

Legal warfare and the tactics of asymmetric political conflict: a reading in the strategic transformations of international relations

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Abstract

Purpose – This article examines legal warfare as a form of asymmetric political conflict and explains how legal claims, institutional arenas and legitimacy contests reshape power relations in contemporary politics.

Design/methodology/approach – The article adopts a descriptive-analytical design supported by structured case comparison. The selected cases are used as comparative illustrations rather than symmetric causal tests. The analysis clarifies case-selection criteria, distinguishes between state and non-state actors and operationalizes core concepts through indicators drawn from official documents, court materials, United Nations records and state positions.

Findings – The article finds that legal warfare operates through interpretation of legal rules, selective compliance and legitimacy politics and exploitation of institutional asymmetries. Its effects vary by actor type, institutional access and interaction between normative claims and material capabilities.

Research limitations/implications – The article remains theory-driven and based on analytically structured cases rather than full causal testing; however, it offers operational indicators for future comparative and mixed-method research.

Practical implications – The article provides policymakers and international organizations with an analytical framework for identifying legal instrumentalization and assessing institutional and reputational effects in conflicts.

Originality/value – The article advances a conceptual contribution by redefining legal warfare not merely as politicization of law, but as a structured political mechanism through which actors convert legality, procedure and institutional access into strategic leverage. It also links this mechanism to indicators of power reconfiguration, legitimacy contestation and strategic cost imposition across state and non-state cases.

Keywords Legal warfare, Asymmetric political conflict, Legitimacy, International institutions, International relations

Paper type Research article

1. Introduction

Since the early 2000s, global conflict has increasingly shifted toward asymmetric strategies in which law, institutions and legitimacy contests operate alongside military and economic power. Among these strategies, lawfare has emerged as a central mechanism through which actors seek to constrain adversaries, accumulate normative legitimacy and reframe international disputes in juridical terms.

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This article analyzes legal warfare as a strategic modality of asymmetric political conflict and clarifies how it contributes to the reconfiguration of power in contemporary international relations. Rather than treating lawfare as merely the instrumental use of legal language, the article advances a more specific analytical claim: lawfare functions as a structured political mechanism through which legality is translated into strategic leverage across institutional arenas.

The article is guided by the following central question:

How does lawfare contribute to reshaping power dynamics in the international system?

This central question is unpacked through three sub-questions:

- (1) What are the theoretical and political dimensions of lawfare within asymmetric conflict?
- (2) How do state and non-state actors operationalize lawfare across distinct institutional settings?
- (3) How do international institutions – particularly the United Nations (UN) – facilitate, legitimize or restrain such practices?

The central proposition advanced here is that lawfare contributes to the reconfiguration of international power by linking legal legitimacy, institutional access and strategic behavior. Its effects are conditioned not only by normative claims but also by actor type, material capabilities and the structure of institutional opportunity.

The article makes four contributions. First, it refines lawfare by specifying its operative mechanisms rather than using it as a loose synonym for legal instrumentalization. Second, it situates lawfare within a plural international-relations framework combining realist, institutional, constructivist, English School and critical insights. Third, it shows how actor type, institutional access and legitimacy claims shape the political uses of law. Fourth, it translates the article's abstract claims into operational indicators that permit more disciplined comparison and clearer policy interpretation.

2. Theoretical and analytical framework

The article adopts a plural analytical framework. Realism explains how law reflects power distribution and strategic competition; liberal institutionalism clarifies the role of organizations, procedures and rule-based coordination; constructivism highlights legitimacy, discourse and socially produced authority; the English School emphasizes the tension between order, sovereignty and solidarist claims; and critical scholarship exposes hierarchy, selective universalism and unequal legal voice (Anghie, 2005; Finnemore and Toope, 2001, pp. 743–745; Reed, 2023; Dziedzic, 2024, pp. 739–742). Recent scholarship also shows that lawfare extends beyond classical military settings into economic, maritime, humanitarian and administrative domains, including Global South settings such as Viet Nam's positioning in the South China Sea and the humanitarian–legal contest over Palestinian healthcare (Ferguson, 2022; McLaughlin, 2024, pp. 329–332; Nguyen, 2025, pp. 1–3, 9–10; Perugini and Gordon, 2024, pp. 68–71).

3. Methodological approach

The article retains a descriptive-analytical design because its purpose is conceptual and interpretive, but it strengthens that design through analytically structured case-based inquiry. Theory is not treated as a substitute for empirical analysis; it organizes comparison, identifies mechanisms and interprets patterned variation across cases. The empirical dimension is limited but explicit, as each case is read through the same lens using indicators related to legal instruments, institutional arena, actor type, legitimacy claims and strategic outcomes.

Case selection follows four criteria: relevance to lawfare in contemporary international politics; variation between state and non-state actors; diversity in institutional arenas,

including courts, international organizations and public-legitimacy forums; and the availability of documentary evidence permitting analytical tracing of outcomes. The cases are therefore used as structured comparative illustrations of the article's propositions rather than as statistically representative cases or exhaustive causal tests.

The unit of analysis is the strategic episode in which legal instruments are mobilized to alter political position, constrain an opponent, widen room for manoeuvre or generate legitimacy. The article's scope conditions are limited to international and transnational settings in which legal argument is used as part of broader political conflict. This clarification is important because it distinguishes the article from purely doctrinal legal analysis and from broad descriptive narratives that invoke lawfare without specifying its analytical purpose.

4. Operational hypotheses

The article assesses three propositions: first, that lawfare influences emerging patterns of power in international relations; second, that actors with limited material power may gain compensatory leverage when legitimacy claims, institutional access or coalition backing are available; and third, that the interaction between legality and institutional hierarchy helps explain why similar legal claims produce unequal outcomes. These propositions are operationalized through three clusters: reconfiguration of power, normative legitimacy and strategic cost imposition (Table 1).

These indicators do not claim full measurement in the positivist sense, but they do provide observable benchmarks that discipline interpretation. Throughout the article, documentary traces such as UN resolutions, commissions of inquiry, court filings, sanctions notices and official state statements are used to connect abstract concepts to identifiable political effects.

