Within a single volume it attempts to provide a convincing synthesis of core tensions in the field, if not in critical scholarship more generally. To do so she takes up how the creation of the modern international legal system was inseparable from the creation of the modern international economic
system—for Tzouvala, understood as the spread of global capitalism. Her first chapter delves directly into melding an understanding of the expansionist nature of global capitalism and its interplay between her two logics in 19th century international legal thinking. Similarly, she explores how the international abolition of slavery was turned against colonized countries as a lever to induce reforms amenable to modern wage labor markets.

For Tzouvala, the outcome of this judicial contest required displacing concerns with exploitative economic development as a basis of critique to normalize a more circumscribed language of judicialized rights. Chapter 5 brings the analysis into the contemporary era by showing how the invasion and post-invasion administration of Iraq after the second Gulf War, as well as the larger war on terrorism, relied again on both logics to demand particular market reforms while opportunistically falling back on arguments regarding cultural difference for justification or explaining away failure.

In threading her discursive and material needle, Tzouvala argues that activists or scholars who strategically embrace either logic as tools of resistance ultimately contribute to crippling more radical critique. With little fear of the polarizing terrain it has recently induced, she clearly outlines examples where the language of human rights was used to displace systemic critiques of capitalism, and the domestic and transnational social movements that embraced them.

With such theoretical ambition, Capitalism as Civilization will be off-putting to some who would be uncomfortable with its clear invocations of Marxist legal theory—even as it spends much energy addressing the limitations of its recent critical standard-bearers in her field. By continuing to browse the site you are consenting to their use. Please visit our cookie policy to find out which cookies we use and why. View cookie policy. We are open. Make the right call, Lectures, talks and seminars Public International Law Lecture. The "standard of civilisation" is often considered a historically important but currently irrelevant concept of international law. In this talk, I suggest that this optimistic narrative is misguided. I suggest that "civilisation" has never been a unitary concept subject to a specific definition. Rather, I approach it as the encapsulation of a much more fundamental and enduring argumentative pattern, one that constantly oscillates between two logics.

One the one hand, a certain 'logic of improvement' promises equal rights and duties under international law provided that non-Western political communities transform themselves according to the changing imperatives of capitalism modernity. On the other, an opposing 'logic of biology' perpetually defers this promise of equal inclusion based on ideas of unbridgeable difference. Revisiting the indeterminacy thesis in international law, I argue that international law's constant oscillation between these two logics is reflective of the fact that the discipline reflects capitalism's tendency for uneven and combined development without being able to authoritatively resolve it. Her work focuses on the political economy, history and theory of international law.

She is especially interested in historical materialism, deconstruction, feminist and queer legal theory. This is a weekly lecture series featuring judges of international courts and tribunals, leading academics, and practitioners of international law from governmental service, international organizations, and private practice from across the globe. After all, one of the principal interventions of this book has been to decentre the lawyerly subject, to push back against the idea that anyone can ever be the full author and master of international law. Rather, I have opted to take this as an opportunity not so much to respond to or to defend anything, but rather to create a new text out of the silences, omissions and slippages of the book that is under review here.

In so doing, I am not claiming that my remarks had always been part of the book or even that they are in perfect harmony with that is already there. Rather, in keeping with an understanding of scholarship as structured dialogue, I will put forward three main propositions: first, I will argue that looking at conventional materials in unconventional ways is not only intellectually and politically defensible, but cannot but be at the centre of critical inquiry into law as both a critical and a legal business. Secondly, I will explain why I consider the conceptualisation of international law as a historically important but currently irrelevant concept of international law. In this talk, I suggest that this optimistic narrative is misguided. I suggest that "civilisation" has never been a unitary concept subject to a specific definition. Rather, I approach it as the encapsulation of a much more fundamental and enduring argumentative pattern, one that constantly oscillates between two logics.

Finally, I will elaborate on my own understanding of historical materialism, its implications for law, and under what conditions it can encounter deconstruction productively.

Capitalism as Civilisation: A History of International Law by Ntina Tzouvala

Matt marked it as to-read Oct 29, Sylvan marked it as to-read Nov 02, Kostia Gorobets marked it as to-read Nov 02, Ameenah added it Nov 03, Dante marked it as to-read Nov 14, Robinvanderborght marked it as to-read Nov 18, Stetson marked it as to-read Nov 30, Yas marked it as to-read Nov 30, Sean marked it as to-read Nov 30, William Fletcher marked it as to-read Dec 01, Erich Luna marked it as to-read Dec 14, Ieolouwa Kolade marked it as to-read Dec 25, Reid marked it as to-read Jan 04, Kya marked it as to-read Jan 11, Kevin marked it as to-read Jan 11, Lydia marked it as to-read Jan 16, Byron marked it as to-read Feb 02, Juan Pablo added it Feb 02, Krzysiek Chris marked it as to-read Feb 16, There are no discussion topics on this book yet.


