the United States with a legal and political basis for its military intervention in Afghanistan. According to the author, however, this doctrine has gradually lost support, even among some of its former proponents, particularly in light of the United States' treatment of individuals accused of terrorism at Guantanamo Bay detention camp and the eventual withdrawal of American forces from Afghanistan after two decades of military engagement.

Another dimension of the law governing the use of force examined in this section of the book is the United States' role in advancing the theory and practice of targeted killing. The author defines targeted killing as the use of lethal force by a State, pursuant to a deliberate and premeditated decision, against an individual who is not in custody. While Israel is frequently associated with this practice, the United States has also played a significant role in shaping its contemporary application through a series of high-profile operations, including the killing of Osama bin Laden.

The book argues that this approach has not been limited to individuals associated with terrorist organizations, such as Abu Bakr al-Baghdadi, but has also been directed against senior military and civilian officials of sovereign states. In this regard, the author devotes particular attention to the killing of Qasem Soleimani near Baghdad International Airport on 3 January 2020.¹

This incident serves as a central case study in the author's critique of the American approach. He argues that the operation lacked a sufficient legal basis under international law for several reasons, including the absence of an armed attack attributable to a State within the meaning of Article 51 of the United Nations Charter, the alleged inconsistency of the operation with the agreement on the presence of U.S. forces (SOFA) in Iraq, and the broader principle prohibiting attacks against senior officials of foreign governments. On these grounds, the author concludes that the targeted-killing doctrine, as developed and applied by the United States, represents another example of the broader trend of American exceptionalism in the interpretation and application of international law (pp. 77–80).

Another example discussed in the book regarding the influence of the American approach on specific branches of international law is the field of international dispute settlement. According to many scholars in this area, international adjudication and arbitration have undergone a process of "Americanization" as a result of the increasing use of adversarial litigation tactics, heavy reliance on documentary evidence, the growing prominence of oral hearings—particularly the cross-examination of witnesses—and the adoption of highly detailed procedural rules in arbitral proceedings. This transformation has also been facilitated by the increasing participation of American lawyers in international proceedings and by the adaptation of procedural rules modeled on those found in the United States legal system.

1 See: Khorshidi Athar, M., Lesani, S. H. (2023). 'A Critical View towards U.S. Claim of Preemptive Self-Defense in the Assassination of General Qasem Soleimani', *Iranian Journal of International and Comparative Law*, 1(1), pp. 88-99. DOI: 10.22091/ijicl.2022.7522.1001; Taskhiri, M. S. (2023). 'Book Review, "The Legal Implications of The United States' Strike on General Soleimani, His Associates, And Iran's Response"' Edited by Mostafa Fazaeli', *Iranian Journal of International and Comparative Law*, 1(2), pp. 253-258. DOI: 10.22091/ijicl.2024.10444.1093.

As a consequence, the author argues, contemporary international dispute settlement has gradually moved away from the more diplomatic, courteous, and less confrontational style that traditionally characterized international legal proceedings.

To illustrate this development, the book provides examples from commercial arbitration, interstate arbitration, proceedings before the dispute-settlement mechanisms of the World Trade Organization, and litigation before the International Court of Justice. One of the most prominent examples discussed is the Court's judgment in *Military and Paramilitary Activities in and against Nicaragua*. The author notes that the United States declined to comply with the Court's judgment and further exercised its veto power in the Security Council to block efforts by Nicaragua to secure enforcement of the judgment. He also points out that, during the proceedings in the *United States Diplomatic and Consular Staff in Tehran*, the United States simultaneously undertook a military operation aimed at rescuing its nationals in Iran (p. 115). According to the author, these examples demonstrate a pattern of American exceptionalism in international dispute settlement.

The book next turns to international investment law as another branch of international law significantly shaped by American influence. The author argues that the United States has affected this field through its influence over the form and substance of bilateral investment treaties, its impact on adjudicatory processes within the International Center for Settlement of Investment Disputes, and its promotion of an American understanding of compensation for expropriation (p. 128).