5. Theoretical foundations of legal warfare as a tool of political conflict

The theoretical foundation of legal warfare is central to understanding its role in international relations. Law has evolved from a mere regulatory framework into a strategic weapon used to achieve political aims. Unlike conventional warfare, which relies on military force, legal

Table 1. Operationalization of core concepts

Concept	Analytical meaning	Observable indicators	Primary evidence
Reconfiguration of power	Change in the distribution or exercise of influence through legal means	Voting alignments; institutional outcomes; sanctions regimes; changes in recognition status	UN resolutions; court decisions; official state positions
Normative legitimacy	Ability to claim lawful or morally authorized conduct	Supportive resolutions; advisory opinions; formal endorsements; coalition backing	UN documents; multilateral statements; legal briefs
Strategic cost imposition	Use of law to generate material, reputational or diplomatic pressure	Judicial rulings; economic consequences; reputational damage; diplomatic isolation	Court records; sanctions notices; official communiques
Structural feature	Routinized and repeatable use of legal arenas within conflict management	Recurrence across cases; institutionalization in doctrine; cross-arena diffusion; repeated procedural use	Security doctrines; official reports; repeated litigation or investigative practice

Source(s): Prepared by the author based on the analytical framework developed in this article and derived from relevant scholarship, especially [Kittrie \(2016\)](#), [Finnemore and Toope \(2001\)](#), [Nye and Goldsmith \(2011\)](#), [Barnett and Finnemore \(2004\)](#) and [United Nations Human Rights Council \(2018\)](#), together with [United Nations General Assembly documents \(2016, 2022\)](#), court decisions and filings, sanctions notices, commissions of inquiry reports and official state positions cited in the text

warfare employs the manipulation of legal texts and international legitimacy to restrain or weaken opponents.

This section builds a conceptual framework around three core pillars: defining legal warfare in contrast to traditional war; analyzing the mechanisms that transform law into a tool of power management; and exploring the interaction between law's normative legitimacy and the material power of states. Collectively, these elements clarify how legal warfare functions as a growing strategy in contemporary global politics.

5.1 The concept of legal warfare versus conventional warfare: political approaches

The concept of legal warfare is relatively recent in international relations literature and reflects a shift from direct military force to the use of law as a non-traditional weapon. It requires a clear conceptualization distinguishing it from conventional warfare and an examination of the political approaches that interpret this shift as a form of asymmetric conflict in the international system.

5.1.1 Conceptualizing lawfare. The concept of lawfare integrates two core elements: law and war. First introduced in 1975 by Australian scholars John Carlson and Neville Yeomans in their critique of punitive legal culture, it was described as “a duel fought with words, not swords,” but without a fully developed theoretical definition (Kittrie, 2016, p. 6). This early ambiguity helped generate diverse interpretations shaped by changing political and operational contexts.

Subsequent political and military literature has defined lawfare as a non-kinetic strategic tool in foreign policy – a legal weapon used to secure political or tactical advantage (Dunlap, 2008, pp. 146–147; 2009, pp. 34–35; 2010, p. 121). While this view stresses geopolitical lawfare within a hard-power logic, broader approaches treat it as a multidimensional political instrument employed in both military and non-military arenas by state and non-state actors to pursue legal, normative and political goals.

Like many international-relations concepts, lawfare is context dependent and becomes analytically useful through concrete practices and arenas of contestation (McGinn, 2017, p. 82). In asymmetric conflict, actors exploit legal procedures and fora to offset material weakness, impose political or reputational costs and reshape influence. Lawfare therefore combines claims to legality with a strategic technique through which legal and institutional arenas increasingly supplement, and at times substitute for, direct military confrontation (Giddens, 1984, p. 284; McGinn, 2017, p. 82).

5.1.2 Lawfare versus conventional warfare. Conventional warfare relies on hard power to achieve strategic aims and, in Clausewitzian terms, continues politics by military means (Clausewitz, 1976, p. 87). Lawfare, by contrast, turns legal and normative frameworks into tools for constraining adversaries without direct force. It operates through symbolic and normative effects, shaping behavior while also potentially legitimizing military action or providing normative cover for coercive practices (Kittrie, 2016, pp. 22, 120–122). Rather than opposing conventional warfare, it extends conflict onto a normative plane: enabling stronger states to reproduce hegemony within the legal order, while allowing weaker actors to resist through non-material means. This shift from physical battlegrounds to legal arenas reveals law as a domain of strategic contestation and underpins the rise of “legal hegemony”, in which international norms function not only as regulatory frameworks but also as instruments of influence and control in the international system.

5.1.3 Political approaches to the interpretation of legal warfare. Legal warfare is a multilayered phenomenon that has generated competing interpretations within international relations theory.

From a realist perspective, it appears as an extension of the struggle for power and influence: legal frameworks are mobilized to consolidate the strategic interests of major powers and to legitimize their management of the international order, while law remains an instrument of power rather than a constraint upon it (Mearsheimer, 2014, p. 36). International

law is invoked when it serves state interests and reinterpreted – or sidelined – when it limits them.

Liberal institutionalism views legal warfare within a broader shift from coercion to institutionalization and legal governance. International institutions are treated as consensual frameworks that reduce systemic anarchy by embedding legal obligations in state interaction (Keohane, 1989, p. 12). In this view, legal warfare activates non-military instruments of pressure – UN resolutions, sanctions, regulatory constraints – rather than relying primarily on force.

Constructivist approaches emphasize norms, legitimacy and shared meanings in shaping interests and identities. Legal authority is understood as a constitutive element of the international system's social structure (Wendt, 1999, p. 96). Legal warfare thus becomes a struggle over meaning as much as over material leverage: legal language defines what is legitimate or prohibited and which forms of conduct can be framed as acceptable in global politics.

The English School adds an important dimension to the analysis of lawfare by drawing attention to international society, the management of order and the tension between pluralist respect for sovereignty and solidarist claims of justice (Bull and Watson, 1984, p. 1; Buzan, 2001, pp. 477–479, 484–485). Legal warfare therefore cannot be understood solely in terms of technical legality; it also reflects contestation over who is authorized to speak for international order and on what normative basis (Buzan, 2001, pp. 477–479).

Critical approaches further sharpen the analysis by exposing how international law may operate as a medium of hierarchy, exclusion and selective universalism, especially where sovereignty, civilization and legal personality are historically distributed through unequal structures of power (Anghie, 2005, pp. 104–106, 310–311). From this perspective, legal warfare often reveals asymmetries in agenda-setting, institutional access and enforcement capacity, while also illuminating how legality can serve simultaneously as a source of legitimacy and as an instrument shaped by power relations (Krisch, 2005, pp. 369–372, 374–377).

Taken together, these approaches show that legal warfare cannot be reduced to opportunistic legality. Rather, it reflects a reconfiguration of the relationship between material power and normative legitimacy in the management of international conflict and points to a broader structural transformation in international relations in which legal instruments function at once as vehicles of coercion and as claims to legitimacy.

5.2 *The instruments and mechanisms of legal warfare*

The instruments of legal warfare are the channels through which law is used strategically in international relations. Their prominence has grown with the legalization of conflict, whereby political and military confrontations are increasingly handled through litigation, arbitration and institutional procedures rather than direct force (Kittrie, 2016, p. 12). This has encouraged what may be called institutional legal warfare, in which international and domestic legal systems are used to secure political gains and weaken adversaries (Dunlap, 2010, p. 121).