Year Year - Year

There Is No International Legal Order Beyond Capitalism - Legal History
By detailing the tension and synergies between these two logics, Tzouvala argues that international law incorporates and attempts to mediate the contradictions of capitalism as a global system of production and exchange that both homogenizes and stratifies societies, populations and space. Access here. Research theme: International Law. ANU College of: Join our mailing list First Name: Last Name: Email Address. Status message Click the Reset button to view all books. You are here Home » Publications. Her motivating concern is that recognizing legal, or epistemological, indeterminacy is a wholly insufficient ground for generating an effective radical counter-politics.

Your email address will not be published. Save my name, email, and website in this browser for the next time I comment. This site uses Akismet to reduce spam. Learn how your comment data is processed. Facebook Twitter RSS. Ntina Tzouvala, Capitalism as Civilisation Submit a Comment Cancel reply Your email address will not be published. Sponsored By: Editor in Chief A. Michael Froomkin. Search Search for.. Annual Archives Select Year

Book discussion with Ntina Tzouvala \ ICON-S

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Tempting as it might be, I cannot now proclaim that this is or is not what the book 'really' says. After all, one of the principal interventions of this book has been to decentralise the lawyerly subject, to push back against the idea that anyone can ever be the full author and master of international law. Rather, I have opted to take this as an opportunity not so much to respond to or to defend anything, but rather to create a new text out of the silences, omissions and slippages of the book that is under review here. In so doing, I am not claiming that my remarks had always been part of the book or even that they are in perfect harmony with that is already there. Rather, in keeping with an understanding of scholarship as structured dialogue, I will put forward three main propositions: first, I will argue that looking at conventional materials in unconventional ways is not only intellectually and politically defensible, but cannot but be at the centre of critical inquiry into law as both a critical and a legal business. 

They articulated the struggle against colonial-apartheid as a socialist struggle. They understood legal tactics and ICJ initiatives as subordinate to the larger political strategy. The South West Africa saga at the ICJ is one of the most crucial and, I think, misunderstood instances of international legal struggle over decolonisation. Both at the time and today what is mostly remembered is the disgraceful reversal of when the Court decided that Liberia and Ethiopia had standing to bring this case, but not a legal interest to obtain a judgement. 

This was a widely implausible distinction supported by a non-textual reading of the mandate agreement. Hence, I found the contemporaneous critique, articulated by Richard Falk and others, that this was a case of judicial conservatism to be more reflective of the broader legal debate at the time than of the specifics of this ruling. At the same time, renewed interest in the case has focused disproportionately on individual judges who are portrayed as villains or heroes and does not interrogate the legal arguments raised by both sides as arguments. 

Their submissions offered a detailed description of the exploitation and dispossession of black Namibians and the reliance of white settlers, South African and international capital on this brutal exploitation of black bodies and Indigenous lands. In other words, the effort to use international law against itself as a vehicle to challenge racial capitalism failed. Subsequently, Western states set up an informal negotiating group the Western Contact Group that gained in significance and managed to both bypass the UN and to have its workings endorsed by the UN Security Council. Early in the book, I make clear that the object of my critique is not the liberal international legal order itself, but rather the intersection between international law and capitalism. This is the case for a number of reasons both political and intellectual. In this sense, I do posit that liberal projects of modernisation exist in a continuum with more overt projects of violent, racist subjugation, but I do not do so primarily in order to attack liberalism even though this is an inescapable implication. 

I am mainly hoping to redirect our critical gaze toward the material relations of domination and exploitation on a global scale that have often been justified through liberalism and now are increasingly justified through other means. Let me take a step back and explain. This aspect of the argument rehearses the known tendency of international law to create and legitimate hierarchies between political communities based on supposedly immutable differences. Even cases of South to South invocations involve stark power differentials. 

Redirecting scarce resources toward building a national security state or even directly accepting regional US hegemony are examples of, at the very least, willingness. In fact, this is something I am determined to examine in more detail. One last thought and question so, for us to think with you about the trajectories of critical international legal work in the current conjuncture. 

Chimni and his work were part of that, and Marxism and political economy have always been present in TWAIL, though not predominant. Thinking about the burning planet and now the aftershocks of the coronavirus pandemic, what would you say the politics, intellectual projects and research agendas of this tendency might or should look like over the coming years? Ntina: International Law and World Order holds a strange personal resonance for me. My father joined the Greek Communist Party in the early 8s, which was to put it mildly a very strange thing to do then. 

International Law and World Order feels like the intellectual equivalent of this: an act of defiance, even outright stubbornness, when Marxism and, more importantly, socialism and communism were going rapidly out of vogue. I think I can come up with reasonably good arguments about the intellectual and political value of such acts of persistence-against-all-odds, but at the end of the day I would just be rationalising something much more deeply felt, a gut feeling about the enormity of such seemingly small acts. Now, to the substance of your question: Marxism has, indeed, been an indispensable but minority partner in the TWAIL space from the beginning. Marxists have contributed, in my opinion, two important insights to TWAIL and to the broader turn toward the history and theory of international law.
First, Marxists have demanded more clarity from the TWAIL critique of imperialism as foundational of international law.