According to the author, the United States has played a leading role in advancing the principle of full compensation for expropriation, in contrast to alternative approaches that advocate compensation based on broader standards of equity or proportionality. The book further argues that the United States contributed to the development of modern bilateral investment treaty practice through earlier Friendship, Commerce and Navigation (FCN) treaties, which emphasized pre-establishment protections for foreign investment rather than the more traditional European model focused primarily on post-establishment protection. The author also identifies the growing influence of American judicial practices within international investment arbitration, including ICSID proceedings, particularly through the adoption of evidentiary techniques associated with U.S. litigation. Finally, he contends that the influence of American legal culture is evident in the drafting style of arbitral awards, which increasingly resemble the analytical, detailed style characteristic of American judicial opinions rather than the more concise style traditionally associated with continental European legal practice.

The book also identifies the law of the sea as another area in which the United States has exerted significant influence on the development of international law. Accordingly, the United States was among the principal opponents of the adoption of the 1982 United Nations Convention on the Law of the Sea, primarily because of the provisions contained in Part XI concerning the exploitation of deep seabed resources. Even after those provisions were modified through the 1994 Implementation Agreement and the Convention subsequently entered into force, the United States has continued to refrain from ratifying the Convention,

despite having participated extensively in the negotiations and generally accepting many of its provisions as reflective of customary international law.

A further example discussed in the book concerns the regime governing archipelagic waters. The author argues that the United States strongly promoted a broad interpretation of navigational and overflight rights through archipelagic sea lanes during the negotiations of the Third United Nations Conference on the Law of the Sea. As a result, the final text of the 1982 Convention recognized a right of archipelagic sea lanes passage, permitting ships and aircraft to navigate and overfly such waters in their normal mode of operation for the purpose of continuous, expeditious, and unobstructed transit. According to the author, the successful incorporation of this regime into the Convention reflects the considerable influence exercised by the United States and other major maritime powers in shaping the substantive rules of the law of the sea in a manner consistent with their strategic and navigational interests.

For the author, these developments illustrate a broader pattern that runs throughout the book: the capacity of the United States not merely to influence the interpretation of existing international legal rules, but also to shape the creation of new norms and institutions in ways that reflect its political, military, and economic priorities.

3. Proposed Strategies for Responding to the Americanization of International Law

The final chapter of the book is devoted to the strategies the author proposes for Iran to respond to the Americanization of international law. These recommendations, however, do not appear to be exclusively applicable to Iran. Rather, they may be relevant to any member of the international community that is concerned about the increasing influence of American legal and political preferences on the development of international law.

The author proposes a range of measures at the domestic, regional, and international levels.

3.1. Strengthening International Legal Education

The first and most fundamental recommendation is to promote international legal education. The author emphasizes the importance of developing a deeper understanding among students, researchers, policymakers, and public officials regarding the phenomenon of the Americanization of international law, its methods, and its objectives. In the author's view, effective resistance to what he describes as American legal imperialism depends upon a thorough and accurate understanding of international law itself. As he argues, "If Iran wishes to resist the legal imperialism of the United States, it has no choice but to provide proper and adequate instruction in international law within its domestic system. A thorough and accurate understanding of international law equips a society to confront misinterpretations and deviations. Such knowledge and understanding strengthen the foundations for the implementation of international law and prevent a State such as the United States from taking advantage of the lack of legal awareness among developing nations." (p. 168).

3.2. Adopting Domestic Legislation

A second domestic strategy involves enacting national laws to challenge or respond to legal and political actions undertaken by the United States. The author cites as an example Iran's *2012 Law on the Disclosure of Human Rights Violations Committed by the United States and*

the United Kingdom in the Contemporary World. Together with legal education, domestic legislation constitutes one of the principal internal mechanisms through which States may seek to address perceived imbalances in the international legal order.

The author nevertheless argues that domestic measures alone are insufficient and must be complemented by regional and international initiatives.

3.3. Strengthening Regional Political Relations

At the regional level, the author recommends enhancing political cooperation among neighboring and regional States to reduce American political influence and build greater resilience to political and economic pressures exerted by the United States.