5.2.1 Institutional–organizational instruments of legal warfare. Institutional–organizational instruments use international and domestic legal institutions as arenas of political and normative confrontation. They include recourse to bodies such as the International Court of Justice, the International Criminal Court and domestic courts invoking universal jurisdiction, as well as dispute-settlement mechanisms and legal committees within UN and regional organizations. By shifting conflict from military to judicial arenas, these instruments can impose legal costs, delegitimize opponents and enhance the normative leverage of weaker actors (Kittrie, 2016, p. 15; Bartman, 2010, p. 429).

5.2.2 Legal–procedural instruments of legal warfare. Legal–procedural instruments refer to the calculated use and interpretation of legal norms as strategic tools to achieve political objectives – notably to delegitimize adversaries or to legitimize state conduct in times of conflict. They manifest in several interrelated forms:

First, States may initiate litigation before international or national courts to constrain or embarrass opponents, using judicial proceedings as public forums that mobilize international opinion and force adversaries into defensive positions (Dunlap, 2008, p. 147).

Second, within international organizations, actors politicize legal concepts such as “human rights violations” or “war crimes”, constructing normative narratives that translate into resolutions undermining the diplomatic standing of targeted states (Goldenziel, 2021, pp. 1099–1101; Bartman, 2010, p. 429).

Third, domestic courts invoking universal jurisdiction bring actions against foreign officials or international organizations, creating overlapping legal and reputational pressures across jurisdictions.

Fourth, the selective reinterpretation of treaties and legal provisions serves to legitimize specific political or diplomatic measures – one of the defining characteristics of modern legal warfare.

Fifth, exploiting procedural or bureaucratic loopholes within the international legal system – through formal appeals or delays in enforcement – weakens the deterrent power of legal decisions.

Sixth, normative and media-based defamation campaigns supported by legal and documentary evidence transform legal issues into matters of public opinion, exerting moral and political pressure that may result in sanctions or diplomatic restrictions.

The concept of “lawfare compliance disparity” captures how dominant powers manipulate international law to impose uneven obligations on weaker actors, thereby turning compliance itself into a mechanism of political control (Kittrie, 2016, p. 12).

Taken together, these mechanisms show that legal warfare operates through an integrated framework that allows international actors to pursue strategic goals without direct military confrontation. The growing instrumentalization of law highlights its dual nature – both tool and battleground – through which contemporary power relations are negotiated and redefined.

5.3 The political dimensions of legal warfare: normative power versus material power

Legal warfare is a political-legal phenomenon produced by the intersection of law with the strategic calculations of international actors. Its political dimensions are best understood through the interaction between normative power and material power in the management of international conflict.

5.3.1 Normative power. Normative power refers to the capacity of an international actor to shape the rules and standards that define what is considered legitimate or prohibited in international conduct. Rooted in moral and political legitimacy, it enables influence through persuasion and normative commitment rather than coercion. Legal instruments – such as international courts, human rights mechanisms and UN resolutions – provide effective channels for constructing normative narratives that pressure adversaries, redefine legitimacy and shape contemporary power balances in international relations (Kittrie, 2016, p. 12).

5.3.2 Material power. Despite the growing significance of normative power, material power remains a primary determinant in shaping the international order and influencing its legal outcomes. Military and economic capabilities enable major powers to impose their legal visions or obstruct rules that conflict with their interests. Institutional control over international organizations further strengthens this capacity by shaping decision-making processes and transforming law into an instrument for sustaining political and economic dominance (Nye and Goldsmith, 2011, pp. 50–51). In this sense, the interaction between material and normative power reflects a broader functional exchange between coercion and legitimacy.

5.3.3 The dialectical relationship between the two forms of power. The relationship between normative and material power is not one of contradiction but of mutually reinforcing interaction that continually reshapes the instruments of international conflict. Material power is used to consolidate and expand normative frameworks, while norms are mobilized to justify

or legitimize the use of power. Within this dynamic, legal warfare functions as a dual mechanism: it allows stronger actors to codify and sustain influence through legal legitimacy, while giving weaker actors normative tools to contest that influence through law itself (Kittrie, 2016, p. 15).

5.3.3.1 The analytical dimension in international relations. Legal warfare reflects a structural shift in the logic of conflict. Rather than replacing traditional warfare, it extends conflict into legal and symbolic arenas in which legitimacy itself becomes a strategic weapon. Legal rules and institutions are used both to entrench hierarchies and to constrain adversaries, turning legitimacy from a largely regulatory principle into an instrument of competition and domination (Giddens, 1984, p. 284; Nye and Goldsmith, 2011, p. 51). This provides the conceptual basis for examining how legal instruments, compliance mechanisms and asymmetric gaps operate as strategic tools in reshaping the international order.

6. The political framework of legal warfare – law as an instrument of international conflict

Framing legal warfare politically is essential to understanding its role in contemporary international relations. Law no longer functions solely as a neutral framework regulating state interaction; it has become one of the principal means through which conflicts are managed and power relations are reproduced. Legal norms and institutions provide a structured arena in which states and non-state actors pursue strategies of domination, resistance and bargaining, turning legality itself into a central field of contestation over influence in the international order.

Accordingly, this section examines the political dimensions of legal warfare through three main analytical tools that embody its strategic employment: legal instruments as tools of strategic confrontation, legal compliance as a source of legitimacy and the asymmetric political gap as a space for redistributing influence within the contemporary international order.

6.1 *Legal instruments as a strategic weapon in international relations*

Legal instruments – treaties, conventions, resolutions and judicial standards – have shifted from merely regulating inter-state relations to functioning as strategic tools for generating political and normative gains within the international balance of power. When politically and structurally instrumentalized, they confer legitimacy on specific policies and give legal form to practices that are fundamentally strategic, so that control over interpretation and implementation becomes a source of influence in global power structures (Keohane, 1989, p. 45).

States and non-state actors therefore no longer treat legal instruments as neutral obligations but as tools of pressure and alignment that reshape power relations. They perform a dual function: they impose behavioral norms and legitimize political action, while simultaneously serving as vehicles for strategic advantage through the manipulation of legality itself (Kittrie, 2016, p. 6). They mirror prevailing hierarchies rather than standing above them.

Legal warfare operates primarily through two mechanisms: interpretive control over legal texts, whereby actors impose readings of treaties and conventions that support their agendas; and politicized enforcement and compliance, via forums such as the UN Security Council, international courts and investigative commissions, where conflicts are reframed as disputes over legal conformity but in practice reflect struggles over legitimacy and influence (Dunlap, 2008, p. 146).

This dynamic underscores the expansion of normative power in international relations. Major powers use legal and diplomatic capacity to shape texts and procedures that reinforce dominance, while weaker states and emerging actors exploit textual ambiguities and cross-border litigation to accumulate counter-legitimacy. The notion of “Lawfare Compliance Disparity” captures how dominant actors manipulate international law to impose uneven

obligations on weaker counterparts, turning compliance into a mechanism of control (Kittrie, 2016, p. 12). In this perspective, law becomes a medium of political struggle in which legal instruments are central to managing the distribution of influence in the international system.

6.2 *Legal compliance and the construction of legitimacy as a tool of political contestation*

Legal compliance is one of the most politically charged dimensions of legal warfare. It is used both to legitimize particular practices and to delegitimize opponents within wider struggles over influence and norms. States rarely comply with international law for purely ethical reasons; they also use compliance to consolidate power and constrain adversaries by shaping legal discourse around strategic priorities (Chayes and Chayes, 1995, p. 28). Compliance has thus evolved from a technical obligation into a mechanism for generating normative power and redistributing legitimacy.

Modern realist and constructivist scholarship in international relations shows that compliance is neither neutral nor automatic but selectively shaped by power and interest. Major powers reinterpret rules and mobilize compliance mechanisms to legitimize preferred courses of action, while emerging states and new actors use visible compliance to accumulate alternative forms of legitimacy and bargaining leverage (Finnemore and Toope, 2001, p. 741). Compliance thus operates as an instrument of asymmetric political struggle through which normative power is exercised across legal and institutional platforms, reconfiguring the distribution of international legitimacy.

This dynamic intersects with legitimacy-building, which has shifted from moral aspiration to strategic investment in normative capital. Legal legitimacy can mobilize support, impose political and economic costs and create structural constraints on opponents (Wendt, 1999, p. 268). International organizations institutionalize this contest by monitoring compliance and publicly identifying violators, thereby exercising symbolic authority over acceptable conduct (Barnett and Finnemore, 2004, p. 48). Yet legitimacy is most effective when coupled with material enforcement such as sanctions or incentives (Keohane, 1989, p. 45; Nye and Goldsmith, 2011, p. 51).

Consequently, compliance and legitimacy emerge as interdependent pillars of legal warfare. Each contributes to the production and projection of normative power within global political competition. Compliance is no longer a mere legal obligation but a strategic instrument through which states manipulate normative frameworks to engineer influence and exert legitimate pressure on adversaries. In this sense, legal compliance has evolved from an expression of rule adherence to a deliberate political tactic in managing power and normative control within the international order.

This analysis thus establishes the foundation for understanding the dynamic relationship between legal legitimacy and political power – an issue explored more concretely in the following section, which examines the asymmetric political gap and its role in reshaping global influence.

6.3 *The asymmetric political gap and its role in reshaping the balance of power*

The “asymmetric political gap” captures disparities in the ability of international actors to use international law as a political and strategic instrument. Some actors can draft, interpret and enforce legal rules, while others use law as a compensatory resource, relying on normative legitimacy to offset material weakness and widen room for manoeuvre (Slaughter, 2005, p. 159).

Asymmetric gaps emerge on several levels:

- (1) *Textual*, when treaties contain ambiguities or loopholes that allow divergent interpretations;
- (2) *Institutional*, when international organizations fail to ensure enforcement or provide effective remedies; and

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- (3) *Political*, when the degree of accountability varies according to the strategic interests of dominant powers.

Exploiting these gaps enables relatively weaker actors to conduct legal warfare by targeting weaknesses in global consensus, leveraging textual ambiguities or turning to national courts with expansive jurisdiction over international accountability (Kittrie, 2016, p. 12). These legal and institutional asymmetries thus become strategic resources for reshaping the balance of power among international actors.

From a realist perspective, the asymmetric political gap allows dominant powers to preserve advantage by controlling lawmaking, compliance and sanction (Waltz, 1979, p. 88). Constructivist analysis, by contrast, treats the same gap as a normative space through which emerging states and non-state actors can redefine legitimacy and expand symbolic influence through alternative legal interpretations and moral framing (Finnemore and Sikkink, 1998, p. 907). Exploiting asymmetry therefore reflects not only systemic weakness but also a mechanism of structural transformation.

Legal warfare thereby becomes an instrument for redistributing legitimacy and power simultaneously – using litigation, human rights advocacy and interpretive strategies to challenge material dominance through normative and symbolic means (Kittrie, 2016, p. 24). In this sense, law evolves into a domain for managing, rather than closing, political asymmetry and for reproducing hierarchies within the international system. Legal practice here arises from the structural interplay between politics and law within the logic of power in international relations.

The interconnection between legal instruments as strategic tools, normative compliance as a means of legitimacy-building and political asymmetry as a mechanism of power redistribution demonstrates that the use of law in international conflict is no longer a technical or procedural act, but a comprehensive political process that shapes the very architecture of the global order.

Accordingly, legal warfare stands as one of the defining phenomena of contemporary international relations, blending hard power with normative influence to create a new form of legal–normative hegemony within international institutions. This analysis sets the stage for the next section, which explores the practical manifestations of asymmetric legal warfare, illustrating how these theoretical dynamics unfold in the behavior of both state and non-state actors within the UN as a central arena of normative conflict in the international system.

7. Applications of asymmetric legal warfare in international relations

This section translates the theoretical discussion of legal instruments, compliance and asymmetry into analytically structured applications of legal warfare in contemporary international politics. To increase comparative precision, the selected cases are read through a common matrix: actor type, principal legal instrument, institutional arena, legitimacy claim and strategic outcome. The section therefore combines interpretive analysis with limited empirical grounding, rather than relying on illustrative narrative alone.

A further distinction is essential. State actors generally possess greater institutional access, diplomatic reach and law-making capacity; non-state actors, by contrast, tend to rely more heavily on strategic litigation, rights-based advocacy, media amplification and normative coalition-building (Dunlap, 2017, p. 9; Lele, 2014, p. 97). Differentiating these forms of deployment clarifies why lawfare does not operate uniformly across actors and why institutional access is itself part of the distribution of power.

Table 2 organizes the cases around a common matrix of actor type, legal instrument, institutional arena and strategic outcome. It shows that lawfare is not uniform: state cases emphasize institutional positioning, sanctions and formal legal justification, whereas non-state cases rely more heavily on reputational pressure, humanitarian framing, litigation support and the politics of publicity. This distinction sharpens comparison and ties the cases directly to the article's propositions.