3.4. Utilizing International and Regional Organizations

The book further advocates active engagement within international and regional organizations, particularly the Organization of Islamic Cooperation and the Non-Aligned Movement. Accordingly, such organizations can serve not only as platforms for developing a common intellectual and political response to the Americanization of international law but also as forums for generating alternative legal norms that reflect the interests and perspectives of a broader range of states.

The author then turns to a series of specifically legal strategies.

3.5. Persistent Objection to Emerging Customary Rules

One recommendation is to consistently and explicitly object to the formation of customary international law in areas where the author believes American legal doctrines are gaining acceptance, particularly with respect to anticipatory and preventive self-defense. By maintaining a position of persistent objection, States may seek to prevent such practices from crystallizing into generally accepted rules of customary international law.

3.6. Formal Diplomatic and Legal Protest

The author also encourages States to register formal objections before international institutions whenever they consider American conduct to be inconsistent with international law. Such protests may take the form of official statements, diplomatic communications, or submissions to bodies such as the United Nations Security Council.

3.7. Developing Alternative Legal Scholarship

Another important recommendation concerns the production of legal scholarship. The author argues that States and scholars should contribute to the development of academic literature that respond to and challenge the arguments advanced by American scholars whose work, in his view, supports the Americanization of international law. Intellectual engagement and scholarly debate are therefore presented as essential components of a broader legal strategy.

3.8. Strengthening International and Regional Judicial Institutions

The book also advocates the reinforcement and expansion of international and regional judicial mechanisms. Among the examples discussed are proposals for the establishment of an Asian human rights court and efforts to operationalize an Islamic International Court of Justice under the auspices of the Organization of Islamic Cooperation. Such institutions are viewed as potential alternatives that could diversify the sources of authority and interpretation within the international legal system.

3.9. Enhancing Iran's Role in the Sixth Committee of the General Assembly

Finally, the author recommends strengthening Iran's participation in the Sixth Committee of the United Nations General Assembly. By taking a more active role in this forum, Iran could present legal arguments, raise emerging legal issues, and articulate well-documented positions concerning the legal limits of unilateral action in international relations. In the author's assessment, greater engagement within the Sixth Committee would provide an important platform for advancing legal arguments against unilateralism and for promoting alternative interpretations of international law.

Taken together, these recommendations reflect the author's broader view that responses to the Americanization of international law must extend beyond political opposition and should encompass educational, legislative, diplomatic, scholarly, and institutional initiatives aimed at shaping the future development of the international legal order.

Conclusion

In his final reflections on the topics discussed throughout the volume, the author contends that international law has increasingly fallen under the influence of a phenomenon he terms the "Americanization of international law." He posits that this trend is persistent and, in his perspective, poised to speed up following Donald Trump's re-election as President of the United States on November 6, 2024. As the author notes:

"International law has become subject to a phenomenon known as Americanization. This process of Americanization is continuing and appears likely to accelerate following the re-election of Donald Trump as President of the United States on 6 November 2024. Whether international law is shaped by the direct will of the United States through extra-legal, unilateral, and expansive actions, or by the gradual and subtle influence of the United States on both the substantive and procedural dimensions of law, the essential issue remains the same. At the same time, Americanization has not always been entirely negative, and in some instances this process may also produce certain benefits." (p. 204)

The author further asserts that the Islamic Republic of Iran has long been cognizant of the phenomenon of Americanization within international law. In response, it has implemented a spectrum of policies and strategies to counteract U.S. influence both on regional and global stages. According to the text, these endeavors encompass domestic legislative measures as well as diplomatic and legal engagements within international organizations.

The author contends that the paramount long-term strategy for addressing contemporary developments in international law is to bolster regionalism while concurrently safeguarding the universal essence of the legal framework. He advocates that a form of international federalism could serve as an effective mechanism to counter the rising tide of Americanization and to foster a more equitable and diverse global legal order.

The author further underscores that as the United States increasingly assumes a predominant role in shaping the global order—taking stances on nearly every international matter and responding unilaterally—there is a risk that international law may be overshadowed by power politics. In such a climate, legal norms and institutions could gradually diminish

in authority, jeopardizing their role as the foundational framework governing international relations. Ultimately, the author concludes, this trend would weaken the rule of law within the global community and erode the normative bedrock that sustains the present international legal order.