Table 2. Structured comparative framework of selected cases

Case	Actor type	Principal legal instruments	Institutional arena	Observable strategic outcome
China/South China Sea	State	Interpretive use of UNCLOS; selective treaty interpretation	Law of the sea regime; arbitral and diplomatic arenas	Normative contestation over maritime rights and regional influence
Russia/Ukraine and Crimea	State	Domestic legalization of annexation; selective use of international law; veto politics	ICJ-related claims; UN Security Council; Organization for Security and Co-operation in Europe (OSCE) context	Delay, ambiguity and partial insulation from institutional pressure
United States/sanctions and South China Sea	State	Sanctions, asset freezes, litigation support, selective legal backing	Treasury measures; arbitral support; multilateral diplomacy	Strategic pressure without a fully integrated doctrine
Israeli–Palestinian conflict	Mixed	Humanitarian-law claims; International Criminal Court (ICC) framing; public diplomacy and counter-lawfare	ICC discourse; UN bodies; transnational advocacy networks	Contest over legitimacy, accountability and narrative dominance
Taliban/transnational litigation examples	Non-state	International humanitarian law (IHL) accusation, publicity, strategic litigation and reputational mobilization	Battlefield publicity; domestic courts; transnational legal processes	Constraint on stronger actors and increased reputational cost
United Nations arena	Mixed	Resolutions, inquiries, vetoes, investigative procedures	United Nations General Assembly (UNGA), United Nations Security Council (UNSC), United Nations Human Rights Council (HRC), commissions of inquiry	Legitimacy generation alongside enforcement blockage

Source(s): Prepared by the author based on the comparative analytical framework developed in this article and informed by the relevant literature, particularly [Goldenziel \(2021\)](#), [Williams \(2020\)](#), [Pinos and Hau \(2023\)](#), [Voyager \(2020\)](#), [Nguyen \(2025\)](#), [Perugini and Gordon \(2024\)](#) and the official sources used in the analysis, including United Nations Human Rights Council reports, United Nations General Assembly resolutions and documents, court materials, sanctions notices, commissions of inquiry reports and official state positions cited in the text

7.1 *Asymmetric legal warfare among states*

Contemporary international politics shows that law often functions not only as a regulator of conduct but also as an instrument of contestation ([Kittrie, 2016](#), p. xiv). Major powers frequently disregard or reinterpret legal norms, and in that context, asymmetric geopolitical lawfare has emerged as the deliberate use of legal tools to generate strategic effects comparable to military pressure but at lower cost and with greater deniability.

Accordingly, asymmetric legal tactics have been incorporated with varying degrees of coherence into the security doctrines of powers such as the United States, China and Russia. The Israeli–Palestinian conflict further illustrates how legal and institutional mechanisms are used to reshape legitimacy and exert political pressure through methodical legal means ([Pinos and Hau, 2023](#), pp. 3, 10–11).

7.1.1 *China.* China has institutionalized legal warfare as a central pillar of its strategic doctrine and has been described as “the world’s foremost practitioner of legal warfare” because of its institutional sophistication and systematic implementation relative to Western counterparts ([Goldenziel, 2021](#), p. 1091). Comparative analysis of the South China Sea dispute highlights the divergence between Chinese and US legal strategies and calls for a more

formalized US approach (Williams, 2020, pp. 1–7). In nuclear non-proliferation, Beijing's conduct illustrates how formal adherence may coexist with selective violation, while in the South China Sea it advances its own interpretation of United Nations Convention on the Law of the Sea (UNCLOS) – particularly concerning restrictions on foreign military activities within its exclusive economic zone – to use legal interpretation as a tool of geopolitical influence (Williams, 2020, pp. 1–7; Pinos and Hau, 2023, pp. 3, 10–11). China's experience therefore reflects a coherent institutional approach to legal warfare rooted in reinterpretation of norms to expand influence. Realist analysis highlights efforts to reshape legal rules in line with changing power distribution, whereas constructivist analysis underscores attempts to redefine legal discourse in ways that legitimize Chinese conduct.

At the same time, non-Western scholarship shows that lawfare is not exclusive to major powers: Nguyen demonstrates how Viet Nam has used calibrated legal positioning and diplomatic invocation of legality to narrow asymmetry vis-à-vis a stronger opponent (Nguyen, 2025, pp. 1–3, 9–10), reinforcing the article's claim that lawfare may serve both hegemonic and defensive purposes.

7.1.2 Russia. Russia stands among the clearest contemporary examples of the strategic instrumentalization of international law. The war in Ukraine has exposed how Moscow selectively reinterprets legal norms not to constrain aggression, but to consolidate geopolitical dominance. As Voyager (2020, pp. 33, 35) shows, this pattern is not entirely new: it reflects a longer tradition in which legal justification has been used to rationalize imperial expansion, limited sovereignty and regional control. Although Ukraine brought cases before the International Court of Justice concerning terrorism financing and racial discrimination in Donbas and Crimea, these proceedings did not directly address the broader illegality of occupation.

Since 2014, Russia's conduct has displayed a sustained pattern of asymmetric legal warfare. This has included the domestic legalization of annexation after nominal referenda, the strategic exploitation of institutions such as the UN and the Organization for Security and Co-operation in Europe and the repeated use of veto politics to block or dilute opposing action. Moscow has also framed its role through narratives of stabilization, humanitarian protection and peacekeeping, while using legal ambiguity and procedural delay to widen its room for manoeuvre (Voyager, 2020, pp. 36–37).

These maneuvers demonstrate that Russia's strategy in asymmetric geopolitical legal warfare relies less on a coherent legal doctrine than on a flexible and selective use of international law within a broader pre-emptive hybrid approach. By exploiting loopholes in the legal order, manipulating negotiations to gain time and fostering divisions among adversaries through legal ambiguity, Moscow has transformed international law into a dual-use instrument that combines hard and soft power. In this configuration, law provides a discursive framework of legitimacy while functioning in practice as a means of domination and of eroding state sovereignty.

In this sense, Russia epitomizes a state that weaponizes law in pursuit of geopolitical objectives. From a realist perspective, this behavior underscores how major powers reshape legal norms to protect strategic interests; from a constructivist perspective, it shows how legal discourse is used to redefine legitimacy and acceptable conduct. The Russian case therefore reveals how material and normative power intersect in the reproduction of hegemony and the reconfiguration of international politics.

7.1.3 The United States. The United States has relied on fragmented legal tactics rather than a fully coherent lawfare strategy. It has selectively used legal and economic instruments, including sanctions on Iran and support for the Philippines' South China Sea case against China, even though Beijing rejected the ruling (Williams, 2020, pp. 1–7).

Unlike China and Russia – both of which have embedded legal warfare within their national security doctrines – the United States has tended to employ legal measures as supplementary tools following the failure or high cost of military responses. In Afghanistan and Iraq, the United States initially adopted asymmetric legal tactics – such as sanctions and asset freezes – to weaken adversaries before resorting to conventional military force (Toni, 2005, p. 152).

This approach intensified the asymmetry between the United States and its less-equipped opponents, with the invasion of Iraq serving as a notable example.

Within the broader context of the “War on Terror”, Washington developed a more explicit form of geopolitical legal warfare aimed at constraining terrorism-related financial networks at home and abroad. Treasury authority to freeze assets, first consolidated under the Bush administration and later broadened under Obama, became a mechanism of deterrence and punishment targeting individuals, organizations and states. Even so, these tactics remained limited in scope, lacking an integrated legal strategy and operating alongside extensive military campaigns. US conduct in Iraq, Afghanistan and the campaign against the Islamic State drew criticism for detention abuse, human rights violations and breaches of the law of armed conflict, including the abuses documented at Abu Ghraib.

The United States case therefore shows that sporadic legal tactics, when subordinated to military primacy, do not mature into a comprehensive strategy of legal warfare. Realist analysis confirms the continued primacy of material dominance, while constructivist analysis highlights the difficulty of sustaining normative legitimacy when legal discourse is undermined by practices that erode moral credibility. The American experience thus demonstrates that without a structured legal strategy, lawfare has limited autonomous strategic value and cannot perform the same hegemonic function seen more clearly in the Chinese and Russian cases.

7.1.4 The Israeli–Palestinian conflict. The Israeli–Palestinian conflict has become a major arena of asymmetric legal warfare in which legal, political and communicative strategies converge. It offers a paradigmatic illustration of how law is weaponized to reshape legitimacy and power within the international system. Israel has used legal warfare to influence international opinion regarding Gaza through a dual narrative that casts Palestinians as lacking moral and civilizational legitimacy while presenting Israeli forces as disciplined and legally restrained. This logic is embedded in the Israel Defense Forces Strategy, which integrates public diplomacy and legal efforts before, during and after military operations in order to construct a façade of legality (Perugini and Gordon, 2024, p. 84).

Within this framework, legal warfare functions as a mechanism for justifying siege and bombardment through the language of compliance with the law of armed conflict, while simultaneously accusing Hamas and other Palestinian factions of exploiting that same compliance tactically. This juridical framing reproduces colonial violence through legal and moral narratives that normalize settlement expansion and render Palestinian life in Gaza increasingly precarious. The strategy is reinforced through lobbying and information networks that pressure governments, restrict aid flows and suspend donation accounts through electronic payment platforms (Guinane, 2021, p. 8).

In contrast, Arab actors have developed counter-legal tactics aimed at reshaping the international legal framework. The League of Arab States succeeded in advancing the inclusion of Israeli settlement activity as a war crime within the Rome Statute of the International Criminal Court, thereby exposing Israeli officials to potential prosecution and furnishing Arab and Palestinian legal campaigns with an additional strategic asset in international forums (Kittrie, 2016, pp. 13, 44).

The case shows that legal warfare is a central arena for contesting legitimacy within the international order. Realist analysis highlights Israel’s use of law as an extension of material dominance, while constructivist analysis reveals contestation over the legal meaning of occupation, settlement and accountability. The conflict thus reflects a sustained legitimacy struggle shaped by converging legal, political and military strategies.

Taken together, the state-based cases show that lawfare is unevenly deployed. China and Russia integrate legality more explicitly into broader geopolitical projects, whereas the United States uses legal instruments more selectively. The Israeli–Palestinian case further shows that even under marked material asymmetry, legality remains central because it structures legitimacy, accountability claims and the diplomatic framing of violence. Across these cases, state actors enjoy wider access to treaty interpretation, sanctions mechanisms, diplomatic coalitions, veto politics and institutional agenda-setting, giving their lawfare strategies broader coercive and organizational reach.

7.2 *Asymmetric legal warfare in the context of sub-state international actors*

Globalization and the declining centrality of the traditional state have facilitated the rise of a diverse spectrum of sub-state actors, including terrorist and insurgent groups, politico-religious movements, organized resistance networks, transnational criminal organizations, multinational corporations and advocacy organizations. Actors such as Islamic State of Iraq and Syria (ISIS), Hamas, the Taliban, Hezbollah and groups such as United Against Nuclear Iran have increasingly adopted legal instruments as components of asymmetric warfare, generating effects disproportionate to their material capabilities while gaining broad media and political visibility (Arasli, 2011, p. 2).

A prominent illustration occurred in Afghanistan in 2007, when Taliban fighters fired upon North Atlantic Treaty Organization (NATO) forces from civilian areas, provoking retaliatory strikes that caused civilian casualties. The Taliban then exploited these losses through propaganda, accusing NATO of violating international humanitarian law. In doing so, the group converted NATO's self-imposed legal restraints into a legal shield that constrained its military superiority (Kittrie, 2016, pp. 11, 18). Such practices show how legal warfare can undermine traditional deterrence by instrumentalizing international humanitarian law to reshape the rules of engagement.

Beyond the battlefield, sub-state actors also resort to strategic litigation against states and transnational corporations, using legal instruments within the broader dynamics of hybrid warfare (Pinos and Hau, 2023, p. 15). In the United States, families of three Brothers to the Rescue pilots sued Cuba and were awarded \$187.6 million, enforced through the seizure of Cuban assets. Similarly, Iran was found liable for supporting the 1983 Beirut Marine barracks bombing and was ordered to pay over \$9 billion, while plaintiffs froze \$2 billion of Iranian funds in New York (Kittrie, 2016, p. 16).

From a theoretical perspective, these cases show that asymmetric legal warfare has evolved from a subsidiary tactic into an instrument for reshaping power relations among international actors. From a realist standpoint, legal instruments enable weaker actors to erode deterrence by transforming legal restraints into operational vulnerabilities for stronger powers. From a constructivist standpoint, legal warfare functions as a normative-discursive struggle through which sub-state actors seek to redefine international norms and generate alternative legal narratives aimed at delegitimizing adversaries. Law thus becomes both a mechanism of strategic pressure and a space for reconstructing legitimacy.

The non-state cases highlight a distinct logic of deployment. Because such actors usually lack formal law-making authority, they rely more heavily on strategic communication, humanitarian and human-rights claims, reputational mobilization, transnational advocacy and indirect litigation support. Their use of lawfare is therefore less about controlling institutions from within than about activating external pressure on stronger opponents. This asymmetry does not make non-state lawfare analytically secondary; rather, it shows that actor type matters because resources, institutional access and legitimacy claims shape not only the tools used, but also the range of politically available outcomes.

7.3 *The United Nations as an arena of asymmetric legal warfare*

The UN is the principal institutional arena in which asymmetric legal warfare unfolds, but its role is marked by structural contradiction. Bodies such as the Human Rights Council and commissions of inquiry can expose violations and grant weaker actors legal and moral legitimacy, while the Security Council often blocks binding action through veto politics and thereby reproduces hierarchy.

This dynamic is visible in the Syrian crisis, where reports by the UN Independent International Commission of Inquiry documented grave violations, yet Russian–Chinese vetoes blocked referral to the International Criminal Court, preventing the organization from translating legal legitimacy into executive action (United Nations Human Rights Council, 2018, pp. 12–18). A similar pattern appeared in the Palestinian question, where UN bodies

declared Israeli settlement activity illegal and condemned excessive force, but successive US vetoes in the Security Council prevented binding measures and weakened the organization's capacity to enforce international law ([United Nations General Assembly, 2016](#), pp. 4–6). In the 2022 Ukraine war, the General Assembly overwhelmingly condemned the Russian invasion and called for withdrawal, while the Security Council again failed to act because of the Russian veto, exposing the organization's structural limitations under global power asymmetries ([United Nations General Assembly, 2022](#), pp. 2–5).

From a structural realist perspective, this condition reflects the hierarchical nature of the international order, in which UN mechanisms are shaped by dominant powers and legal legitimacy is often hollowed out. Institutional liberalism nonetheless views the UN as an indispensable framework for codifying conflicts and managing international interaction despite its constraints. The result is a persistent paradox: the organization can enhance the legal and moral legitimacy of weaker states and non-state actors, yet veto politics and selective enforcement often prevent that legitimacy from being translated into effective outcomes.

Thus, the UN cannot be reduced to a neutral arena nor dismissed as a mere instrument of great power politics. Rather, it represents a multidimensional framework in which law and politics intersect, reflecting the intricate duality of legitimacy and power that defines the contemporary international system.

8. Conclusion

The article concludes that legal warfare has become a structural feature of contemporary international relations rather than a marginal practice. Law no longer functions only as a regulatory framework; it now operates as a strategic medium through which actors pursue coercion, contest legitimacy, reorganize institutional space and reshape the political meaning of compliance. The article's contribution lies not in claiming that lawfare is entirely new, but in showing more precisely how and under what conditions it operates as a mechanism of asymmetric political conflict.

On this basis, the article identifies three especially important findings concerning the ways in which legal warfare reorganizes power and legitimacy in the international order:

8.1 Key findings

First, legal warfare reflects a wider transformation in the logic of conflict: contemporary confrontations are increasingly conducted through legal and normative mechanisms that deter, isolate or delegitimize adversaries.

Second, relatively weaker actors can use lawfare to compensate partially for material asymmetry by internationalizing disputes, invoking universal jurisdiction, initiating litigation across multiple forums and leveraging rights-based narratives.

Third, multilateral institutions – especially the UN – function simultaneously as platforms of legitimacy and as sites of structural constraint, because they can amplify legal claims while also limiting their translation into binding enforcement.

The comparative reading of the cases also supports a more precise conclusion regarding variation. State actors usually deploy lawfare through broader combinations of legal interpretation, sanctions, institutional vetoes and diplomatic agenda-setting, while non-state actors depend more on publicity, transnational advocacy, strategic litigation and humanitarian framing. This variation confirms that actor type is not a secondary descriptive detail but a constitutive analytical variable affecting the scale, reach and political effects of legal warfare.

Operationally, the article shows that legal warfare functions through three interlocking mechanisms: the strategic interpretation of legal rules; the selective politics of compliance and legitimacy; and the exploitation of institutional asymmetries. These mechanisms were assessed through indicators such as institutional outcomes, coalition support, formal resolutions, reputational costs, sanctions effects and the ability to widen or narrow

diplomatic room for manoeuvre. The evidence remains interpretive and case-based, but it is now more systematically tied to the article's hypotheses and analytical framework.

The practical implications follow directly from these findings. Policymakers and international organizations should treat legal conflict as a strategic arena and track how legal claims translate into voting alignments, sanctions, investigative mandates, advisory opinions, public-legitimacy campaigns and selective compliance narratives, especially when legality is used to justify coercion or resist material asymmetry.

The article also identifies a focused agenda for future research. Comparative work should examine when legal warfare supplements material power and when it compensates for its absence, using process tracing, documentary datasets, voting records, sanctions evidence and court materials, with greater attention to Arab, Asian, African and other Global South experiences in order to widen lawfare scholarship beyond its predominantly Western canon.

8.2 Policy recommendations

Building on the theoretical and empirical findings, the article advances four interrelated recommendations:

A first recommendation is to treat legal warfare in international-relations analysis as a distinct strategic variable rather than as a secondary by-product of diplomacy or armed conflict. Future theorization would therefore benefit from integrating realist, institutional, constructivist and critical insights in a way that explains how legality interacts with material capability, institutional access and legitimacy contests.

A second recommendation is to analyze legal compliance as a political practice as well as a formal legal requirement. Compliance behavior may function as a resource of legitimacy, a bargaining instrument and, in some contexts, a compensatory strategy for actors that cannot prevail through material means alone.

A third recommendation is to examine international organizations – particularly the UN – not only through their formal mandates but through the political conditions that enable or block the translation of legal legitimacy into concrete outcomes. This requires closer attention to veto politics, agenda control, investigative procedures, coalition-building and reputational effects across specific cases.

A fourth recommendation is to widen the empirical geography of lawfare research by prioritizing comparative Arab, regional and Global South perspectives. Such an expansion would reduce the Western concentration of the field and clarify how legality is mobilized under unequal conditions of sovereignty, conflict exposure and institutional access.

References

- Anghie, A. (2005), *Imperialism, Sovereignty and the Making of International Law*, Cambridge University Press, Cambridge.
- Arasli, J.E. (2011), "States vs. Non-state actors: asymmetric conflict of the 21st century and challenges to military transformation", INEGMA Special Report No. 13, available at: <https://inegma.com/Admin/Content/File-81020131379.pdf> (accessed 1 April 2025).
- Barnett, M. and Finnemore, M. (2004), *Rules for the World: International Organizations in Global Politics*, Cornell University Press, Ithaca, NY.
- Bartman, C.S. (2010), "Lawfare and the definition of aggression: what the Soviet Union and Russian Federation can teach us", *Case Western Reserve Journal of International Law*, Vol. 43 No. 1, pp. 423-446.
- Bull, H. and Watson, A. (1984), *The Expansion of International Society*, Clarendon Press, Oxford.
- Buzan, B. (2001), "The English School: an underexploited resource in IR", *Review of International Studies*, Vol. 27 No. 3, pp. 471-488, doi: [10.1017/s0260210501004715](https://doi.org/10.1017/s0260210501004715).
- Chayes, A. and Chayes, A.H. (1995), *The New Sovereignty: Compliance with International Regulatory Agreements*, Harvard University Press, Cambridge, MA.

- Clausewitz, C. (1976), *On War*, Howard, M. and Paret, P. (Eds and Trans), Princeton University Press, Princeton, NJ.
- Dunlap, C.J. (2008), "Lawfare today: a perspective", *Yale Journal of International Affairs*, Vol. 3 No. 1, pp. 146-154.
- Dunlap, C.J. (2009), "Lawfare: a decisive element of 21st-century conflicts?", *Joint Force Quarterly*, Vol. 54 No. 3, pp. 34-39.
- Dunlap, C.J. (2010), "Does lawfare need an apologia?", *Case Western Reserve Journal of International Law*, Vol. 43 No. 2, pp. 121-143.
- Dunlap, C.J. Jr (2017), "Lawfare 101: a primer", *Military Review*, Vol. 97, May-June, pp. 8-17.
- Dziedzic, L. (2024), "Administrative lawfare at the European Union's external borders: some perspectives on administrative regulation of NGO Search and Rescue activities in Italy and the situation at the polish-Belarusian border", *Journal of Human Rights Practice*, Vol. 16 No. 3, pp. 739-753, doi: [10.1093/jhuman/huae028](https://doi.org/10.1093/jhuman/huae028).
- Ferguson, V.A. (2022), "Economic lawfare: the logic and dynamics of using law to exercise economic power", *International Studies Review*, Vol. 24 No. 3, p. viac032, doi: [10.1093/isr/viac032](https://doi.org/10.1093/isr/viac032).
- Finnemore, M. and Sikkink, K. (1998), "International norm dynamics and political change", *International Organization*, Vol. 52 No. 4, pp. 887-917, doi: [10.1162/002081898550789](https://doi.org/10.1162/002081898550789).
- Finnemore, M. and Toope, S.J. (2001), "Alternatives to 'legalization': richer views of law and politics", *International Organization*, Vol. 55 No. 3, pp. 743-758, doi: [10.1162/00208180152507614](https://doi.org/10.1162/00208180152507614).
- Giddens, A. (1984), *The Constitution of Society: Outline of the Theory of Structuration*, University of California Press, Berkeley, CA.
- Goldenziel, J.I. (2021), "Law as a battlefield: the U.S., China, and the global escalation of lawfare", *Cornell Law Review*, Vol. 106, pp. 1085-1176.
- Guinane, K. (2021), *The Alarming Rise of Lawfare to Suppress Civil Society: The Case of Palestine and Israel*, Charity & Security Network, available at: <https://charityandsecurity.org/wp-content/uploads/2021/09/The-Alarming-Rise-of-Lawfare-to-Suppress-Civil-Society.pdf> (accessed 12 June 2025).
- Keohane, R.O. (1989), *International Institutions and State Power: Essays in International Relations Theory*, Routledge, New York, NY.
- Kittrie, O.F. (2016), *Lawfare: Law as a Weapon of War*, Oxford University Press, New York, NY, doi: [10.1093/acprof:oso/9780190263577.001.0001](https://doi.org/10.1093/acprof:oso/9780190263577.001.0001).
- Krisch, N. (2005), "International law in times of hegemony: unequal power and the shaping of the international legal order", *European Journal of International Law*, Vol. 16 No. 3, pp. 369-408, doi: [10.1093/ejil/chl123](https://doi.org/10.1093/ejil/chl123).
- Lele, A. (2014), "Asymmetric warfare: a state vs non-state conflict", *Oasis*, Vol. 20, pp. 97-111.
- McGinn, C. (2017), *Philosophical Provocations: 55 Short Essays*, MIT Press, Cambridge, MA, doi: [10.2307/j.ctt1tg5nqf](https://doi.org/10.2307/j.ctt1tg5nqf).
- McLaughlin, R. (2024), "Different pacta or different servanda? Grey-zone lawfare and law of the sea-based passage and operational rights", *Ocean Development & International Law*, Vol. 55 No. 3, pp. 329-342, doi: [10.1080/00908320.2024.2394615](https://doi.org/10.1080/00908320.2024.2394615).
- Mearsheimer, J.J. (2014), *The Tragedy of Great Power Politics*, Updated ed., W.W. Norton & Company, New York, NY.
- Nguyen, T.-D. (2025), "Viet Nam's dynamic approach to lawfare", *Asian Journal of International Law*, Vol. 15 No. 1, pp. 1-12, doi: [10.1017/S2044251324000195](https://doi.org/10.1017/S2044251324000195).
- Nye, J.S. and Goldsmith, J.L. (2011), "The future of power", *Bulletin of the American Academy of Arts and Sciences*, Vol. 64 No. 3, pp. 45-52, available at: <http://www.jstor.org/stable/41149419> (accessed 12 June 2025).
- Perugini, N. and Gordon, N. (2024), "Medical lawfare: the Nakba and Israel's attacks on Palestinian healthcare", *Journal of Palestine Studies*, Vol. 53 No. 1, pp. 68-91, doi: [10.1080/0377919X.2024.2330366](https://doi.org/10.1080/0377919X.2024.2330366).
- Pinos, J.C. and Hau, M.F. (2023), *Lawfare: New Trajectories in Law*, Routledge, New York, NY.

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- Reed, K. (2023), “Strategic Use of law in global politics”, in *Oxford Research Encyclopedia of International Studies*, Oxford University Press, doi: [10.1093/acrefore/9780190846626.013.816](https://doi.org/10.1093/acrefore/9780190846626.013.816).
- Slaughter, A.M. (2005), *A New World Order*, Princeton University Press, Princeton, NJ.
- Toni, P. (2005), “Asymmetrical warfare from the perspective of humanitarian law and humanitarian action”, *International Review of the Red Cross*, Vol. 87 No. 857, pp. 149-174, doi: [10.1017/S1816383100181238](https://doi.org/10.1017/S1816383100181238).
- United Nations General Assembly (2016), *Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem*, United Nations, New York, NY, pp. 4-6.
- United Nations General Assembly (2022), *Aggression against Ukraine: Resolution ES-11/1 Adopted on 2 March 2022*, United Nations, New York, NY, pp. 2-5.
- United Nations Human Rights Council (2018), *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, United Nations Human Rights Council, Geneva, pp. 12-18.
- Voyager, M. (2020), “Waging lawfare: Russia’s weaponization of international and domestic law”, *Per Concordiam: Journal of European Security and Defense Issues*, Vol. 10 No. 1, pp. 33-39.
- Waltz, K.N. (1979), *Theory of International Politics*, Addison-Wesley, Reading, MA.
- Wendt, A. (1999), *Social Theory of International Politics*, Cambridge University Press, Cambridge.
- Williams, C.J. (2020), “Legitimizing and operationalizing U.S. lawfare: the successful pursuit of decisive legal combat in the South China Sea”, *Journal of Indo-Pacific Affairs*, Air University Press, Maxwell AFB, Spring 2021, available at: <https://www.airuniversity.af.edu/JIPA/Display/Article/2452650/legitimizing-and-operationalizing-us-lawfare-the-successful-pursuit-of-decisive/> (accessed 1 March 2025).

Further reading

- Dressler, M. (2021), “Lawfare: both an existential threat to the international rule of law and an indispensable tool of American foreign policy in the twenty-first century”, *Penn State Law Review Forum Blog*, 6 March, available at: <http://www.pennstatelawreview.org> (accessed 22 April 2025).

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